

## CITY AND COUNTY OF SWANSEA

### NOTICE OF MEETING

You are invited to attend a Meeting of the

### PLANNING COMMITTEE

**At:** Council Chamber, Guildhall, Swansea.

**On:** Tuesday, 14 April 2015

**Time:** 2.00 pm

### AGENDA

Page No.

- |          |                                                                                                                               |                  |
|----------|-------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>1</b> | <b>Apologies for Absence.</b>                                                                                                 |                  |
| <b>2</b> | <b>Disclosures of Personal and Prejudicial Interests.</b>                                                                     | <b>1 - 2</b>     |
| <b>3</b> | <b>Minutes.</b><br>To approve as a correct record the Minutes of the Planning Committee meetings held on 3 and 17 March 2015. | <b>3 - 9</b>     |
| <b>4</b> | <b>Items for deferral / withdrawal.</b>                                                                                       |                  |
| <b>5</b> | <b>Determination of Planning Applications under the Town and Country Planning Act 1990.</b>                                   | <b>10 - 216</b>  |
| <b>6</b> | <b>Planning Application No 2014/0773 - Land South of Beauchamp Walk ( off Loughor Road) Gorseinon.</b>                        | <b>217 - 251</b> |



**Patrick Arran**  
**Head of Legal, Democratic Services & Procurement**  
**Tuesday, 7 April 2015**

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**Contact: Democratic Services - 636824**

## PLANNING COMMITTEE (12)

### Labour Councillors: 8

|                  |                |
|------------------|----------------|
| John C Bayliss   | Andrea S Lewis |
| David W Cole     | Paul Lloyd     |
| Ann M Cook       | Des WW Thomas  |
| Erika T Kirchner | T Mike White   |

### Liberal Democrat Councillors: 2

|              |                   |
|--------------|-------------------|
| Mary H Jones | Cheryl L Philpott |
|--------------|-------------------|

### Independent Councillors: 1

|                |  |
|----------------|--|
| Ioan M Richard |  |
|----------------|--|

### Conservative Councillor: 1

|                     |  |
|---------------------|--|
| Anthony C S Colburn |  |
|---------------------|--|

**Note: Quorum for this Committee is 6 Councillors**

## 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 PLANNING COMMITTEE

HELD AT THE GUILDHALL ON TUESDAY, 3 MARCH 2015  
AT 2.30 PM

**PRESENT:** Councillor P Lloyd (Chair) Presided

| <b>Councillor(s)</b>                                 | <b>Councillor(s)</b>                                  | <b>Councillor(s)</b>      |
|------------------------------------------------------|-------------------------------------------------------|---------------------------|
| J C Bayliss<br>A C S Colburn<br>D W Cole<br>A M Cook | M H Jones<br>E T Kirchner<br>A S Lewis<br>I M Richard | D W W Thomas<br>T M White |

**Also Present:**

**Cllrs**

C E Lloyd  
J A Hale

16 **APOLOGIES FOR ABSENCE.**

An apology for absence was received from Councillor C L Philpott.

17 **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 P Lloyd – personal – Minute No 18 – Planning Application No 2014/1982 – Member of Swansea Bay Port Health Authority, which has commented on the application and was present at the meeting that discussed the application, but took no part.

Councillor I M Richard – personal – Minute No 18 – Planning Application No 2014/1982 – I knew previous Director, but I am assured he is not involved now.

Councillor T M White – personal – Minute No 18 – Planning Application No 2014/1982 – Member of Swansea Bay Port Health Authority but did not take part in the meeting when this item was discussed.

18 **PLANNING APPLICATION NO.2014/1982 - CHANGE OF USE FROM CLASS B8 (STORAGE AND DISTRIBUTION) TO A GLASS RECYCLING OPERATION (CLASS B2 - GENERAL INDUSTRIAL) WITH ASSOCIATED STORAGE (CLASS B8) AT LAND AT ROBERTS ROAD, KINGS DOCK, SWANSEA.**

Councillor Bebell ( Neath Port Talbot) addressed the committee on the application.

Mr Morgan (agent) addressed the Committee.

Councillors C E Lloyd and J Hale ( local ward members) addressed the Committee on the application.

A site visit to the location had been undertaken by members of the Committee prior to the meeting.

The report was updated to indicate that there was one late letter of objection.

**RESOLVED** that the application **BE APPROVED**, subject to the conditions as indicated in the report and the undermentioned additional and amended condition:-

**Additional condition:**

The use shall operate for a maximum of 14 hours per day between the hours of 6.30 AM and 8.30 PM and shall not operate at all on Sundays.

Reason: In the interests of residential amenity.

**Amended Condition 3:**

Prior to the commencement of the use, a detailed site operation plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i. An internal layout plan indicating the siting of all plant and machinery;
- ii. To ensure that the development hereby approved does not result in unacceptable levels of noise transmission or pollution to neighbouring premises and/ or the surrounding areas;
- iii. Noise attenuation/sound proofing measures, including precise timescales for their implementation.
- iv. Details for covering any materials entering and leaving the building by vehicle or conveyor or any other means to load onto ships.
- v. Details of store facilities for waste paper material arising from the container glass prior to its disposal or recycling;
- vi. Protection measures for the shed walls from damage by vehicles or stored product;
- vii. Details of suitable facilities to receive excess waste wash water used in the process to include recovery of solid material; and
- viii. Details of the prevention of waste water arising from the washing processes entering the dock.

The development shall operate in accordance with the approved operational plan.

Reason: To ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and / or the surrounding area.

The meeting ended at 3.20p.m.

**CHAIR**

**CITY AND COUNTY OF SWANSEA**

**MINUTES OF THE PLANNING COMMITTEE**

**HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA. ON  
TUESDAY, 17 MARCH 2015  
AT 2.00 PM**

**PRESENT:** P Lloyd (Chair) Presided

| <b>Councillor(s)</b> | <b>Councillor(s)</b> | <b>Councillor(s)</b> |
|----------------------|----------------------|----------------------|
| J C Bayliss          | E T Kirchner         | D W W Thomas         |
| A C S Colburn        | A S Lewis            | T M White            |
| D W Cole             | C L Philpott         |                      |
| A M Cook             | I M Richard          |                      |

**Also Present**

Councillors :-  
U C Clay  
W Fitzgerald

19 **APOLOGIES FOR ABSENCE.**

An apology for absence was received from Councillor M H Jones.

20 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interest was declared:-

Councillor A C S Colburn – Personal and Prejudicial – Planning Application No. 2014/0885 ( Item 1 ) - I have spoken to all parties including the planning officer in relation to this application and as such I am of the opinion, I have a prejudicial interest - left prior to discussion.

21 **MINUTES.**

**RESOLVED** that the minutes of the Planning Committee held on 17 February 2015, be approved as a correct record.

22 **ITEMS FOR DEFERRAL / WITHDRAWAL.**

**RESOLVED** that no items be deferred.



23 **DETERMINATION OF PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990.**

The Head of Economic Regeneration and Planning submitted a series of Planning Applications.

Amendments to this schedule were reported and are indicated below by (#)

**RESOLVED** that:

- (1) the undermentioned planning applications **BE APPROVED** subject to the conditions in the report and/ or indicated below:-

**( Item 3 ) Planning Application No. 2014/1225 – Detached dwelling ( outline) on land adjacent to Foresters House, Old Llangyfelach Road, Penllergaer**

A site visit to the location had been undertaken by Members of the Committee prior to the meeting.

Councillor Fitzgerald (local ward member) addressed the Committee on the application.

Report updated as follows:-

Page 35, paragraph 3, line 7 should read:

*'The tree survey recommends the removal of 11 of the trees' (not 10 as stated)*

**(Item 4 ) Planning Application No 2011/0345 – Construction of up to 200 residential units with associated access ( outline) on land north of Llewellyn Road, Penllergaer**

A site visit to the location had been undertaken by Members of the Committee prior to the meeting.

S Hyman ( objector ) and L Harry ( agent) addressed the Committee on the application.

Councillor Fitzgerald (local ward member) addressed the Committee on the application.

Report updated as follows:-

*Since consultation, part of the site had been designated a development high risk area and a coal mining risk assessment is therefore required. The developer is currently preparing this.*

*Further letter received from an objector advising insufficient notice of committee given to arrange time off work, other residents have not received notification and insufficient time for representations to be made.*

### **Amended Recommendation**

Subject to no objections being received from the Coal Authority, upon completion of an Agreement under Section 106 of the Town and Country Planning Act concerning the matters referred to in the above report, the Head of Development Management, in conjunction with the Head of Legal Services be authorised to grant permission to the following conditions or any amendments, additions or deletions of these conditions he may deem necessary.

### **( Item 5) Planning Application No 2014/1311 – Construction of detached, single storey ancillary living accommodation to the rear of number 59 with parking and front car parking hardstanding area ( amended plans received) at 59 West Cross Avenue, West Cross, Swansea**

A site visit to the location had been undertaken by Members of the Committee prior to the meeting.

### **Amended Condition 04**

The existing raised slab shall be removed and accommodation hereby approved shall be built at the main garden level of 59 West Cross Avenue and before the development hereby permitted is commenced, precise details of the levels of the building, access and car parking in relation to the adjoining land and access lane together with any changes proposed in the levels of the site shall be submitted to and agreed by the Local Planning Authority in writing.

### **Reason**

For the avoidance of doubt and to ensure that work is carried at suitable levels in relation to the highway and adjoining land having regard to the amenities of adjoining occupiers.

- (2) the undermentioned application **BE REFUSED** contrary to the officers recommendation for the following reason:-

### **( Item 1 ) Planning Application No 2014/0885 – 2 x second floor rear extensions to form 3 additional bedrooms, rear raised terrace, external staircase and alterations to the existing flue at Ocean Living, 734 Mumbles Road, Mumbles**

A site visit to the location had been undertaken by Members of the Committee prior to the meeting.

Mr Jenkins ( objector ) addressed the Committee on the application.

**Reason**

The proposed development, by reason of the siting of the second floor extension ( containing additional bedroom 1 ) along the common boundary with 738 Mumbles Road, together with its excessive length and elevated position, would have an overbearing impact on this neighbouring dwelling and would result in a loss of sunlight and daylight being received by the windows and rear amenity area of this neighbouring dwelling. The proposal is therefore considered to have an adverse impact on the living conditions of the neighbouring occupiers, contrary to Policy EV1 of the City and County of Swansea Unitary Development Plan (2008).

- (3) the undermentioned application **BE DEFERRED** in order to allow the applicant to discuss further with officers.

**( Item 2 ) Planning Application No 2014/1499 – Demolition of no. 504 and construction of detached dwelling(outline) at 504 and construction of detached dwelling ( outline) on land at 504 and part of rear garden at 506 Heol Las Birchgrove**

A site visit to the location had been undertaken by Members of the Committee prior to the meeting.

The meeting ended at 3.40p.m.

**CHAIR**

# Agenda Item 5

CITY AND COUNTY OF SWANSEA  
DINAS A SIR ABERTAWE

Report of the Head of Economic Regeneration & Planning  
to Chair and Members of Planning Committee

DATE: 14<sup>TH</sup> APRIL 2015

| <b>Bay Area</b><br>Team Leader:<br>Richard Jones - 635735                                  | <b>Area 1</b><br>Team Leader:<br>Ian Davies - 635714                                                                                                                                          | <b>Area 2</b><br>Team Leader:<br>Chris Healey - 637424                                                                                                                    |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Castle<br>Landore<br>Mayals<br>Oystermouth<br>St Thomas<br>Sketty<br>Uplands<br>West Cross | Bonymaen<br>Clydach<br>Cockett<br>Cwmbwrla<br>Gorseinon<br>Llangyfelach<br>Llansamlet<br>Mawr<br>Morryston<br>Mynyddbach<br>Penderry<br>Penllergaer<br>Penyrheol<br>Pontarddulais<br>Townhill | Bishopston<br>Dunvant<br>Fairwood<br>Gower<br>Gowerton<br>Killay North<br>Killay South<br>Kingsbridge<br>Lower Loughor<br>Newton<br>Penclawdd<br>Pennard<br>Upper Loughor |

**Members are asked to contact the relevant team leader for the ward in which the application site is located, should they wish to have submitted plans and other images of any of the applications on this agenda displayed at the Committee meeting.**



## TWO STAGE VOTING

Where Members vote against officer recommendation, a two stage vote will apply. This is to ensure clarity and probity in decision making and to make decisions less vulnerable to legal challenge or awards of costs against the Council.

The first vote is taken on the officer recommendation.

Where the officer recommendation is for “approval” and Members resolve not to accept this recommendation, reasons for refusal should then be formulated and confirmed by means of a second vote.

**The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members.** The reason(s) have to be lawful in planning terms. Officers will advise specifically on the lawfulness or otherwise of reasons and also the implications for the Council for possible costs against the Council in the event of an appeal and will recommend deferral in the event that there is a danger that the Council would be acting unreasonably in refusing the application.

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Member should also confirm reasons for approval which should also be lawful in planning terms. Officers will advise accordingly but will recommend deferral if more time is required to consider what conditions/obligations are required or if he/she considers a site visit should be held. If the application departs from the adopted development plan it (other than a number of policies listed on pages 89 and 90 of the Constitution) will need to be reported to Planning Committee and this report will include any appropriate conditions/obligations.

**The application will not be deemed to be approved unless and until suitable conditions have been recorded and confirmed by means of a second vote.**

Where Members are unable to reach agreement on reasons for refusal or appropriate conditions as detailed above, Members should resolve to defer the application for further consultation and receipt of appropriate planning and legal advice.

## CONTENTS

| ITEM | APP. NO.  | SITE LOCATION                                                                                                                                                                                                                                                                                                                                                                                                                                                  | OFFICER<br>REC. |
|------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1    | 2013/1850 | Land between Swansea canal and former Hasties site<br>Normandy Road Swansea<br><br><b>Construction of Morfa Distributor Road together with associated infrastructure works (Council Development Regulation 3)</b>                                                                                                                                                                                                                                              | APPROVE         |
| 2    | 2014/0643 | Miah's Restaurant St Helens Road Swansea SA1 4DE<br><br><b>Side conservatory, external seating area, external fire escape and steps, fenestration alterations, new entrance door and associated works</b>                                                                                                                                                                                                                                                      | APPROVE         |
| 3    | 2014/0644 | Miah's Restaurant St Helens Road Swansea SA1 4DE<br><br><b>Side conservatory, external seating area, external fire escape and steps, fenestration alterations, new entrance doors, internal relocation of stairway, removal of and new internal walls, addition of kitchen and toilet facilities to first floor, relocation of lift and all associated internal and external alterations and refurbishment works (application for Listed Building Consent)</b> | APPROVE         |
| 4    | 2014/0950 | Land adjacent to Store-It Abergelli Road, Swansea West<br>Industrial Park Fforestfach Swansea<br><br><b>Erection of two industrial buildings comprising 11 units for B1, B2 and B8 Uses and associated works</b>                                                                                                                                                                                                                                               | APPROVE         |
| 5    | 2014/0969 | Land off Lon Masarn, Cefn Coed Hospital, Cockett,<br>Swansea, SA2 0GH<br><br><b>Residential development (up to 73 dwellings) (outline)</b>                                                                                                                                                                                                                                                                                                                     | APPROVE         |
| 6    | 2014/1954 | Former Honeybee Nursery Land off Gower View Road /<br>Clos Cwrt y Carne, Penyrheol, Swansea, SA4 4GB<br><br><b>Residential development to provide 95 dwellings and other ancillary works and activities including: site preparation, clearance, treatment and the installation of new services and infrastructure (details access, appearance, landscaping, layout and scale pursuant to application A01/0132 granted 6th March 2014)</b>                      | APPROVE         |

| ITEM | APP. NO.  | SITE LOCATION                                                                                                                                                                                                                                                                                                                                                                                       | OFFICER REC. |
|------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 7    | 2014/1968 | Former T D Williams Site Pleasant Road Penllergaer Swansea SA4 9WH<br><b>Change of use from warehouse and logistics (Class B8) to a cardboard box manufacturing place (Class B2) with associated storage and external alterations</b>                                                                                                                                                               | APPROVE      |
| 8    | 2015/0013 | Shanks Waste Service Ltd Meadow Street Townhill Swansea SA1 6RZ<br><b>Change of use from waste recycling centre to sports use (Class D2)</b>                                                                                                                                                                                                                                                        | APPROVE      |
| 9    | 2015/0030 | Plots D8 & E1 Langdon Road, SA1 Swansea Waterfront, Swansea<br><b>Construction of 49 residential units comprising of 22 three storey townhouses and 27 apartments in three / two storey blocks with associated access, car parking, bicycle / refuse storage, landscaping and ancillary works</b>                                                                                                   | APPROVE      |
| 10   | 2015/0221 | Former Bernard Hastie & Co. Site Maliphant Sidings, Morfa Road Swansea<br><b>Residential re-development of site for 93 units (26 apartments &amp; 67 two/three storey dwellings) together with new access road, car parking, infrastructure, and engineering works (Details of appearance, landscaping, layout and scale pursuant to outline planning permission 2008/1615 granted 4 Feb. 2015)</b> | APPROVE      |
| 11   | 2014/1620 | Gwenlais Uchaf Farm Pontlliw Swansea SA4 9HB<br><b>Construction of a 4MW solar farm comprising of 12,934 individual panels and associated structures and works</b>                                                                                                                                                                                                                                  | APPROVE      |
| 12   | 2014/1544 | Ocean Heights, Horton, Swansea, SA3 1LQ<br><b>Detached dwelling</b>                                                                                                                                                                                                                                                                                                                                 | REFUSE       |



PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 1

APPLICATION NO.

2013/1850

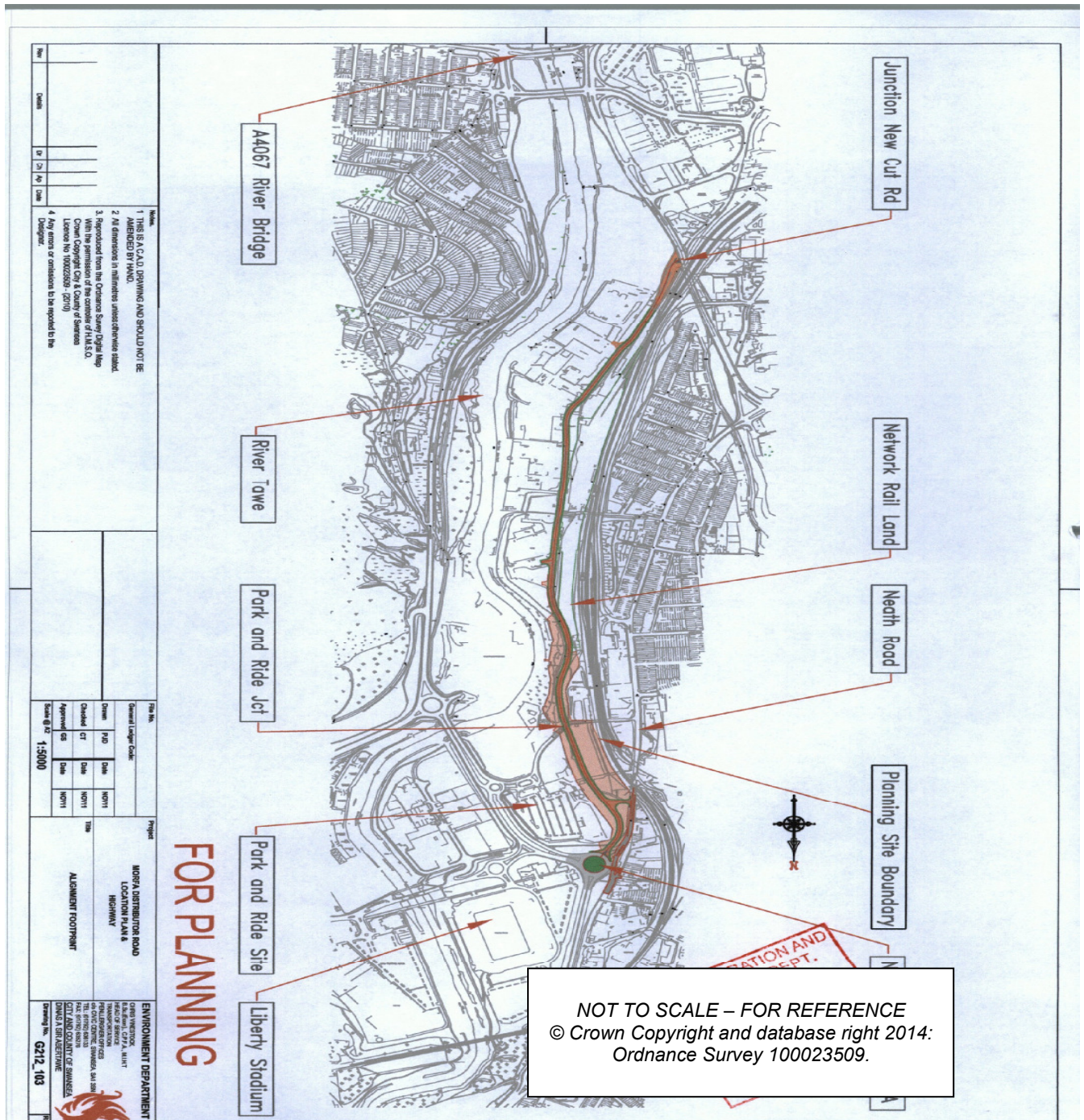
WARD:

Landore

**Location:** Land between Swansea canal and former Hasties site Normandy Road Swansea

**Proposal:** Construction of Morfa Distributor Road together with associated infrastructure works (Council Development Regulation 3)

**Applicant:** City and County of Swansea





**BACKGROUND INFORMATION**

**RELEVANT PLANNING POLICIES**

**Swansea Unitary Development Plan**

- Policy HC19 The Tawe Riverside Park will be completed so as to enhance its ecology and appearance, improve its role as an attractive recreation area and complete the pedestrian and cycle network.
- Policy AS11 Road construction and/or improvement schemes are proposed at locations, identified on the Proposals Map and include the Morfa Distributor Road.
- Policy EV1 New development shall accord with a defined set of criteria of good design and shall have regard to the desirability of preserving the setting of any listed building.
- Policy EV2 The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings.
- Policy EV6 The Council will seek to protect, preserve and enhance Scheduled Ancient Monuments
- Policy EV24 Within the greenspace system, consisting of wildlife reservoirs, green corridors, pocket sites and riparian corridors, the natural heritage and historic environment will be conserved and enhanced. The Tawe Corridor is included as a riparian corridor.
- Policy EV32 Environmental improvement schemes will be implemented at a number of locations shown on the Proposals Map. These are intended to:
- (i) Improve visual appearance, natural heritage value and recreation potential,
  - (ii) Improve the setting of industrial, commercial and residential developments and transport corridors, and
  - (iii) Maintain, extend and improve the quality of the urban greenspace network in line with the aims of the 'Greening the City' strategy.
- Policy EV34 Development proposals will only be permitted where they would not pose a significant risk to the quality of controlled waters.
- Policy EV35 Surface water run-off
- Policy EV38 Development proposals on contaminated land will not be permitted unless it can be demonstrated that measures can be taken to overcome damage to life, health and controlled waters.
- Policy EV40 Development proposals will not be permitted that would cause or result in significant harm to health, local amenity because of significant levels of air, noise or light pollution.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 1 (CONT'D)

APPLICATION NO.

2013/1850

### RELEVANT PLANNING HISTORY

- 2002/0026 Construction of a dedicated bus route for park and ride buses (Council Development Regulation 3) at Former Yorkshire Imperial Metals Site  
Planning Permission Sept. 2003
- 2008/0919 Construction of Morfa distributor road and widening of existing express bus route (Council Development Regulation 3)  
Planning Permission March, 2010
- 2011/1305 Construction of Intercity Express Programme Maintenance Depot including a footbridge and access ramp, inspection shed, train wash facility, cleaners store and amenity building, fuel farm pump room, fuel tank room, CET pump room, HV substation, switch room & transformer, security fencing, lighting, CCTV, retaining wall, groundworks, trackworks, associated car parking and landscaping  
Planning Permission February, 2012
- 2013/1069 Construction of Intercity Express Programme Maintenance Depot including a pedestrian footbridge and access ramp, maintenance building, train wash facility, two storey accommodation building, fuel pump room & tank, CET pump room & water tank, train wash plant room, HV substation, LV switch & transformer rooms, with associated security fencing, lighting, CCTV, retaining wall, groundworks, trackworks, car parking and landscaping (amendment to Planning Permission 2011/1305 granted 1 February 2012)  
Planning Permission December, 2013
- 2008/1615 Residential re-development of site together with new access road, car parking, landscaping, infrastructure, re-profiling and engineering works (outline)  
Planning Permission 4 February, 2015 subject to a Section 106 Planning Obligation with the following Heads of Terms
- The dedication of the land (within the developers / applicant's ownership) in order to allow the Local Authority to construct the MDR to take place immediately upon the completion of the Section 106 Planning Obligation.
  - The site access onto the proposed Distributor Road limiting all traffic movements from the proposed development to travel north until such time as the Distributor Road has been completed to provide the through link to New Cut Road.
  - A sum of £250,000 be made available by the developer / applicant for the intrusive archaeological investigation on the site in line with agreed tenders and scope to be agreed by the Local Authority.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 1 (CONT'D)

APPLICATION NO.

2013/1850

- That any savings arising from that intrusive archaeological investigation be made available to the Council for the Morfa Distributor Road and that the applicants be required to submit to the council tenders for the archaeological works and subsequent payments for this work in order that any balance is readily identified.

2015/0221

Residential re-development of site for 93 units (26 apartments & 67 two/three storey dwellings) together with new access road, car parking, infrastructure, and engineering works (Details of appearance, landscaping, layout and scale pursuant to outline planning permission 2008/1615 granted 4 Feb. 2015)  
Currently being considered

### RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press as a development which might materially affect the setting of a listed building i.e. Boundary wall of former Hafod Copper Works, Hafod lime kiln and canteen building. No response

**CADW** – The proposed development is located in the vicinity of the scheduled ancient monuments known as – GM483 – Hafod Copperworks Musgrave Engine and Rolls, GM392 – Hafod Bridge and Quays, and GM481 – White Rock Copper Works.

In regard to the specific sites:

GM392 – Morfa Bridge and Quays

GM481 – White Rock Copper Works

There will be no direct impact on the sites and the setting of the monuments will not be affected due to the screening of views by standing buildings, especially the canal side wall and existing vegetation on the site.

GM483 – Hafod Copper Works Musgrave Engine and Rolls

There will be direct impact on the monument. The monument is at a much lower level than the proposed road and will be screened from it by the existing vegetation and the canal side wall but there is likely to be an increase in noise and possibly vibration, caused by traffic on the new road. This is likely to have a slight adverse impact on the setting of the ancient monument.

In conclusion, there will be no impact on GM392 – Morfa Bridge and Quays and GM481-White Rock Copper Works, whilst there will be a slight adverse impact on the setting of GM483 – Hafod Copper Works Musgrave Engine and Rolls.

**Glamorgan Gwent Archaeological Trust** – have concluded that the proposed works will require archaeological mitigation.

There are a number of internationally and nationally important heritage assets associated with Swansea's industrial past in the immediate vicinity of the project area. The submitted mitigation report notes that a programme of archaeological mitigation will be required. GGAT recommend that a condition be attached ensuring that a programme of archaeological investigation be implemented during the construction work.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 1 (CONT'D)

APPLICATION NO.

2013/1850

It is envisaged that this programme of investigation could include further archaeological evaluations, excavations and watching briefs during ground disturbing activities within areas of archaeological potential, and would include suitable contingency arrangements to allow for sufficient time and resources to enable any archaeological features or finds that are discovered, including any human remains, to be fully investigated and recorded.

**NRW** – have no objection in principle to the proposed development, but make the following comments.

### Drainage

The information available to view on your Authority's website states that surface water will be discharged to an existing culverted watercourse. There are no drainage plans available, and we would ask that a full drainage plan is submitted which clearly shows the highway drains and where they will discharge to and where the ultimate discharge point will be. We presume this to be the River Tawe.

No surface water from the road should be discharged to the combined or foul public sewer, either directly or indirectly. Where possible, water sensitive urban design should also be adopted. We would ask that this information is provided prior to determination to ensure that the surface water drainage proposals are appropriate. Should your Authority be unable to defer determination, then as a minimum, an appropriate condition must be included on any permission granted.

### Contaminated Land

There is considerable interest in this area between the new Intercity Electrified Depot and the former Bernard Hasties sites in terms of land affected by contamination. We understand from the site investigation on neighbouring sites that the road is to overlie the former Swansea Canal, which is currently in-filled. There may be contamination contained within this structure and its risk to controlled waters need to be understood. However, we agree that the conditions included in Planning Permission ref: 2013/1850 are appropriate and if permission is granted, they should be included.

### Pollution Prevention

We would strongly recommend that a method statement is provided, which details all the measures to be implemented to protect surrounding watercourses from pollution (whether they are culverted or not), during both the construction phase and the operational stage of the road. As some of the land is contaminated, this must be considered when producing a method statement. As a minimum, we would ask that the following information is provided. Ideally, this information should be submitted prior to determination. However, we accept that this could be included as a condition on any permission granted.

### Waste Management

Given the nature and scale of this development, and as contamination is likely to be present, we would recommend that a site waste management plan (SWMP) for the project is produced and would recommend an appropriately worded condition is included.

Tawe Riverside Corridor Strategy

We also note that your Authority aim to incorporate the Tawe Riverside Corridor Strategy's vision into the design and construction of the distributor road. We therefore expect the final construction of the road to have followed this vision and we would recommend that 'urban trees' are considered as part of the proposal. Besides the benefits that trees offer in terms of enhancing the environment, they can also mitigate against potential air pollution and improve air quality. If planted with thought they can also help to reduce run off rates and enhance biodiversity.

**Coal Authority – Original consultation (14 Jan. 2014)**

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, or equivalent, 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 **objects** to this proposal.

If the applicant ultimately fails to demonstrate to the LPA that the application site is safe and stable to accommodate the proposed development then the LPA may refuse planning permission, in accordance with Planning Policy Wales, paragraph 13.9.

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.

**Amended consultation – 23 Dec. 2014**

The Coal Authority considers that the content and conclusions of the Report on the Site Investigation 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 has **no objection** to the principle of the proposed development for the Distributor Road.

The Report on the Site Investigation indicates that further investigation is required to positively determine the risk from shallow coal workings. In a development involving buildings The Coal Authority would request that these further intrusive site investigations be conditioned. However this is an engineering project where a multitude of additional investigations will need to take place on a phased basis along the road length. This is a normal integral part of the construction of a highway. On that basis we consider that it would be disproportionate to seek to condition further intrusive site investigations in the normal way.

**Highway Observations – no observations**

## APPRAISAL

Planning Permission for the construction of the Morfa Distributor Road following the alignment of land to the west of the former Hasties's site and involving the widening / improvement of the existing Landore Park and Ride link road with a new section of roadway with the intention of ultimately linking onto the end of the existing Morfa Road to form the Distributor Road was granted planning permission in March, 2010 (Ref:2008/0919). It was indicated that the consented alignment would largely have served as a local distributor road to developments along the Tawe Riverside Corridor but was never progressed due to a number of issues, in particular the uncertainties of the land required for the Maliphant Rail Depot and the timescale / funding issues for the delivery of the Morfa Distributor Road (MDR). Since then the Maliphant Rail Depot proposals have received planning permission and work is currently progressing which has created certainty over the 'land transfer' for delivering the MDR. Moreover, the proposal is intrinsically linked to planning application ref: 2008/1615 for the proposed residential re-development of the Hasties site situated at the end of the Morfa Industrial Estate.

The Council's commitment and agreed funding for the delivery of the MDR was approved by Cabinet on 11 Feb. 2014. The Cabinet report on 11 Feb. 2014 highlighted the total estimated cost (£4.55m) for the scheme and that the scheme will be implemented in a number of stages. Stage 1 of the MDR involving the reconfiguration of the junction between New Cut Road and Morfa Road to accommodate predicted future traffic flows has been completed. The delivery of Stage 2 has been dependant on reconciling the development proposals by Hitachi Europe Ltd at Network Rail's Maliphant St Depot and the development of the Hastie's site to enable the release of land required for the Distributor Road.

The construction of Stage 2 of the MDR will provide a route from the existing park and ride access to the entrance of the Hastie's site and is integral to the development of the site in order to provide access to the residential development. The Hastie site access will therefore join the proposed Distributor Road and all traffic movements will travel north until such time as the Distributor Road has been completed to provide the through link to New Cut Road. However, without the dedication of land for the section of the MDR (within the Hastie site) would significantly affect the ability of the Authority to deliver the strategic highway route and the proposal under ref:2008/1615 is therefore subject to a Section 106 Planning Obligation requiring the developer to dedicate the strip of land required in order to deliver the key section of the MDR.

### Revised Scheme

The consented alignment of the MDR is being revisited following the intention of the University of Wales, Swansea to develop the industrial heritage of the former Hafod Copperworks site to create a tourist and education attraction, which is located at the northern end of the MDR alignment. The consented alignment would have split the Hafod Copperworks site in two and therefore there was concern that this would have reduced the integrity of the emerging proposals for the Hafod Copperworks site. This current proposal for the revised alignment of the MDR is therefore sought in order to mitigate the perceived impact.

ITEM 1 (CONT'D)

APPLICATION NO.

2013/1850

The alternative alignment would continue the road past the Landore Park and Ride and link directly to the A4067 at the Normandy Road roundabout. The new alignment would have lessened the impact on the Hafod Copperworks site whilst accommodating the existing Park and Ride operation. This would provide a more direct alignment onto the strategic highway network and it is anticipated that this would lead to greater use as a district distributor road, rather than a local distributor road as approved. It is anticipated that the creation of the district distributor road would reduce the amount of traffic along Neath Road, thereby having a favourable air quality impact on the surrounding area.

The alignment of the MDR would run within an area with a high concentration of listed buildings and Scheduled Ancient Monuments relating to the industrial heritage of the Lower Swansea Valley. These include the canteen and laboratory buildings of the former Yorkshire Imperial Metals (YIM) works; the copper slag abutment and pier; the Hafod lime kiln, all to the west and the Musgrave engine house and adjoining chimney stack and Vivian Works engine house to the east.

The new two lane carriageway would be measure 8 metres in width, with a 3 metre wide cycle / footway along the eastern side of the link with a grassed verge on the opposite side and would extend for a length of approx. 1.7km. The junction with the park and ride bus link will require the installation of traffic lights to control access and street lighting columns are also proposed along its length. Due to the significant changes in levels between the eastern and western side of the site the proposal involves significant cut and fill engineering works to accommodate the route.

### **Tawe Riverside Corridor Study (TRCS)**

The Tawe Riverside Corridor Study (TRCS) was adopted by the City and County of Swansea in 2006, and one of the key aspirations of the TRCS is the delivery of the 'Morfa Distributor Road', which would require the upgrading of the existing Morfa Road from its junction on New Cut Road and then providing a new road link via the existing Landore park and ride access onto the A4067 to enable to have a distributor road function. The distributor road would serve development within the area and moreover would relieve traffic congestion elsewhere on the highway network by providing a direct corridor to the city centre from the north and in doing so would help improve air quality in a failing Air Quality Management Area.

### **Main Issues**

The main issues for consideration with regard to this application are as follows:

- Compliance with development plan policy regarding transportation and reclamation;
- Impact on highway conditions and traffic issues;
- Townscape and visual impact including impact upon Listed Buildings and Scheduled Ancient Monuments and their settings;
- Physical and archaeological implications;

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

### **Transportation and Reclamation – Development Plan Policy**

The amplification to Policy AS11 indicates that whilst the main thrust of the access policies are toward supporting public transport developments and improved provision for pedestrians and cyclists, limited road construction is still necessary to:

ITEM 1 (CONT'D)

APPLICATION NO.

2013/1850

- (i) Complete missing links in the primary route network, particularly the core M4 / Swansea Valley/City Centre regeneration corridor,
- (ii) Facilitate effective distribution and management of traffic around the City Centre,
- (iii) Enable developments to proceed, and
- (iv) Minimise the impact on residential and other environmentally sensitive areas.

Within this context the Morfa Distributor Road is identified on the UDP Proposals Map. It is indicated that the Morfa Distributor Road would link the A4067/A4217 junction at White Rock with the Morfa Road/ New Cut Road (A483) junction and facilitate the development of opportunities along Morfa Road. The Tawe Riverside Corridor Study (TRCS) describes the design concept for the road, and states that developer contributions will be sought from sites along the riverside corridor as part of the efforts to secure the necessary funding package to implement the Distributor Road scheme. The construction of the Morfa Distributor Road is therefore in accordance with Policy AS11 and the aspirations of the TRCS.

### **Impact on Highway Conditions and Traffic Issues**

As indicated the revised alignment would continue the road past the Landore Park and Ride and link directly to the A4067 at the Normandy Road roundabout. The proposed link will follow the existing express bus route from the park and ride site with improvements to provide additional lanes for traffic keeping bus lanes intact. The new link road will then deviate at the old Hafod Copper Works and follow the line of the old Swansea Canal down to the Hastie site. A Transport Assessment (TA) has been submitted in support of the planning application.

It is anticipated that the overwhelming use of the distributor road will result in a redistribution of trips from the existing highway network and would not result in significant traffic growth. The traffic impact has been assessed on three key junctions:

- \* Normandy Road
- \* a new junction between B4063 Neath Road and the MDR
- \* junction between New Ct Road and Morfa Road

#### Normandy Road

The Normandy Road roundabout junction is shown to operate largely within its design capacity and queue lengths are also kept within acceptable levels.

#### new junction between B4063 Neath Road and the MDR

Capacity levels are indicated to be strained at the new junction, however, this is stated to be manageable as it would not be significantly higher than the existing junction which operates to acceptable levels.

#### Junction between New Ct Road and Morfa Road

This junction has been modelled and shown to operate well within acceptable levels.

In conclusion, it is considered that the MDR will provide an additional link within the highway network without compromising existing or future capacity. It is anticipated that the road will divert a significant proportion of traffic away from the A4067 Neath Road which experiences period of congestion in the Hafod Road, and should result in significant air quality benefits.



ITEM 1 (CONT'D)

APPLICATION NO.

2013/1850

The construction of the MDR aligns with the adopted Tawe Riverside Corridor Strategy (2006) in order to realise the potential of the riverside setting for future development opportunities.

**Townscape and Visual Impact and Impact On listed Buildings/Ancient Monuments and Their Settings**

The application area and its environs are recognised as containing the largest collection of surviving buildings relating to Swansea's industrial heritage along with containing other important features buried in the area. The buildings within this area are generally in a poor state of repair and attempts by the Council in the past to secure them have been met with a serious level of vandalism, however, the existing heritage programme within the Hafod Copperworks has resulted in the consolidation of a number of the listed buildings and structures, opening up the area for the public with new trails, interpretation and the creation of public art features.

General development policy EV1 of the UDP indicates that new development should sensitively relate to existing development pattern and seek to protect natural heritage on the historic and cultural environment and have regard to the desirability of preserving the setting of any listed building. Moreover, regard must be had to UDP Policies EV6 and EV1 which seeks to protect, preserve and enhance Scheduled Ancient Monuments and their settings and safeguard listed buildings. Where proposals affect sites and areas of archaeological potential, a planning application should be accompanied by an assessment or evaluation of the archaeological or historic importance of the site or structure, the likely impact of development on the archaeological site, and the measures proposed to preserve, enhance and record features of archaeological interest. The Glamorgan Gwent Archaeological Trust (GGAT) has identified five Archeologically Sensitive Areas (ASAs) within the County, and the site is included in the Lower Swansea Valley ASA. The designation does not confer any extra planning controls on the ASA and is not intended to restrict development, but indicates areas where the effect of proposed development on the archaeological resource may become an issue during the determination of a planning application. The ASA do not indicate every area where archaeology will be a factor in the determination of planning applications, but will show the likely areas where this will occur.

There are no Scheduled Ancient Monuments within the proposed road development area, although one (SAM GM483) lies in the vicinity, approx. 40 metres to the east around the Musgrave Engine House and Chimney. There are two Listed Buildings that may be directly affected by the proposed development: the Quayside wall of the former Hafod Copperworks and the Hafod Canal Boundary Wall. Other listed buildings lie in the vicinity: the Vivian Chimney, Vivian Engine House and the Musgrave Engine House and Chimney. These may be indirectly affected by the proposed works.

The application is accompanied by a Hafod and Morfa Copperworks Listed Structures Distributor Road Mitigation Report which evaluates the impact of the proposed development on the archaeological and cultural heritage resource within the site and also to assess the visual effects upon the setting of scheduled and listed buildings within the vicinity of the proposal and outlines a mitigation strategy accordingly.

ITEM 1 (CONT'D)

APPLICATION NO.

2013/1850

Cadw have been consulted on the proposal in respect of their remit to consider the impact of the development on scheduled monuments and identify the scheduled ancient monuments known as – GM483 – Hafod Copperworks Musgrave Engine and Rolls, GM392 – Hafod Bridge and Quays, and GM481 – White Rock Copper Works. In respect of the Morfa Bridge and Quay and White Rock Copper Works it is indicated that there will be no direct impact on the sites and the setting of the monuments will not be affected due to the screening of views by standing buildings, especially the canal side wall and existing vegetation on the site. With respect to the Hafod Copper Works Musgrave Engine and Rolls, it is indicated that there will be direct impact on the monument. The monument is at a much lower level than the proposed road and will be screened from it by the existing vegetation and the canal side wall but there is likely to be an increase in noise and possibly vibration, caused by traffic on the new road. This is likely to have a slight adverse impact on the setting of the ancient monument.

Glamorgan Gwent Archaeological Trust (GGAT) have highlighted the existence of a number of internationally and nationally important heritage assets associated with Swansea's industrial past in the immediate vicinity of the project area. The submitted mitigation report notes that a programme of archaeological mitigation will be required and GGAT recommend that a condition be attached ensuring that a programme of archaeological investigation be implemented during the construction work. It is envisaged that this programme of investigation could include further archaeological evaluations, excavations and watching briefs during ground disturbing activities within areas of archaeological potential.

### **Conclusion**

The construction of the Morfa Distributor Road with the potential of linking with New Cut Road and the A4067 would be in accordance with UDP Policy AS11 and is a key development aspiration of the Tawe Riverside Corridor Study (TRCS). The TRCS identifies the distributor road to serve new developments in the area and also to alleviate traffic congestion and air quality issues in the adjacent Hafod area, providing an alternative route from the north into the City Centre. The identified alignment of the road maximises the use of existing roads and would result in the least disturbance to the listed buildings and the site's archaeology.

The road will however have a significant impact on the cultural heritage resource. The submitted Hafod and Morfa Copperworks Listed Structures Distributor Road Mitigation Report identifies the known and potential impacts and recommends general and specific mitigation measures. Critically it acknowledges the difficulty of recommending mitigation measures for the road alone in isolation from the larger Morfa Copperworks Site as a whole, particularly in relation to the extent of archaeological excavating which may be required. The construction of this new road is considered a critical part of the new highway infrastructure necessary to secure the redevelopment of the sites along Morfa Road which effectively is currently a cul de sac. It is also included in the Unitary Development Plan under Policy AS11.

Subject to appropriate conditions to ensure that as part of the detailed design and construction of the road a more detailed archaeological assessment and evaluation is undertaken which will inform the design and the proposed mitigation measures including the preservation of archaeological remains in situ or by record.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 1 (CONT'D)

APPLICATION NO.

2013/1850

It is considered that the settings of the Listed Buildings and Scheduled Ancient Monuments can be adequately protected by careful mitigation, also controlled by condition. Subject to the conditions therefore approval is recommended.

### RECOMMENDATION

**That for the purposes of Regulation 3 of the Town and Country Planning Regulations 1992, the council resolves to grant planning permission subject to the following conditions:**

- 1 The development shall be carried out in accordance with the following approved plans and documents: [G212\_102 Rev A, G212\_106 Rev. D, G212\_109 Rev A, G212\_110 Rev A, G212\_111Rev. A (amended plans received 15 Nov. 2013), CS/65831/01 Rev B & 02 Rev A, G212\_2\_GA-01, G212\_2\_GA-02, G212\_2\_L\_01, G212-2\_L02, G212\_2\_TS\_01 RevA & G212 -052 (Phasing Diagram) - additional plans received 25 November, 2014].

Reason: To define the extent of the permission granted.

- 2 The development shall be completed in accordance with a scheme for the landscaping of the site which shall be carried out as an integral part 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.

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

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

- 4 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 safeguard this area of archaeological interest.

- 5 The development shall be implemented in accordance with a scheme for the ancient monuments in and within close proximity to the development area to be fenced to a standard agreed with the Local Planning Authority. Throughout the development no works will be undertaken within the area surrounded by the fencing without the written consent of the Local Planning Authority.

Reason: In order to ensure that accidental damage is not caused to the ancient monuments.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 1 (CONT'D)

APPLICATION NO.

2013/1850

- 6 The applicant, or their agents or successors in title, shall prepare a Development Brief for the Hafod Copperworks Site that shows future developments alongside a strategy for preserving and displaying the historic buildings and structures for the benefit of the public and this has been approved by the Local Planning Authority.  
Reason: In order to ensure that future developments are in keeping with the important heritage features on this site.
- 7 Notwithstanding the details indicated in the application, precise details and locations of highway signage, road markings, street lighting columns, traffic signals, and the colour and finishes of the surface materials shall be submitted and approved in writing by the Local Planning Authority prior to development commencing. The scheme shall be completed in accordance with the agreed scheme.  
Reason: In the interests of visual amenity and in order to protect the setting of the adjacent listed buildings.
- 8 Before the development hereby approved is brought into beneficial use the extent and design of the proposed vehicular barriers 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 highway safety and visual amenity.
- 9 A detailed scheme for the protection and monitoring of the listed buildings and historic buildings of the Hafod Copperworks shall be submitted to and approved by the Local Planning Authority. The scheme shall secure the safety and stability of the structures both during the construction and operational phases of the development.  
Reason: In order to protect and conserve the important heritage resource within the area.
- 10 Notwithstanding the submitted details, prior to the commencement of construction works full structural drawings and calculations for all the retaining wall structures including design and external finishes must be submitted for the approval in writing of the Local Planning Authority. The retaining wall structures must be completed in accordance with the approved scheme.  
Reason: In the interests of health and safety and in order to ensure the appearance of the structures are visually acceptable.
- 11 The development shall not be brought into beneficial use until a schedule of works to consolidate the listed lime kiln (LB:059) have been implemented in accordance with a detailed scheme to be submitted to and approved by the Local Planning Authority.  
Reason: In order to preserve and protect the integrity of the historic structure.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 1 (CONT'D)

APPLICATION NO.

2013/1850

- 12 The development shall not be brought into beneficial use until a scheme for the provision of external surfacing of the area outside of the former Hafod Works gate incorporating the retention of the historic surfaces to their original gradients have been implemented in accordance with a detailed scheme to be submitted to and approved by the Local Planning Authority.

Reason: In order to preserve and protect the integrity of the historic structure.

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

1. A preliminary risk assessment which has identified:

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

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

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

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

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

Reason: To ensure that the proposed development will not cause pollution of controlled waters.

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

Reason: To ensure that the proposed development will not cause pollution of controlled waters.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 1 (CONT'D)

APPLICATION NO.

2013/1850

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

Reason: To ensure that the proposed development will not cause pollution of controlled waters.

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

Reason: To ensure that the proposed development will not cause pollution of controlled waters.

- 17 The development shall not be brought into beneficial use until a scheme for the disposal of surface water drainage has been submitted to and approved by the Local Planning Authority and shall be implemented in accordance with the approved scheme.

Reason: To prevent pollution of the wider environment.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (UDP Policies HC19, AS11, EV1, EV2, EV6, EV24, EV32, EV34, EV35, EV38, EV40)

### PLANS

Site location plan, G212-102 highway layout rev A, W120603/A/02 temporary site access layout, G212-110 long and cross sections rev A, G212-111 long and cross sections rev A, G212-109 cross sections rev A, G212-106 plan and long section rev D received 12th December 2013.

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PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 2

APPLICATION NO.

2014/0643

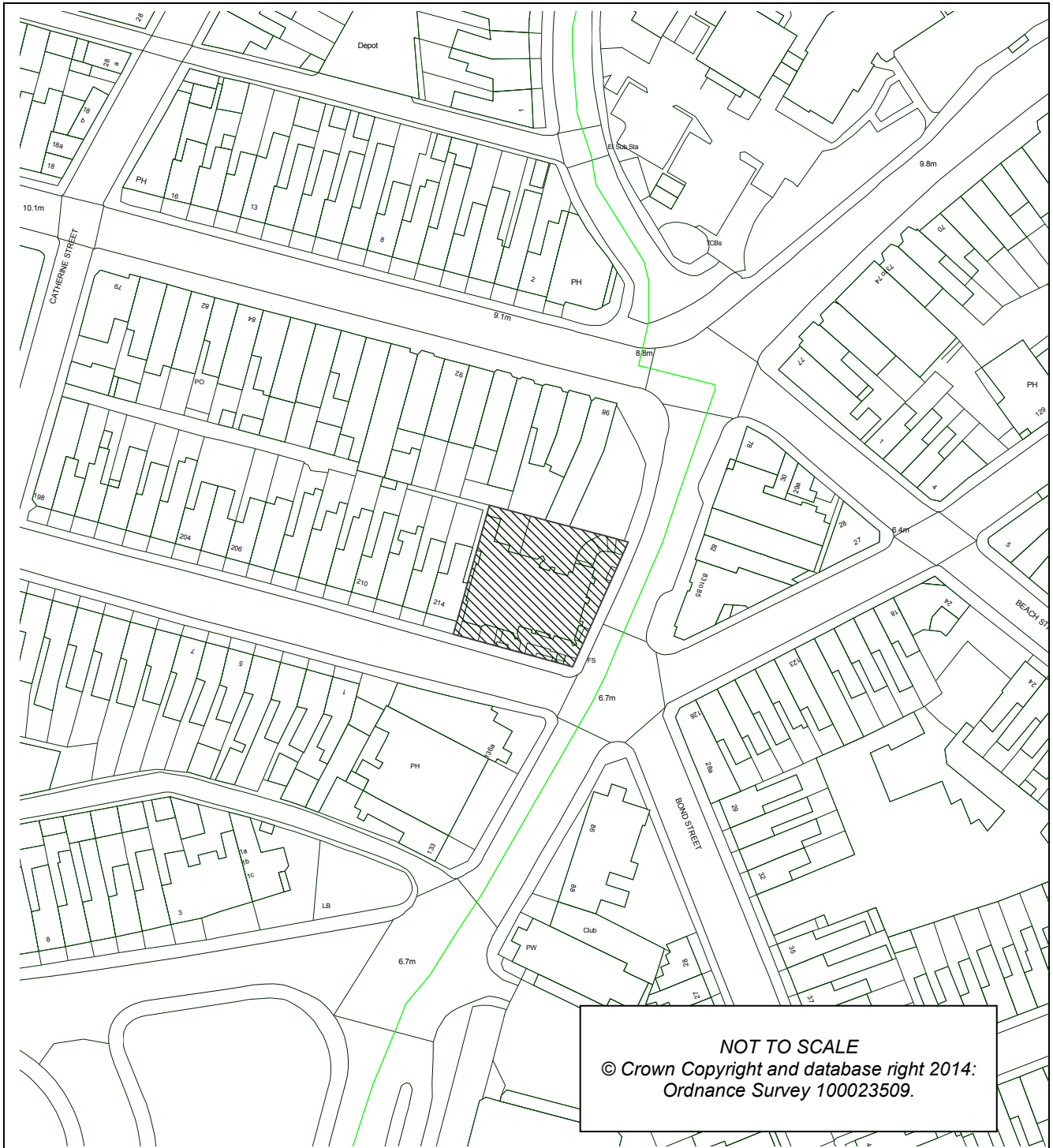
WARD:

Uplands

**Location:** Miah's Restaurant St Helens Road Swansea SA1 4DE

**Proposal:** Side conservatory, external seating area, external fire escape and steps, fenestration alterations, new entrance door and associated works

**Applicant:** Mr Rakib Miah



## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 2 (CONT'D)

APPLICATION NO.

2014/0643

### **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 EV7    | Extensions or alterations to a Listed Building will only be approved where they safeguard the character and historic form of the building. (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>                                                                                                                                                                                                                                                                                                                                 |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2001/0563      | Retention of one individual letter sign on front elevation, proposed individual letter sign on side elevation and retention of three uplighters<br>Decision: Grant Advertisement Consent (C)<br>Decision Date: 18/05/2001                                                                                                                       |
| 90/0734/01     | CHANGE OF USE FROM CINEMA TO OFFICE DEVELOPMENT.<br>Decision: *HGPC - GRANT PERMISSION CONDITIONAL<br>Decision Date: 29/05/1991                                                                                                                                                                                                                 |
| 2001/0562      | Retention of internal alterations, retention of 1 individual letter sign on front elevation, retention of 3 lamp standards and retention of 3 external uplighters, and one proposed individual letter sign on side elevation (Application for Listed Building Consent)<br>Decision: Grant Listed Build Consent (C)<br>Decision Date: 30/11/2001 |
| 2003/0207      | Use of lower ground floor as winebar in conjunction with existing use of the building as a restaurant and formation of external access ramp<br>Decision: Grant Permission Conditional<br>Decision Date: 26/03/2003                                                                                                                              |



**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

| ITEM 2 (CONT'D) | APPLICATION NO.                                                                                                                                                                                                                                                                                                                                                                                    | 2014/0643 |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 2003/2248       | Retention of new internal staircase between lower ground and ground floor level, revised floor area and bar at lower ground level, internal walls at lower ground and ground floor level, new entrance on north elevation and one internally illuminated individual letter sign (application for Listed Building Consent)<br>Decision: Grant Listed Build Consent (C)<br>Decision Date: 25/02/2004 |           |
| 96/0915         | Change of use from cinema (Class D2) to restaurant (Class A3)<br>Decision: Appeal Allowed<br>Decision Date: 01/07/1997                                                                                                                                                                                                                                                                             |           |
| 2003/0210       | Formation of new external access ramp, installation of new internal staircase & internal walls (Application for Listed Building Consent)<br>Decision: Grant Listed Build Consent (C)<br>Decision Date: 08/04/2003                                                                                                                                                                                  |           |
| 90/1556/13      | APPLICATION FOR LISTED BUILDING CONSENT CONVERSION OF PREMISES TO FORM OFFICES<br>Decision: Withdraw<br>Decision Date: 09/05/1991                                                                                                                                                                                                                                                                  |           |
| 91/0540         | SECTION 64 DETERMINATION TO USE PROPERTY FOR JUMBLE SALES AND ART SALES ON SATURDAYS ONLY<br>Decision: *HPR - PERMISSION REQUIRED<br>Decision Date: 21/06/1991                                                                                                                                                                                                                                     |           |
| 92/0630         | LISTED BUILDING CONSENT TO DEMOLISH EXISTING BUILDING<br>Decision: *HRC - REFUSE CONSENT<br>Decision Date: 03/09/1992                                                                                                                                                                                                                                                                              |           |
| 96/0270         | DEMOLITION OF FORMER ST PAULS CHURCH (APPLICATION FOR LISTED BUILDING CONSENT)<br>Decision: *HWD - WITHDRAWN<br>Decision Date: 14/10/1996                                                                                                                                                                                                                                                          |           |
| 96/0915         | Change of use from cinema (Class D2) to restaurant (Class A3)<br>Decision: Appeal Allowed<br>Decision Date: 01/07/1997                                                                                                                                                                                                                                                                             |           |
| 97/1412         | INTERNAL AND EXTERNAL ALTERATIONS (APPLICATION FOR LISTED BUILDING CONSENT)<br>Decision: *HGCC - GRANT CONSENT WITH CONDITIONS<br>Decision Date: 12/02/1998                                                                                                                                                                                                                                        |           |

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

| ITEM 2 (CONT'D) | APPLICATION NO.                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 2014/0643 |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 75/0600/01      | ERECTION OF BANK<br>Decision: Withdraw<br>Decision Date: 09/09/1975                                                                                                                                                                                                                                                                                                                                                                                                       |           |
| 75/1081/13      | DEMOLITION OF EXISTING BUILDING<br>Decision: *HRP - REFUSE PERMISSION<br>Decision Date: 10/01/1978                                                                                                                                                                                                                                                                                                                                                                        |           |
| 75/1427/11      | USE OF CHURCH AS THEATRE AND CRYPT AS STORAGE<br>Decision: *HGPC - GRANT PERMISSION CONDITIONAL<br>Decision Date: 20/11/1976                                                                                                                                                                                                                                                                                                                                              |           |
| 76/1295/11      | CHANGE OF USE TO A RESTAURANT AND BANQUETING HALL<br>Decision: Withdraw<br>Decision Date: 24/06/1977                                                                                                                                                                                                                                                                                                                                                                      |           |
| 77/0154/11      | CHANGE OF USE TO STUDIO WITH 2 SELF CONTAINED FLATS<br>Decision: *HGPC - GRANT PERMISSION CONDITIONAL<br>Decision Date: 27/10/1977                                                                                                                                                                                                                                                                                                                                        |           |
| 2014/0644       | Side conservatory, external seating area, external fire escape and steps, fenestration alterations, new entrance doors, internal relocation of stairway, removal of and new internal walls, addition of kitchen and toilet facilities to first floor, relocation of lift and all associated internal and external alterations and refurbishment works (application for Listed Building Consent)<br>Decision: CALLED IN Application (Swansea)<br>Decision Date: 27/06/2014 |           |

### RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press. NINE LETTERS OF OBJECTION have been received which are summarised as follows:

1. The expansion of the ground floor restaurant, the development of a 40+ seater conservatory and the construction of an alternative access to a listed building would compromise its integrity and negatively impact on the amenities of residents living in the area.
2. This is not a commercial area with some residential housing it is a residential area with some commercial properties.
3. The outside garden areas to the right of the building and the pavement level gardens do not have planning permission for customer use and I hope that will remain so. There have been breaches in the past and the noise has been awful.
4. The beer garden will spread noise across our gardens at the back of the house like a sound tunnel. This would apply to a conservatory because windows and doors would be open to access the garden and provide ventilation.
5. The gardens at pavement level should not be used as people can spread onto pavement. Intimidating to walk past the outside drinking areas.

ITEM 2 (CONT'D)

APPLICATION NO.

2014/0643

6. An external seating space on St Helens Road could cause distraction to drivers.
7. The building is large and does not need enlarging.
8. Residents would be affected from increased noise levels.
9. Increase in vehicles would add to parking problems in area.
10. Fire escape is ridiculous in its proportions. Would be an eyesore and would jeopardize our security and destroy our privacy and people would have access to view into our back gardens. The noise from people on the fire escape would be horrendous and as it is usual for the fire doors to be left open for ventilation causing more noise.
11. Needs to be provision for storage of refuse as this has been a problem in the past.

**Glamorgan Gwent Archaeological Trust** - The information held in the Historic Environment Record (HER) curated by this Trust notes that no buried archaeological features within the area of the proposed development itself; the building is grade II listed (NPRN887, LB14600) and has undergone significant alterations as it was converted into a cinema prior to its use as a restaurant. Having consulted the supporting information it is unlikely that the proposed work would impinge on any known archaeological resources and it is unlikely that previously unknown archaeological features would be located during the work.

The record is not definitive, however, and unrecorded or unknown archaeological features or finds still may be disturbed during the development. Should this occur, please contact this Division of this Trust. As the archaeological advisors to your Members, we have no objection to the determination of this application.

## APPRAISAL

This application is reported to Committee for decision at the request of Councillor John Bayliss to consider the impact of the proposal visual and residential amenity and the over-intensification of the use of the building. No site visit has been requested.

## Description

This application seeks full planning permission for a side conservatory, improvements to external seating area, external fire escape and steps, fenestration alterations, new entrance door and associated works. This application is being considered in association with an application for Listed Building Consent (Ref: 2014/0644) for internal refurbishment and remodelling of the existing restaurant to the ground and first floor, the wine bar to the lower ground floor, the addition of a conservatory and external fire escape, together with the relocation of the main entrance to St Helens Road.

## ISSUES

The main issues for consideration are the impact of the proposed development on the character and appearance of the area which includes preserving the listed building and its setting, the impact on the residential amenity of neighbouring occupiers; and the impacts on parking and highway safety. It is not considered the provisions of the Human Rights Act would raise any further material planning considerations.

The City and County of Swansea Unitary Development Plan (UDP) policies relevant to the consideration of this application are: EV7 (Extensions/Alterations to Listed Buildings) EV1 (Design), EV2 (Siting and location), EV3 (Access) and AS6 (Parking).

### **Site Context**

The application property is a three storey detached Grade II listed building which was originally occupied as a church but has since been used for a variety of uses including as a cinema. The ground and upper floors were granted planning permission on appeal (Ref: 96/0914) in July 1997 for a restaurant (Class A3). The lower ground floor of this building has lawful use as a wine bar (Class A3) in conjunction with the use of the upper floors of the building as a restaurant (Ref: 2003/0207) granted on 26<sup>th</sup> March 2003.

The application property is currently vacant and has been for some time and is clearly in need of urgent maintenance and attention. The immediate area is a mix of commercial properties fronting onto St Helens Road, with public houses, retail premises and restaurants. Brynymor Road provides a wide range of retail, commercial and restaurant/public houses, interspersed with residential properties and residential at first floor level. St Helens Avenue comprises predominantly residential properties.

### **Visual Amenity**

In terms of the impact of the proposed changes on the visual amenity of the area, the building currently has external access to lower ground floor wine bar from St Helens Avenue, with the main entrance for customer use to the upper ground floor via external steps that lead up from St Helens Road. The garden area to the side is also accessed from the steps and currently provides an unkempt and unwelcoming external seating area which has poor natural surveillance but has in the past and can continue to be used in association with the lawful existing restaurant and wine bar use.

The proposal will see the construction of a conservatory to this side elevation which will open up the building to provide an additional seating area with steps leading down into the garden area. Whilst the garden area will be reduced in size, it is proposed to landscape the garden area to provide an improved space with increased overlooking from the restaurant area to improve security and natural surveillance. An external fire escape staircase is also proposed to this elevation towards the rear of the building which will be partly screened from view by the conservatory and the single storey extension. Given that this area is elevated above street level, the fire escape would not be overly prominent when viewed from St Helens Road or the adjoining streets. In addition, it is considered that appropriate landscaping to the garden area will also soften the visual impact of the external staircase and this can be controlled by a landscaping condition.

A new entrance to serve all floors is proposed from pavement level leading directly from St Helens Road. New entrance doors will replace the existing windows. The area immediately fronting the pavement is enclosed by a low wall and currently provides poor landscaping which attracts litter and detracts from the building. It is noted that the new entrance will be created where a non-functioning and badly maintained fountain feature currently stands. It is the intention to relocate the fountain feature and landscape this area to present a more attractive area at pavement level. The relocation of the fountain can be controlled by appropriate condition. It is considered that the relocation of the entrance to the pavement level will improve the accessibility and legibility of the building and introduce vibrancy and activity at pavement level.

ITEM 2 (CONT'D)

APPLICATION NO.

2014/0643

Overall, and subject to appropriate conditions to control the finer details and quality of materials, it is considered that the proposed alterations are an acceptable form of development which would not unduly impact upon the integrity of this Grade II Listed Building and will upgrade the visual amenities of the streetscene.

### **Residential Amenity**

Turning to the impact upon the amenities of neighbouring residents, there are residential properties adjacent to and opposite the application property on St Helens Avenue. It should be acknowledged that this application does not seek a change of use. The building has a lawful unrestricted Class A3 and as such the whole building could open as a public house with associated use of the garden area to the side. However, the Inspector when granting the appeal for the (Class A3) restaurant imposed a condition restricting the hours of operation to 08.00hrs and 24.00 hrs. The (Class A3) wine bar to the lower ground floor has slightly more restricted hours of operation 08.00hrs to 23.00hrs. The opening hours are therefore already controlled by an appropriate condition. The proposed Conservatory is a new addition and will open onto the garden area. The existing side garden area is elevated above street level, north facing and enclosed by fencing and high trees on the boundaries. It's location dictates that the area does not have any sunlight and as such would be unlikely to be a regularly used area by diners. However, given that the Conservatory will provide a direct access into the garden area it is considered reasonable in this instance to impose an additional condition to restrict the use of the side garden area by customers to no later than 22.00 hours on any day and only to be used in association with the restaurant. This is considered an improvement on the current use which would allow the existing larger garden area to be used by customers up to 24.00 hours on any day. However

There is currently no restriction on the number of covers within the restaurant and when determining the appeal (Ref:96/0914) the Inspector acknowledged that the restaurant would be fairly large, providing some 224 covers, but that people would not necessarily be arriving or departing in large number at any particular time, as bookings would be likely to be spread throughout the opening times, and would vary in numbers throughout the week. Whilst an additional seating area is proposed within the Conservatory, it is not considered that this is a significant intensification of the use given that there is no restriction on the number of covers that could be provided in the current restaurant and the wine bar.

The relocation of the main entrance to St Helens Road would remove the existing entrance to the wine bar located on the lower ground floor from the side elevation on St Helens Ave and as such would move the entrance further away from the nearest residential properties. St Helens Road is a busy commercial street which already comprises a significant number of restaurants and public houses within close proximity of the application building. This would therefore amount to an improvement in residential amenity terms. It is not considered that the addition of the Conservatory would give rise to any significant or demonstrable increase in noise and disturbance to the residential amenity of any nearby residents over and above that associated with the lawful use of the building that would be so harmful to warrant a recommendation of refusal. The agent has confirmed that the area fronting the pavement on St Helens Road is to be landscaped and an appropriate condition can ensure that this area is not used as an external seating area.

Having regard to the proposed fire escape stairway, this is a means of escape only and is not intended for everyday use. The external stairway is located on the side elevation towards the rear of the building and is set off the boundary with the adjoining residential property. The fire escape will be viewed in the context of the main building and does not exceed the height of the main building. Given the nature and intended use as an escape route only in the event of an emergency, it is not considered that the external fire escape would give rise to any overbearing, overshadowing or overlooking/ loss of privacy impacts that would be so harmful to the residential amenity of the occupants of the nearest residential properties to warrant a recommendation of refusal. Indeed it is considered to be a reasonable operational building regulation requirement. It can however be conditioned that it is only used for emergency purposes only and shall remain closed, except in the case of emergency. This will then address the concerns of local residents relating to noise emanating from the door way and loss of privacy.

Regard should also be had to the lawful use of the building as an unrestricted Class A3 (Food and Drink) use. In this respect planning permission is not required to recommence trading as a restaurant with associated wine bar and indeed the premises could be used as a public house without the requirement for planning permission. It is considered therefore, that the latter use would have potentially significantly greater impact on local amenity than that proposed under the current planning application.

### **Highway Safety**

Turning finally to highway safety, customer parking will have to take place on-street as there are no off-street parking facilities. The addition of a Conservatory and relocation of the entrance is unlikely to attract a significant increase in demand for parking and for this reason there is no highway objection to the proposed use.

### **Response to consultations**

The responses raised by neighbouring residents have been noted. Matters relating to noise and disturbance, overlooking and loss of privacy have been addressed in the preceding paragraphs. In relation to the concerns raised about additional parking pressures the Head of Transportation and Engineering has raised no highway objection. The concerns relating to the impact of the proposed alterations have been noted and addressed in the associated Listed Building Consent application.

### **Conclusions**

In conclusion and having regard to all material considerations, it is considered that this application strikes an acceptable balance between refurbishing the internal layout and retaining the key external features of the listed building whilst extending the building and allowing it to evolve to accommodate a sustainable use to ensure the future viability of the business itself. The proposal is considered an acceptable form of development which would not unduly impact upon the integrity of this Grade II Listed Building.

It is considered therefore that the proposal complies with the requirements of Policies EV1, EV2, EV3, AS6 and EV7 of the Unitary Development Plan 2008 and the scheme is recommended for approval.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 2 (CONT'D)

APPLICATION NO.

2014/0643

**RECOMMENDATION**

**APPROVE, subject to the following conditions**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
  
- 2 The development shall be carried out in accordance with the following approved plans and documents: 001 Site Plan, 002 Rev B Existing lower ground floor, 003 Rev B Existing upper ground floor, 004 Rev B Existing first floor, 005 Existing front elevation, 006 Existing rear elevation, 007 Existing side elevation on to garden, 008 Existing elevation St Helens Road, 009 Rev B Proposed lower ground floor, 010 Rev B Proposed upper ground floor, 011 Rev B Proposed first floor, 012 Rev B Proposed front elevation, 013 Proposed side elevation, 014 Proposed St Helens Avenue elevation, 020 Proposed rear elevation, 021 Rev D Front elevation detail, 033 Rev B Conservatory detail, 024 Rev B External staircase, 025 Rev B Internal staircase, 018 Rev B Roof plan, 026 Rev B Short section, received 31st March 2015.  
Reason: To define the extent of the permission granted.
  
- 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 external conservatory side garden/seating area shall be cleared of all plates, glasses, etc., before 22:00 hrs on any day. The external seating area must only be used in association with the restaurant use only and shall not be used by customers before 0:800 hrs nor after 22:00 hrs on any day.  
Reason: To safeguard the amenities of the occupiers of neighbouring properties.
  
- 5 The use of amplified music on any external terrace area or external seating area is expressively prohibited at any time.  
Reason: To safeguard the amenities of the occupiers of neighbouring properties.
  
- 6 The external fire escape shall be used in the event of an emergency only and the fire exit doors shall be kept closed during restaurant opening hours to prevent noise transmission.  
Reason: To safeguard the privacy and residential amenity of the occupiers of neighbouring residential properties.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 2 (CONT'D)

APPLICATION NO.

2014/0643

- 7 No development shall take place without the prior written approval of the Local Planning Authority of a scheme for the landscaping the pavement level garden area fronting St Helens Road and the side garden area in front of the conservatory, which should also include an area allocated for the re-siting of the stone 'fountain' feature. 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.

- 8 The pavement garden area fronting St Helens Road shall not be used for the placing of tables or chairs unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of visual and general amenity.

### 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 and EV7.

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

- 3 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).

- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest in use or being built
- Take or destroy an egg of any wild bird

Care should be taken when working on buildings particularly during the bird nesting season March-August.



**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 2 (CONT'D)

APPLICATION NO.

2014/0643

**PLANS**

MIAHS/001 site location plan, block plan, MIAHS/002 existing lower ground floor plan, MIAHS/003 existing upper ground floor, MIAHS/004 existing first floor, MIAHS/005 existing front elevation, MIAHS/006 existing rear elevation, MIAHS/007 existing side elevation, MIAHS/008 existing side elevation, MIAHS/009 proposed lower ground floor, MIAHS/010 proposed upper ground floor, MIAHS/011 proposed first floor, MIAHS/012 proposed front elevation, MIAHS/013 proposed side elevation, MIAHS/018 proposed roof plan, MIAHS/019 proposed side elevation, MIAHS/020 proposed rear elevation, MIAHS/021 proposed front elevation detail dated 29th May 2014

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PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 3

APPLICATION NO.

2014/0644

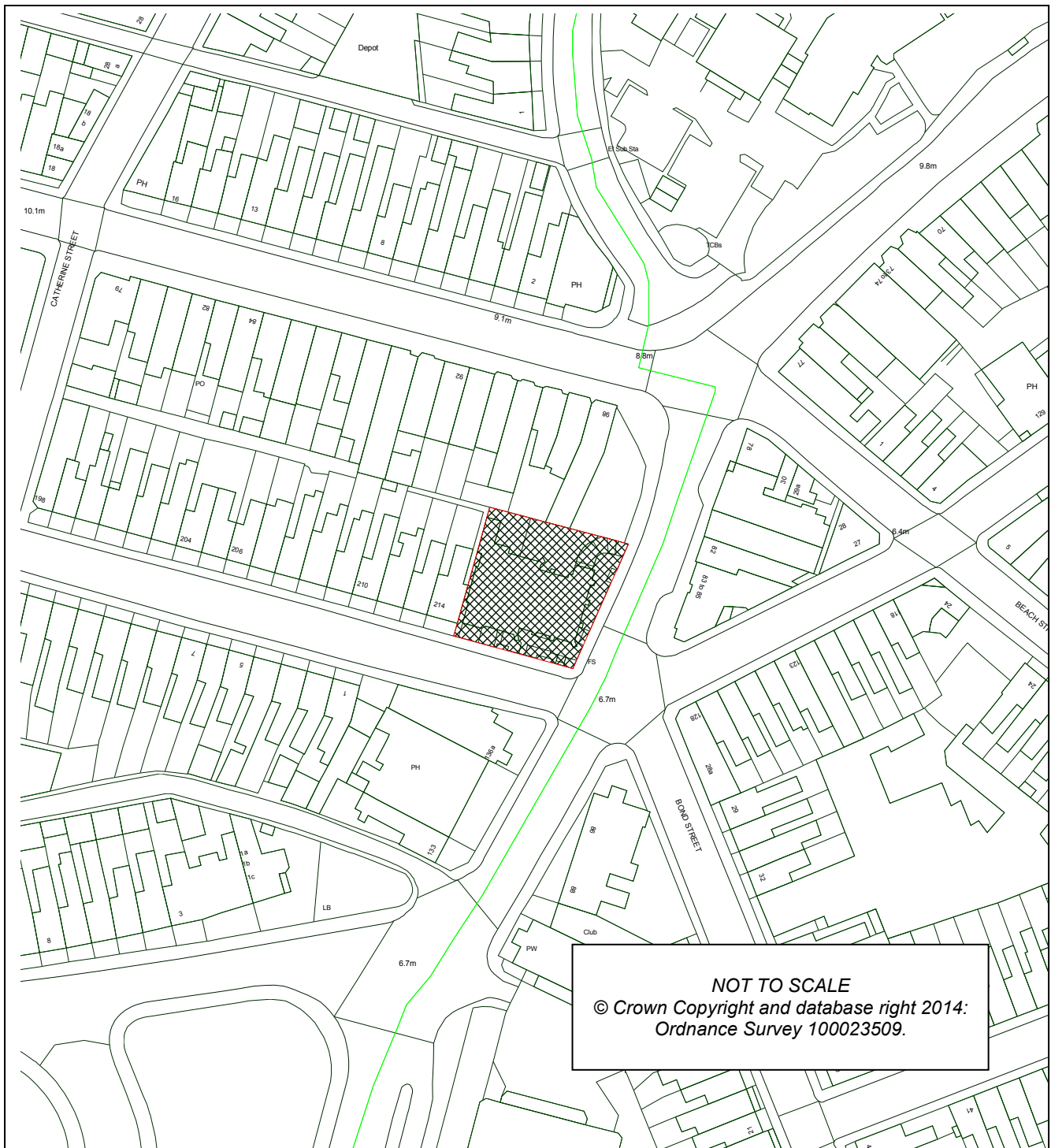
WARD:

Uplands

**Location:** Miah's Restaurant St Helens Road Swansea SA1 4DE

**Proposal:** Side conservatory, external seating area, external fire escape and steps, fenestration alterations, new entrance doors, internal relocation of stairway, removal of and new internal walls, addition of kitchen and toilet facilities to first floor, relocation of lift and all associated internal and external alterations and refurbishment works (application for Listed Building Consent)

**Applicant:** Mr Rakib Miah



## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 3 (CONT'D)

APPLICATION NO.

2014/0644

### **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 EV7    | Extensions or alterations to a Listed Building will only be approved where they safeguard the character and historic form of the building. (City & County of Swansea Unitary Development Plan 2008) |

#### **SITE HISTORY**

| <b>App No.</b> | <b>Proposal</b>                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2014/0643      | Side conservatory, external seating area, external fire escape and steps, fenestration alterations, new entrance door and associated works<br>Decision: Being Considered                                                                                                                                                                                                                           |
| 2001/0562      | Retention of internal alterations, retention of 1 individual letter sign on front elevation, retention of 3 lamp standards and retention of 3 external uplighters, and one proposed individual letter sign on side elevation (Application for Listed Building Consent)<br>Decision: Grant Listed Build Consent (C)<br>Decision Date: 30/11/2001                                                    |
| 2003/0207      | Use of lower ground floor as winebar in conjunction with existing use of the building as a restaurant and formation of external access ramp<br>Decision: Grant Permission Conditional<br>Decision Date: 26/03/2003                                                                                                                                                                                 |
| 2003/2248      | Retention of new internal staircase between lower ground and ground floor level, revised floor area and bar at lower ground level, internal walls at lower ground and ground floor level, new entrance on north elevation and one internally illuminated individual letter sign (application for Listed Building Consent)<br>Decision: Grant Listed Build Consent (C)<br>Decision Date: 25/02/2004 |
| 96/0915        | Change of use from cinema (Class D2) to restaurant (Class A3)<br>Decision: Appeal Allowed<br>Decision Date: 01/07/1997                                                                                                                                                                                                                                                                             |

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

| ITEM 3 (CONT'D) | APPLICATION NO.                                                                                                                                                                                                   | 2014/0644 |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 2003/0210       | Formation of new external access ramp, installation of new internal staircase & internal walls (Application for Listed Building Consent)<br>Decision: Grant Listed Build Consent (C)<br>Decision Date: 08/04/2003 |           |
| 90/0734/01      | CHANGE OF USE FROM CINEMA TO OFFICE DEVELOPMENT.<br>Decision: *HGPC - GRANT PERMISSION CONDITIONAL<br>Decision Date: 29/05/1991                                                                                   |           |
| 92/0630         | LISTED BUILDING CONSENT TO DEMOLISH EXISTING BUILDING<br>Decision: *HRC - REFUSE CONSENT<br>Decision Date: 03/09/1992                                                                                             |           |
| 97/1412         | INTERNAL AND EXTERNAL ALTERATIONS (APPLICATION FOR LISTED BUILDING CONSENT)<br>Decision: *HGCC - GRANT CONSENT WITH CONDITIONS<br>Decision Date: 12/02/1998                                                       |           |

### RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press as development for Listed Building Consent. NINE LETTERS OF OBJECTION have been received which are summarised as follows:

1. The expansion of the ground floor restaurant, the development of a 40+ seater conservatory and the construction of an alternative access to a listed building would compromise its integrity and negatively impact on the amenities of residents living in the area.
2. This is not a commercial area with some residential housing it is a residential area with some commercial properties.
3. The outside garden areas to the right of the building and the pavement level gardens do not have planning permission for customer use and I hope that will remain so. There have been breaches in the past and the noise has been awful.
4. The beer garden will spread noise across our gardens at the back of the house like a sound tunnel. This would apply to a conservatory because windows and doors would be open to access the garden and provide ventilation.
5. The gardens at pavement level should not be used as people can spread onto pavement. Intimidating to walk past these outside drinking areas.
6. An external seating space on St Helens Road could cause distraction to drivers.
7. The building is large and does not need enlarging.
8. Residents would be affected from increased noise levels.
9. Increase in vehicles would add to parking problems in area.
10. Fire escape is ridiculous in its proportions. Would be an eyesore and would jeopardize our security and destroy our privacy and people would have access to view into our back gardens. The noise from people on the fire escape would be horrendous and as it is usual for the fire doors to be left open for ventilation causing more noise.
11. Needs to be provision for storage of refuse as this has been a problem in the past.

ITEM 3 (CONT'D)

APPLICATION NO.

2014/0644

**Glamorgan Gwent Archaeological Trust** - The information held in the Historic Environment Record (HER) curated by this Trust notes that no buried archaeological features within the area of the proposed development itself; the building is grade II listed (NPRN887, LB14600) and has undergone significant alterations as it was converted into a cinema prior to its use as a restaurant. Having consulted the supporting information it is unlikely that the proposed work would impinge on any known archaeological resources and it is unlikely that previously unknown archaeological features would be located during the work.

The record is not definitive, however, and unrecorded or unknown archaeological features or finds still may be disturbed during the development. Should this occur, please contact this Division of this Trust. As the archaeological advisors to your Members, we have no objection to the determination of this application.

### **Listed Building Officer Response: Impact on the Listed Building**

The building has undergone several changes from its original inception as St Paul's Church and as such the remaining format is one the external shell and architecturally superior roof structure, remaining intact.

With regard to the interface with the existing windows that have the lower half already blanked off where the conservatory roof is proposed, the implications for the bath stone surrounds needs to be resolved by condition. All interfaces resulting from the conservatory to the buttress/ window surrounds and general stonework will need to be condition.

All details of the conservatory will be conditioned and it is important that the applicant make the eventual conservatory supplier aware of quality that is required as an extension to this listed building.

The pennant stone base to the conservatory is welcomed and this can be controlled by a materials sample that includes the coping and mortar.

The reduced extent and amended roof of the conservatory does simplify the form and reduces the interfaces with the historic fabric so this is welcomed.

The correction to the correct existing window surround detail in respect to the new street level doors is noted. The point about the listed status of the building restricting a lift is incorrect – it is possible to add new lifts to listed buildings to provide access for all provided they are inserted in a sensitive manner.

The stone feature in front of the proposed new doors is of historical interest. Therefore a condition is required for it to be recorded in situ and then relocated to an agreed location on site.

The interface of the internal glass lobby and historic fabric will need to be conditioned.

The recessive design of the escape stair case is now supported.

Overall it is recommended that listed building consent be granted subject to the following conditions:

ITEM 3 (CONT'D)

APPLICATION NO.

2014/0644

- Large scale details of the conservatory
- Details of the interface between the conservatory structure and existing building
- Details of the interface between the internal glass lobby and the existing building
- Sample panel of new stonework to be constructed on site to include mortar and coping
- Recording of stone feature in situ and relocation to an agreed location on site
- Recording of stonework where opening to conservatory is proposed to be widened and new reveal details to be agreed
- Recording of internal masonry that is proposed to be removed to access the side lobby and details of making good to be agreed
- Details of any works to the existing double doors to the lobby which is proposed to be altered into the private dining room
- Details of all new vents and flues
- Details of the treatment of the top, sides, openings and framework of the glass compartment around the main stairs

## **APPRAISAL**

This application is reported to Committee for decision at the request of Councillor John Bayliss to consider the impact of the proposal visual and residential amenity and the over-intensification of the use of the building. No site visit has been requested.

## **Description**

This application seeks Listed Building consent. The proposal is for internal refurbishment and remodelling of the existing restaurant to the lower ground, upper ground and first floor, the addition of a conservatory and external fire escape. The main entrance will be relocated to pavement level directly accessed from St Helens Road. This application is being considered in association with a full application (Ref:2014/0643) for side conservatory, external seating area, external fire escape, fenestration alterations, new entrance door and associated works.

## **ISSUES**

The main issue to consider is whether the proposal has full regard to preserving the listed building, its setting or any feature of special architectural or historic interest, in the context of national planning policy guidance and prevailing development plan policies. There are in this case considered to be no additional overriding issues for consideration having regard to the provisions of the Human Rights Act.

In this respect, Para.70 of Welsh Office Circular 61/96 "Planning and the Historic Environment: Historic Buildings and Conservation Areas" states that applications for listed building consent should be assessed against the importance of the building in terms of its architectural and historic interest, the particular features of the building which justify its inclusion in the list, the building's setting and contribution to the local scene and the extent to which the proposal would bring benefits for the community.

ITEM 3 (CONT'D)

APPLICATION NO.

2014/0644

Policy EV7 states that any proposed extension or alteration to a listed building should have full regard to the character of the existing building, architectural or historic features which are important to the character of the building, and the historic form and structural integrity of the building. Furthermore it adds that regard will also be had to the desirability of preserving the setting of any listed building.

### **Site Context**

The application property is a three storey detached Grade II listed building which was originally occupied as a church but has since been used for a variety of uses including as a cinema. The ground and upper floors were granted planning permission on appeal (Ref: 96/0914) in July 1997 for a restaurant (Class A3). The lower ground floor of this building has lawful use as a wine bar (Class A3) in conjunction with the use of the upper floors of the building as a restaurant (Ref: 2003/0207) granted on 26<sup>th</sup> March 2003.

The application property is currently vacant and has been for some time and is clearly in need of urgent maintenance and attention.

This final scheme submitted for consideration has been the subject of negotiations and amendments. Subject to appropriate conditions to control the finer details and quality of materials, it is considered that the proposed alterations are an acceptable form of development which would not unduly impact upon the integrity of this Grade II Listed Building or its setting.

### **Response to Consultation**

The responses raised by neighbouring residents have been noted. Matters relating to noise and disturbance, overlooking / loss of privacy and parking concerns have been addressed in the associated full planning permission application (REF:2014/0643). The concerns relating to the impact of the proposed alterations have been noted and fully considered as part of this Listed Building application.

### **Conclusions**

In conclusion and having regard to all material considerations, it is considered that this application strikes an acceptable balance between refurbishing the internal layout and retaining the key internal and external features of the listed building whilst extending the building and allowing it to evolve to accommodate a sustainable use to ensure the future of the Listed Building itself. The proposal is considered an acceptable form of development which would not unduly impact upon the integrity of this Grade II Listed Building or its setting.

The proposal therefore complies with the requirements of Policy EV7 of the Unitary Development Plan 2008 and the scheme is recommended for approval subject to referral to Cadw as the building is scheduled as a grade II structure.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 3 (CONT'D)

APPLICATION NO.

2014/0644

**RECOMMENDATION**

**APPROVE, subject to the following conditions and referral to CADW;**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents:001 Site Plan, 002 Rev B Existing lower ground floor, 003 Rev B Existing upper ground floor, 004 Rev B Existing first floor, 005 Existing front elevation, 006 Existing rear elevation, 007 Existing side elevation on to garden, 008 Existing elevation St Helens Road, 009 Rev B Proposed lower ground floor, 010 Rev B Proposed upper ground floor, 011 Rev B Proposed first floor, 012 Rev B Proposed front elevation, 013 Proposed side elevation, 014 Proposed St Helens Avenue elevation, 020 Proposed rear elevation, 021 Rev D Front elevation detail, 033 Rev B Conservatory detail, 024 Rev B External staircase, 025 Rev B Internal staircase, 018 Rev B Roof plan, 026 Rev B Short section.  
Reason: To define the extent of the permission granted.
- 3 Notwithstanding the terms of this consent, no works of demolition may be undertaken until notice of the proposal has been given to the Royal Commission on Ancient Monuments in Wales, Crown Building, Plas Crug, Aberystwyth, Ceredigion, SY23 1NJ, and the commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building, or that they do not wish to record it.  
Reason: To comply with the provisions of Section 8 (2) (b) of the Planning (Listed Buildings and Conservation Areas) Act, 1990.
- 4 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.
- 5 Notwithstanding the details shown in the approved plans, no development shall take place until details at the scale of 1:5 of the following have been submitted to and approved in writing by the Local Planning Authority, unless agreed otherwise in writing. All works undertaken shall be in accordance with the approved details before the beneficial use of the premises commences.
  - Large scale details of the conservatory.
  - Details of the interface between the conservatory structure and existing building.
  - Details of the interface between the internal glass lobby and the existing building.
  - Sample panel of new stonework to be constructed on site to include mortar and coping.



## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 3 (CONT'D)

APPLICATION NO.

2014/0644

- 5
- Recording of stone 'fountain' feature in situ (garden area St Helens Road elevation) and relocation to an agreed location on site.
  - Recording of stonework where opening to conservatory is proposed to be widened and new reveal details to be agreed.
  - Recording of internal masonry that is proposed to be removed to access the side lobby and details of making good to be agreed.
  - Details of any works to the existing double doors to the lobby which is proposed to be altered into the private dining room.
  - Details of all new vents and flues.
  - Details of the treatment of the top, sides, openings and framework of the glass compartment around the main stairs.

Reason: In the interests of visual amenity.

### 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 and EV7.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 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).
- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.
-

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 4

APPLICATION NO.

2014/0950

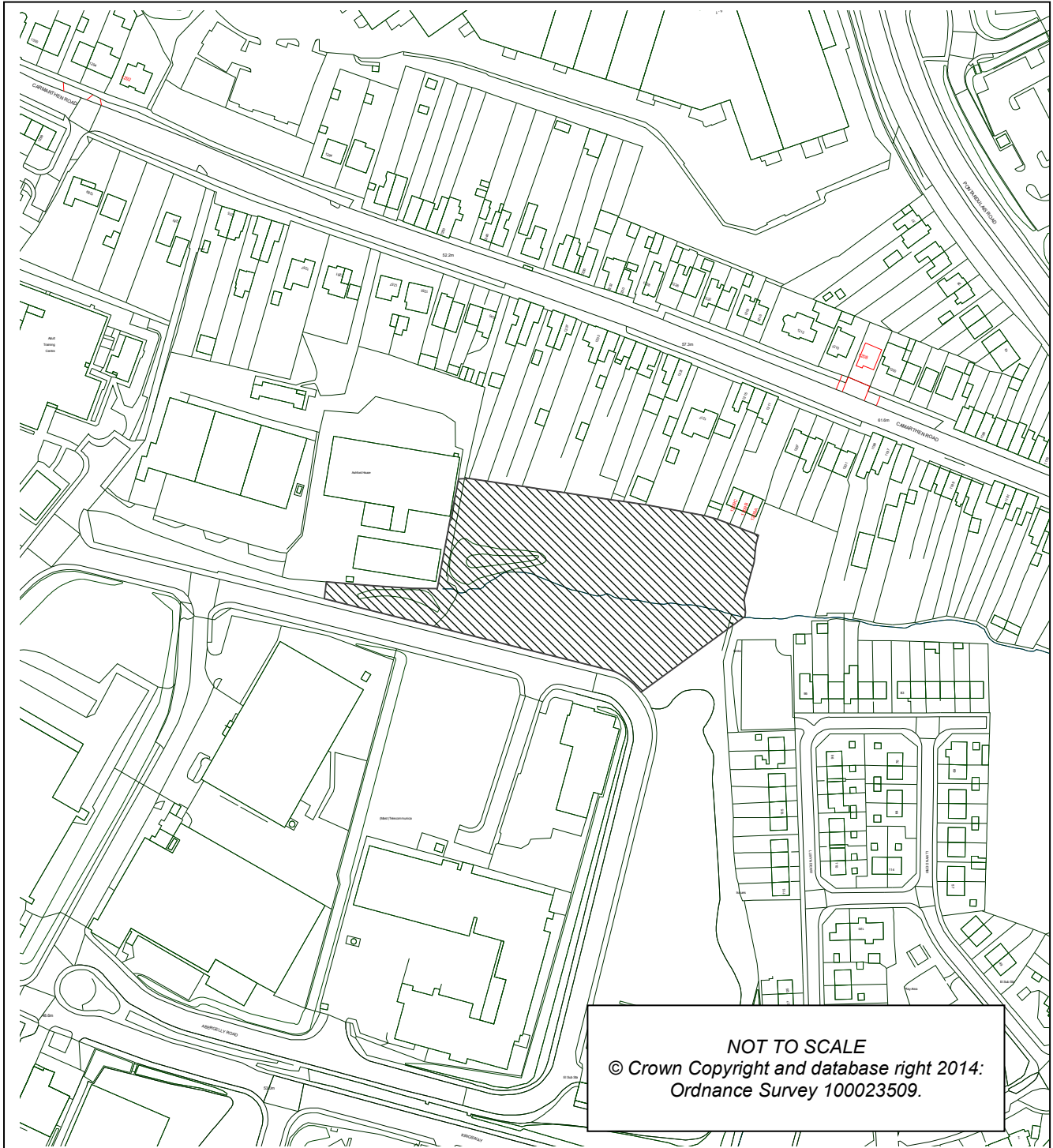
WARD:

Cockett

**Location:** Land adjacent to Store-It Abergelli Road, Swansea West Industrial Park  
Fforestfach Swansea

**Proposal:** Erection of two industrial buildings comprising 11 units for B1, B2 and  
B8 Uses and associated works

**Applicant:** Mr Paul Cole



## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0950

### **BACKGROUND INFORMATION**

#### **POLICIES**

| <b>Policy</b> | <b>Policy Description</b>                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policy EC1    | Allocation of employment land to meet the needs of the local economy. (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 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 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:<br>i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,<br>ii) A reduction in the quality of surface water run-off.<br>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 AS1    | Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)                                                                                                                                                                                                                                                                                                                                  |

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0950

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>                                                                                                                                                                                                                 |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2004/0131      | Formation of new vehicular access (Application for a Certificate of Proposed Lawful Development)<br>Decision: Is Lawful<br>Decision Date: 13/02/2004                                                                            |
| 2007/1673      | Construction of new storage warehouse (Class B8)<br>Decision: Grant Permission Conditional<br>Decision Date: 21/09/2007                                                                                                         |
| 2007/1812      | Five two storey blocks containing 21 mixed use (Class B1) and (Class B2) units with associated landscaping, 87 carparking spaces and highway alterations<br>Decision: Grant Permission Conditional<br>Decision Date: 06/11/2007 |
| 2006/1182      | Construction of commercial units (Classes B1, B2 and B8) (outline)<br>Decision: Withdrawn<br>Decision Date: 26/02/2008                                                                                                          |

### RESPONSE TO CONSULTATIONS

**Neighbours:** The application was advertised on site in the form of a Site Notice and all adjoining neighbouring properties were individually consulted. FOUR LETTERS OF OBJECTION were received which are summarised below:

1. Impact on residential amenity.
2. Noise and environmental pollution.
3. Impact on house prices.
4. Proposal far too close to boundaries with the neighbouring properties.
5. Hours of operation unclear.
6. Light pollution.
7. Car parking noise.
8. Smell from burning.
9. Too much development in this area already.
10. Ecology of the site.
11. Site has been used as an area of green space between the industrial estate and residential houses.
12. Loss of trees which should be protected.

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

**Council's Pollution Control section:** No objection subject to conditions and informatives.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0950

**Council's Ecology Officer:** No objection subject to the imposition of conditions and informatives

**Council's Landscape Officer:** Was consulted on the application, but at the time of writing this report had offered no comments to the application.

**Council's Drainage Officer:** The principles of the Drainage Report look acceptable, however the micro drainage results show that on site flooding occurs during the 1 in 100 yr +CC storm, this should be investigated further to ensure that it is contained on site, does not create a flood risk to the development itself and drains down through the proposed SW network.

**Further comments:** We have reviewed the submitted information and would recommend a condition is appended to any permissions given.

**Coal Authority:** The Coal Authority Response: Fundamental Concern

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area, there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically the presence of two recorded mine entries.

The Coal Authority objects to this planning application, as the required Coal Mining Risk Assessment Report, or equivalent, has not been submitted as part of the application.

It is a requirement of Planning Policy Wales, paragraph 13.9 that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development. In addition, the national validation list in Wales requires planning applications in the defined Development High Risk Area need to be accompanied by a Coal Mining Risk Assessment.

Following concerns raised by the coal authority and the council's drainage officer further information was requested in order to address these concerns. Following the receipt of this information the coal authority and the council's drainage officer were re-consulted. The following responses were received:

**The Coal Authority:** The Coal Authority previously objected to this planning application in a letter to the LPA dated 15 July 2014 as the applicant had failed to submit the required Coal Mining Risk Assessment, or equivalent, in support of their application.

The Coal Authority is therefore pleased to note that the applicant has obtained up-to-date coal mining information for the proposed development site and has used this information to inform a Coal Mining Risk Assessment (July 2014), which now accompanies this planning application.

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0950

The Coal Mining Risk Assessment has been informed by an appropriate range of sources of information; including a Coal Mining Report, BGS geological mapping and historic mapping. Based on this review of sources of geological and mining information the Coal Mining Risk Assessment concludes that there is a significant risk to the proposed development from the two recorded mine entries on the site and that shallow mine workings may pose a risk.

Accordingly, recommendations are included for intrusive site investigation works. The Coal Authority considers that these site investigations should take place prior to development in order to establish the location and condition of the recorded mine entries and the exact situation regarding ground conditions. This will enable appropriate remedial measures to be identified, if necessary.

### **Amended Plans**

Following concerns raised by the Local Planning Authority with respect to the impact of the proposal on protected trees, ecology and the accuracy of the plans submitted, a badger survey, tree survey, arboricultural method statement and amended plans were submitted. All previous consultees were re-consulted and these amendments advertised on site in the form of a site notice. The following letters of response were received:

**Neighbours:** One letter of objection was received which raised concerns relating to:

1. Overdevelopment.
2. Loss of greenspace.
3. Impact on ecology.
4. Unacceptable impact on local amenity.

**Coal Authority:** The application site falls within the defined Development High Risk Area.

In considering the amended plans, which include the annotation of a badger sett, The Coal Authority does not wish to raise any further comments. We would, however, reiterate our comments of 19 August 2014, which remain valid.

**Natural Resource Wales:** Natural Resources Wales would not object to this proposal providing the following issues are addressed through the implementation of appropriate planning conditions and/or obligations.

### Flood Risk

The site is located within zone A, as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, indicates the site to be outside the flood map. The proposal is for storage units on a currently undeveloped site and can therefore be classed as less vulnerable development according to TAN15.

As part of the proposal, drainage ditches which cross the site will be diverted and culverted in part to allow access to the site. As the ditches are classed as ordinary watercourses we would advise that approval is sought from your Authority's Drainage Engineers to ensure that the proposed ditch diversion can convey the required flows and that any flood risk emanating from this source is fully understood.

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0950

Any works which will affect the flow in these ditches will require prior consent from your Authority as Lead Local Flood Authority.

#### Surface Water Disposal

With regards to the management of surface water from the site, it is proposed to attenuate surface water and discharge into the diverted ditch at a rate of 1.7l/s, which we consider to be satisfactory. Nevertheless, we recommend that you discuss this with your Authority's own Drainage Engineers. The Drainage Strategy makes reference to the requirements of the MOU to provide betterment in the form of compensatory surface water removal to offset the new foul connection. Section 8 of TAN15 advocates the use of Sustainable Urban Drainage Systems (SUDs) in the management of surface water from a site. Developers must give a good reason as to why SUDs cannot be utilised on a site and a conventional drainage system must improve upon the existing status quo.

We would advise that all SUDs options are explored and implemented where possible. Ultimately the drainage system design is a matter for your Authority's Drainage Engineers. However, we advise that the surface water drainage system must be designed to ensure no increased run-off from the site during and post development in all events up to the 1:100 year storm with an allowance for climate change.

#### Memorandum of Understanding

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

Protection of the water environment is a material planning consideration and your Authority must be satisfied that the proposed method of foul and surface water drainage from the proposal will not cause any detriment to water quality. We note that it is intended to dispose of foul water to the main sewerage system, which is our preferred and most sustainable method of foul water disposal. Please note that we would oppose any alternative proposal for a non-mains drainage system at this location.

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

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

For larger scale developments, bespoke solutions will be necessary, depending on the size and location of the particular development. The agreed relevant details must be recorded on your Authority's register of compensatory surface water disposal.

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0950

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 respect of Phosphorus, the UK has an obligation under the Water Framework Directive (WFD) to protect sensitive water bodies from deterioration. We would therefore recommend that a corresponding amount of Phosphorus is removed to that expected to be produced by this development at the time of completion. This would prevent further deterioration in levels of Phosphorus in the Burry Inlet.

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

In relation to surface water disposal we recommend that ideally, approval should be sought from building control and your Authority's drainage engineers, prior to determination. This is in order to ensure there is no connection of surface water to the main sewerage system.

#### Ecology and Protected Species

We welcome the submission of the document entitled; 'Land at Abergelli Road, Fforestfach, Swansea: Ecological Assessment,' dated 03 June 2014 by David Clements Ecology Ltd. We note the recommendations laid down in Section 6 of the above report and advise that these measures are made enforceable planning conditions following discussion and agreement with your Authority's Planning Ecologist. We advise that the best method of delivering the mitigation measures suggested in the report would be through the creation and implementation of Mitigation & Management Plan.

#### Protected Species (Bats)

As highlighted in the Ecological Assessment; numerous trees within the site are identified as having high potential for roosting bats. All trees identified as having high potential for bats should be retained and protected during the development, where possible. If any trees identified as being of high potential for bats need to be felled (or subject of any other works) as part of the proposal, then these must be subject to further survey, prior to any work being carried out on them. If further surveys are required these should be undertaken in accordance with the Bat Conservation Trusts' Bat Surveys: Good Practice Guidelines' (Hundt, L. 2012), by a suitably qualified individual. As you are aware, all species of British bats are European Protected Species, protected by The Conservation of Habitats and Species Regulations 2010.

#### Badger Survey

We also note the submission of the document entitled; 'Badger Survey, Abergelli Road, Fforestfach', dated 14 November 2014, by Amber Environmental Consultancy. Badgers and their setts are protected under the Protection of Badgers Act 1992. It is an offence to kill, injure or take any badger or to disturb a badger whilst it occupies a sett. It is also an offence to damage, destroy or obstruct access to a badger sett. Unless the proposal avoids these effects, the applicant will also require a license from NRW under Section 10 (d) of the Protection of Badgers Act 1992 before any development could proceed. A licence application should be accompanied by survey reports and, where necessary, an appropriate mitigation scheme.



## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0950

A scheme for the conservation of badgers should take account of the distance of any sett from the development, the status of the sett and the provision of suitable foraging area.

### Japanese Knotweed

Information provided with the application states that Japanese knotweed is present on the site. An appropriate condition to deal with Japanese knotweed has been recommended.

In summary, Natural Resources Wales does not object to the above application, providing appropriately worded conditions are attached to any planning permission you are minded to grant. In addition to the above, we would ask that the attached planning advice note is provided to the applicant/developer. This provides further information and advice on matters such as SUDS, pollution prevention and waste management.

### **APPRAISAL**

This application is reported to Committee for decision as the proposal meets the Development Threshold (d) – The provision of building or buildings where the floor space to be created by the development is 2,000sq m or more..

### Description of Development

Full planning permission is sought for the erection of two industrial buildings comprising 11 units for B1, B2 and B8 Uses and associated works at Abergelli Road, Swansea West Industrial Estate, Fforestfach, Swansea.

The larger of the two buildings measures 48.9m in width and 36.6m in depth. It features a ridged roof with a maximum height of 11.5m. Half of this building comprises a new unit for Store It Wales Ltd (which will enable the existing business to expand), whilst the other half of the building comprises 5 smaller units (Units 1-5).

The smaller of the two buildings measures 48.9m in width and 18m in depth. It also features a ridged roof with a maximum height of 7.8m. This building comprises five units (Units 6-10).

Both buildings are to be clad in powder coated profiled metal cladding. Vehicular parking will be provided to the front and side of the proposed units. It is also proposed to enclose the site by means of 2.4m high palisade fencing.

### Main Issues

The main issues for consideration relate to the principle of this form of development at this location and the resultant impact of the proposed development on visual amenity, residential amenity, highway safety, drainage, ecology and ground stability having regard for the provisions of the City and County of Swansea UDP.

### Principle of Development

The site is identified under the provisions of the Swansea Unitary Development Plan Proposals Map as land which is allocated under Policy EC1 – strategic sites – Swansea West Industrial Park for employment uses.

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0950

The amplification of this policy states that the land is allocated specifically for B1, B2 and B8 uses in order to meet Swansea's economic growth needs. Furthermore Policy EC3 states that improvements and enhancement of the established industrial and commercial area will be encouraged. The proposed development is considered to be compatible with the UDP designation of the site. It will offer employment opportunities and a mix of B1, B2 and B8 units. Therefore the proposal is considered acceptable in principle.

#### Visual Amenity

The site forms part of an overgrown area of land which has been designated for employment uses for a number of years and in visual terms is an opportunity to breathe new life into this run down part of the industrial estate. The proposed buildings will be orientated perpendicular to Abergelli Road and will incorporate a brick plinth to dpc level, powder coated metal clad walls and roof, double glazed aluminium windows, roller shutter doors, powder coated fascia and bargeboards and powder coated galvanised steel gutters and down pipes, which are considered suitable materials given their industrial estate location.

The larger building will be split level due to existing ground conditions. The buildings are however considered to be of an appropriate size, scale and height which reflects similar buildings within the estate. As such in visual terms the proposed buildings are considered acceptable in compliance with the provisions of Policies EV1, EV2, EC3 and EC1 of the Swansea UDP.

#### Residential Amenity

Turning to residential amenity, the larger building will be sited a minimum of 10.1m and a maximum of 13.7m from the common boundaries with the neighbouring properties which are sited along Carmarthen Road (Nos 1225-1235 (odds only)). The smaller building is sited a minimum of 11.6m and a maximum of 12.4m from the common boundaries with properties sited along Carmarthen Road (Nos 1213-1217 (odds only)). It is considered that given these separation distances, combined with the long rear gardens of these neighbouring properties, the proposed buildings would not result in unacceptable overbearing, overshadowing or overlooking effects which would impact on the living conditions of the occupiers of these neighbouring properties to such an extent that would warrant the refusal of this application. It is also considered that the palisade fencing will not adversely impinge on the living conditions of the neighbouring residents.

The site forms part of the Swansea West Industrial Estate and has been allocated for employment uses for a number of years. A number of objectors have raised concerns with respect of noise, light and odour pollution emanating from the proposed development. However having consulted the Council's Pollution Control Officer, there are no objections to the proposed development, subject to an appropriately worded condition. It should be noted that if granted any subsequent occupier of the buildings would have to comply with both the environmental requirements of Natural Resource Wales and Environmental Health legislation which are both outside of planning control. In this instance there is no reason to believe that the granting of this application for two new buildings to be used for B1, B2 and B8 uses would result in noise, light or odour pollution which would warrant the refusal of this application. As such, the application is considered to comply with the provisions of Policies EV1 and EV40 of the Swansea UDP.

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0950

Highway Safety

The Head of Transportation and Engineering has advised that the 36 parking spaces being proposed are adequate to serve the amount of new floorspace being proposed. The two new points of access serving the site are also considered to be acceptable in highway terms.

Thus, there are no highway objections subject to conditions and the proposal is considered to comply with the provisions of Policies EV1, EV3, AS1 and AS6 of the Swansea UDP.

Ecology and Impact on Protected Trees

Following a site visit with the Councils Ecologist to assess issues regarding the submitted plans and the actual siting of the existing trees, a badger set was discovered on site. As such a badger survey was requested along with an accurate plan of all trees on site and an accompanying tree survey. In addition to this the levels of the site were revisited in order to ensure protection was afforded to the trees and the building moved south on site. Further consultation with the Councils Ecologist and Natural Resource Wales was carried out to consider this additional and amended information. It is acknowledged that David Clements Ecology Ltd has carried out an ecological survey of the site and has identified a number of ecological issues. The woodland strip identified as W3 contains a number of trees that have been identified as being possible bat roosts. If any work is proposed that might affect these e.g. felling, a bat survey must be carried out.

The site has been identified as being suitable for reptiles and therefore a condition is recommended requesting the submission of a reptile mitigation scheme for the approval of the Local Planning Authority prior to work starting on the site.

The boundary strip of woodland should be retained together with a buffer strip as this has ecological value. BS Standard BS5837 2012 Trees in Relation to Design, Demolition and Construction should be followed and any landscaping should follow the recommendations in section 6.1 of the survey. Lighting can adversely affect the use of foraging habitats by bats and therefore the guidance in section 6.1 of the survey should be followed.

It is acknowledged that the scheme seeks to retain all protected trees and as much existing foliage as possible which is welcome. The buildings themselves are sited approximately 18m from the trunks of the protected trees, which is considered a sufficient distance, however the roadway into the site would be sited within close proximity to the trunk and may affect the tree roots.

In terms of the Tree Report, having discussed with the Councils Ecologist and subject to certain measures being undertaken during the road construction, the damage to the trees would be minimal and should not affect their stability or long term health. However a condition is considered necessary to require further planting to enhance the boundary treatment in the interest of ecology and to allow increased connectivity through the site. Whilst it is acknowledged that the arboricultural report suggests the ivy is removed from all of the trees, Ivy is of great benefit to wildlife and should be retained. This again will be ensured via an appropriately worded planning condition.

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0950

Any excavation carried out near the trees should be done by hand, thus avoiding damage to the bark covering the roots and any exposed roots covered in dry clean Hessian sacking to prevent desiccation and to protect from rapid temperature changes. Roots smaller than 25mm may be pruned back to a side branch, however anything larger should only be severed following consultation with the Local Planning Authority. Prior to backfilling the Hessian should be removed and roots surrounded with sharp sand before backfilling with soil. All work should be conditioned to be in accordance with BS 5837:2005 (para 11.3 Principles for avoiding tree root damage during construction).

The removal of the existing ground may or may not reveal surface roots underneath. However provided that no further excavations are carried out and a new in situ permeable hardstanding is put down on top of the cleared surface then little or no damage to the roots would occur. Even if there are major roots directly beneath the surface, these could be covered with granular material and the area levelled off before putting on the new surface. In any event the developer will be required to contact the Local Planning Authority once the ground is removed so that a further inspection can be made by the Tree Preservation Officer. In addition to this, a condition will be recommended on any approval requiring the new road surface to incorporate falls and openings in order to enable water and air to enter the soil.

In terms of the badgers on site, badgers and their setts are protected under the Protection of Badgers Act 1992. It is an offence to kill, injure or take any badger or to disturb a badger whilst it occupies a sett. It is also an offence to damage, destroy or obstruct access to a badger sett. Following consideration of the Survey with the Councils Ecologist and NRW it is considered that the development may still disturb it. Therefore a condition requiring the applicant to apply for a badger licence from NRW prior to the commencement of work on site.

Therefore subject to conditions it is considered that the applicant has satisfactorily demonstrated at this stage that the site is capable of being developed without unacceptably affecting the protected trees on site or the sites biodiversity. As such the scheme is considered to comply with the principles of Policies EV1 and EV30 of the Swansea UDP.

### Drainage

The site is located within the drainage catchment area that drains to the Loughor Estuary and Burry Inlet, which forms part of the Carmarthen Bay and Estuaries European Marine Site (CBEEMS). The City and County of Swansea, as the competent authority, is required under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 to undertake a Habitat Regulations Assessment. Before deciding to give permission we must 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.

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.

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0950

As the consents in question have already been subject to a full assessment (alone and in-combination) under the provisions of the Habitat Regulation, 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.

Having consulted the Council's Drainage Officer in consideration of the submitted drainage report there are no objections to the proposed development subject to appropriately worded conditions. The plans indicate that the proposal would accommodate 20 toilets (two per unit) which using the calculations for offices under the Memorandum of Understanding would generate approximately 0.12 litres per second of foul flow which is the equivalent of 9 dwellings. The site is a greenfield site and there is no opportunity for foul or surface water removal from the system. Given the economic benefits associated with the development it is considered that the limited foul flows from this development can be accommodated by the existing savings held on the Authority's surface water register. It is therefore 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. 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).

Dwr Cymru Welsh Water have not objected to the proposal subject to foul and surface water being drained separately from the site and no surface water or land drainage run-off connecting either directly or indirectly to the public sewerage system.

Therefore, the proposal is an acceptable form of development which subject to conditions can be adequately drained to the satisfaction of the Local Planning Authority, will have an acceptable impact on the aforementioned controlled waters and the surface water can be adequately disposed of within the site in compliance with the provisions of Policies EV33, EV34 and EV35 of the Swansea UDP.

#### Land Stability

The site is situated in a coal mining referral area and having consulted the Coal Authority a Coal Mining Risk Assessment was requested and submitted by the applicant. The submitted Coal Mining Risk Assessment concludes that there is a significant risk to the proposed development from the two recorded mine entries on the site and that shallow mine workings may pose a risk.

Accordingly, the assessment recommends that intrusive site investigation works be carried out. The Coal Authority considers that these site investigations should take place prior to development in order to establish the location and condition of the recorded mine entries and the exact situation regarding ground conditions. This will enable appropriate remedial measures to be identified, if necessary. Therefore, subject to an appropriately worded condition, the proposed development will have an acceptable impact on land stability in accordance with the provisions of Policy EV39 of the Swansea UDP.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0950

### Response to Consultations

Four letters of objection were received which raised concerns relating to residential amenity, noise pollution, light pollution, odour pollution, principle of development, loss of trees and impact on the ecology of the site. These issues have been addressed above.

Concern has also been raised with respect the impact of the proposal upon house prices. This is not a material planning consideration and it could not therefore be taken into consideration during the determination of this application.

Concerns have also been raised with the respect the hours of operation of the premises, and whilst no designated hours of operation have been suggested by the applicant it would seem reasonable to restrict the hours of operation on site between the hours of 6am and 6pm, Monday to Saturday.

Comments have been raised relating to any potential burning or noise emanating from the site. There is no evidence to suggest such problems will occur on this allocated industrial site and any subsequent issues on site will have to comply with Environmental Regulations which are monitored by the Council's Environmental Health Department and Natural Resource Wales.

### Conclusion

In conclusion it is considered that subject to conditions the proposed development is acceptable in principle and will respect the visual amenities of the area, the residential amenities of the neighbouring properties, highway safety, trees, the ecology of the area and the existing drainage system in compliance with the provisions of Policies EV1, EV2, EV3, EC1, EC3, EV33, EV34, EV35, AS1 and AS6 of the Swansea UDP and approval is recommended.

### **RECOMMENDATION**

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

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

- 2 The development shall be carried out in accordance with the following approved plans and documents: PB/4213/01 - Site Location and Block Plan, PB/4213/10 - proposed ground floor and first floor plans, PB/4213/11 Proposed elevations and roof plan, PB/4213/12 -Proposed layout and elevations of units 1 TO 5 and PB/4213/13 - Proposed layout and elevations of units 6 to 10, Ecological Assessment - David Clements Ecology Survey 2014 received 4th July 2014, Amber Environmental Consultancy - Badger Survey 14th November 2014, received 28th November 2014, Amended Tree Survey, Amended Arboricultural Method Statement, PB/4213/03 - Amended Proposed Site Plan, PB4213/04 - Amended Proposed Site Plan received 20th January 2015 and PB4213/05 Rev B - Amended Proposed Site Sections received 2nd February 2015.

Reason: To define the extent of the permission granted.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0950

- 3 Foul water and surface water discharges must 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 foul sewerage system or highway drainage system.  
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 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: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.
- 6 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 shall be implemented in accordance with the approved details and 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).
- Reason: In the interest of visual and residential amenities.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0950

- 7 Prior to the commencement of work on site further intrusive site investigation works shall be carried out in order to establish the location and condition of the recorded mine entries and ground conditions in accordance with details to be submitted to, agreed in writing by the Local Planning Authority and implemented in accordance with these details.  
Reason: In the interest of land stability.
- 8 Prior to the commencement of work on site a reptile mitigation plan shall be submitted to, approved in writing by the Local Planning Authority. The reptile mitigation plan shall be implemented in accordance with the approved details.  
Reason: In the interest of ecology.
- 9 Notwithstanding the submitted plan, no retained tree or hedgerow shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of the occupation of the building for its permitted use, other than in accordance with landscaping plans to be submitted to and agreed in writing by the Local Planning Authority. The agreed landscaping scheme shall include a boundary strip of woodland to be retained on the northern boundary of the site together with a buffer strip in compliance with BS Standard BS5837 2012 Trees in Relation to Design, Demolition and Construction and shall be strictly in accordance with Section 6.1 of the survey by David Clements Ecology Ltd.  
Reason: In the interest of ecology.
- 10 No external lighting shall be erected unless otherwise agreed in writing by the Local Planning Authority. Any lighting must be in accordance with section 6.1 of the survey undertaken by David Clements Ecology Ltd.  
Reason: In the interest of ecology.
- 11 No development including demolition work shall commence on site until a scheme for the retention and protection of trees and hedgerow on the site to British Standard 5837:2012 - Trees in relation to design, demolition and construction has been submitted to and approved in writing by the Local Planning Authority. This shall include full details on all works that impact on the original ground conditions and identify the root protection areas, as detailed in BS5837:2012 and in particular details of protective fencing, ground protection & construction method, required tree surgery operations, service trenching position and any changes in ground level within the root protection areas of all retained trees. No development shall take place except in complete accordance with the approved scheme, and the works required by that scheme are in place. All protective fencing, ground protection etc shall be retained intact for the full duration of the development hereby approved, and shall only be removed, or altered in that time with the prior written approval of the Local Planning Authority.  
Reason: In the interest of visual amenity and to ensure the long terms vitality and viability of the protected trees.



**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0950

- 12 No development including demolition work shall commence until all tree protection measures as detailed in the approved scheme have been implemented, inspected and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the long terms vitality and viability of the protected trees.

- 13 No further development or ground re-profiling shall take place within the agreed root protection areas unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the long terms vitality and viability of the protected trees.

- 14 No development for the excavation of the proposed roads shall be commenced until such time as a method statement detailing the excavation and construction methodology for the works has been submitted to and approved in writing by the Local Planning Authority. The method statement shall demonstrate that adequate protection will be afforded to the existing protected trees growing on the site during the works and thereafter and in particular shall include the following:

- a) The road shall be excavated by hand avoiding damage to the bark covering larger roots and any exposed roots covered in dry clean Hessian sacking to prevent desiccation and to protect from rapid temperature changes. Roots smaller than 25mm may be pruned back to a side branch. Anything larger than that should only be severed following written approval from the Local Planning Authority
- b) Prior to backfilling the Hessian should be removed and roots surrounded with sharp sand (not builders sand or sand with high salt contents) before backfilling with soil. All work should be in accordance with BS5837:2005 (para. 11.3 principles for avoiding tree root damage during construction).
- c) The new road shall incorporate falls and openings to enable water and air to enter the soil. This should be achieved by making 50mm diameter holes in the slab at spacing's between 300 to 600mm and filling the holes with no fines gravel or aggregate.

The works shall thereafter be carried out strictly in accordance with the approved method statement.

Reason: In the interest of visual amenity and to ensure the long terms vitality and viability of the protected trees.

- 15 Upon excavation of the existing access drive the applicant must contact the Council's Tree Officer, to arrange a meeting on site to inspect any tree roots.

Reason: In the interest of visual amenity and to ensure the long terms vitality and viability of the protected trees.

- 16 Prior to the commencement of demolition or work on site, a "Badger Licence" shall be obtained from the Welsh Assembly Government and a copy submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the ecology of the site and ensure the protection of protected species.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0950

- 17 Prior to the commencement of development, a detailed method statement for the removal or long-term management / eradication of Japanese knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Reason: Japanese knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment.

### 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, EC1, EC3, EV33, EV34, EV35, 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 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.
- 4 We understand that the watercourse's on site are to be diverted as part of the development which we have agreed to consider in principle, irrespective of any planning permission given The Authority's prior written consent under section 23 of the Land Drainage Act 1991 (as amended) must be obtained before the commencement of any works.
- 5 Informatives
- 1 Construction Noise
- The following restrictions should be applied to all works of demolition/construction carried out on the development site
- All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.
- The Local Authority has the power to impose the specified hours by service of an enforcement notice.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0950

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.

**6 SEWAGE TREATMENT**

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

**WATER SUPPLY**

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

**PLANS**

PB/4213/01 site location and block plan, PB/4213/02 existing site plan, PB/4213/03 proposed site plan and survey, PB/4213/04 proposed site plan, PB/4213/05 proposed site sections, PB/4213/10 proposed ground floor and first floor plans, PB/4213/11 proposed elevations and roof plan, PB/4213/12 proposed plan layout and elevations of units 1-5, PB/4213/13 proposed plan layouts and elevations of units 6-10 and David Clements Ecology Ltd - Ecological Assessment dated 4th July, 2014

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**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 5

APPLICATION NO.

2014/0969

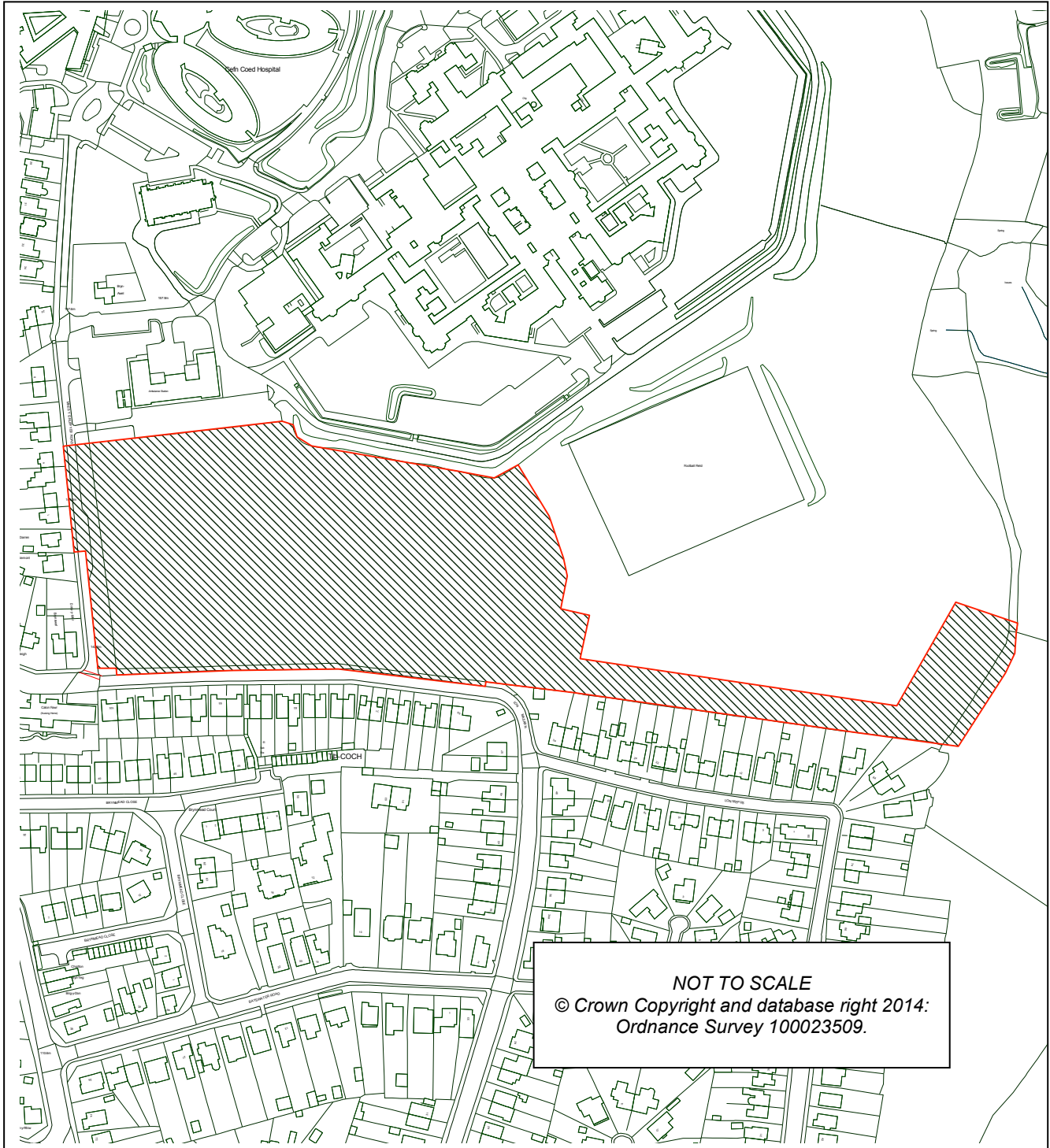
WARD:

Sketty

**Location:** Land off Lon Masarn, Cefn Coed Hospital, Cockett, Swansea, SA2 0GH

**Proposal:** Residential development (up to 73 dwellings) (outline)

**Applicant:** Abertawe Bro Morgannwg University Local Health Board



## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

### **BACKGROUND INFORMATION**

#### **POLICIES**

| <b>Policy</b> | <b>Policy Description</b>                                                                                                                                                                                                                                                                          |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policy HC1    | Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)                                                                                                                                                                                     |
| Policy EV1    | New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).                                                                                                                                                              |
| Policy EV2    | The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).                                                   |
| Policy EV3    | Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)                                                                                            |
| Policy EV30   | Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)                                    |
| Policy EV33   | Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008) |
| Policy EV34   | Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)                     |
| Policy 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)                                                                                                                                                           |

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

| ITEM 5 (CONT'D) | APPLICATION NO.                                                                                                                                                                                                                                                                                                                                                                                                                                               | 2014/0969 |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Policy AS6      | Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)                                                                                                                                                                                                                                                                                                                                       |           |
| Policy AS10     | Accessibility - Incorporation of appropriate traffic management measures in new developments. (City & County of Swansea Unitary Development Plan 2008)                                                                                                                                                                                                                                                                                                        |           |
| Policy HC14     | Re-development of the Cefn Coed Hospital site for a mix of health care and residential use will be supported subject to compliance with a defined list of criteria including design, landscape, retention and enhancement of landscape features, adequate access and parking. (City & County of Swansea Unitary Development Plan 2008)                                                                                                                        |           |
| Policy EV35     | Development that would have an adverse impact on the water environment due to:<br>i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,<br>ii) A reduction in the quality of surface water run-off.<br>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 HC3      | Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)                                                                                                                                                                                                                                                                                                     |           |
| Policy HC17     | The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)                                                                                        |           |

### SITE HISTORY

None

### RESPONSE TO CONSULTATIONS

The application was advertised by way of a number of site notices and a press notice and 58 nearby properties were directly consulted.

THIRTY TWO LETTERS OF OBJECTION have been received which raise the following concerns:

- The existing road Lon Masarn varies in width from 5.5m to 4.6m at the right angles bend which is blind bend.
- There have been many near misses and this will be exacerbated by increased traffic flows.
- There will be difficulties at construction if heavy lorries / machinery have to use this road.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

- The area is poorly served by public transport.
- Potentially there could be up to 140 extra cars using the lane / road.
- We dispute the suggestion that there is no difficulty in exiting the lower end of Lon Masarn on to Tycoch Road.
- The traffic survey took place in July when the Gower College exams had finished and students were not in full attendance.
- At normal peak times in the AM rush hour, traffic can be blocked solidly from the junction of Tycoch Road onto Vivian Road all the way up to Tycoch Road right through the traffic lights at Tycoch Square into Harlech Crescent.
- The situation is only going to deteriorate when flats are built at the Square and Gower College expands, and when Cefn Coed Hospital is developed.
- It should be noted that the day of your traffic survey coincided with a teachers strike and after term time for the college so therefore was completely unrepresentative of the daily traffic for the majority of the year. I would urge you to consider using the entrance of Crockett road which would be safer and more practical option for the considerable site traffic.
- Can the extra children be catered for in Sketty School which is the only one within walking distance?
- Many people use Lon Masarn as a car park when dropping off and picking up children from Sketty School and the area adjacent to the school is chaotic at opening and closing times.
- If the development of Cefn Coed takes place, this will be a heavily occupied area of Sketty and yet there are few facilities, and there are no medical or dental services in walking distance and the bus service is abysmal.
- The area has a semi-rural character about it. This will be destroyed by the building of 50-70 new dwellings there. This represents a very significant change to the nature of the area, and a change which will impact negatively on my current quality of life.
- Building houses in the land within the hospital will affect my privacy negatively. At present, my house overlooks fields and the hospital in the distance. It is private. Building houses on the site proposed will mean my house will now be directly overlooked and so damage the privacy we currently enjoy.
- Loss of privacy and rural views for properties on Lon Masarn and Lon Mefus. The proposed houses have an elevated vantage position above the existing properties on Lon Masarn and Lon Mefus. This will greatly reduce the privacy currently enjoyed by these homes. In particular, the front gardens of the properties on Lon Masarn and the rear gardens of the properties on Lon Mefus will be particularly badly affected as they will be overlooked by the new development.
- I have a real concern regarding drainage too which was not allayed by the drainage report. At present, in periods of persistent heavy rain, the ground soaks up the rainfall. When it can no longer cope it then overflows into Lon Masarn, sometimes reaching to pavement level and overwhelming drains for surface water and threatening to spill down into the houses on the top of Lon Masarn. Developing the site risks losing the existing drainage which as indicated struggles to cope with the rainfall at present.
- I am very concerned that the surface water from the site will be disposed of using soakaways. These soakaways are located on the part of the site that is adjacent to properties on Lon Mefus. What will the impact of these soakaways be on soil moisture levels in these properties, which are downhill of the proposed soakaways?

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

- What contingency plans are there for dealing with the excess water when the capacity of these soakaways is overwhelmed e.g. due prolonged periods of wet weather and/or storms? Will this create a flood risk for the existing properties in Lon Mefus, Lon Masarn and Lon Mafon? These questions are not adequately addressed in the drainage reports submitted by the applicant.
- The site is home to many wild creatures – birds roost in the trees and foxes are seen in the grounds. Bats frequent the area – consideration should be given to preserving habitats and conserving existing trees.
- The site of the proposed development is on the green fields surrounding Cefn-Coed hospital which represent one of the few open green spaces left in this part of Sketty. Superb views over Swansea bay are enjoyed from the fields and these should be protected. A nature reserve would be far more appropriate than a housing development on these fields. Whilst I have no objection to sympathetic redevelopment of the existing hospital buildings (not part of this application), I object strongly to building on the green fields surrounding these buildings.
- My greatest concern is the footpath at the side of my property. This footpath has rarely been used over the last 35 years. Should the footfall up and down the path increase substantially my privacy will be compromised as my kitchen and back door overlook this path. I will also feel less safe in my home. It is likely that I will have to close the bathroom and toilet windows to counteract any noise coming from the footpath and to also feel safer.
- Concern that the development will open up the back of my property. At the moment, the natural vegetation behind my property provides a great security barrier as no one can get near the boundary of my property. What assurances are the developers / council, going to give the residents of Lon Mefus that this security is going to be maintained, once the development is completed.
- The proposal has been compiled by professionals in various fields of expertise over a long period. It is complicated and difficult to understand. I would suggest that the time given to read and comment on the proposals is unrealistic, and that the language and illustrations as presented are largely unintelligible to a layperson.
- The Planning Committee has experience dealing with such documents and professionals available to answer their questions. This is the first time that many of us have had to consider such complex documents.
- The Design and Access statement has inconsistency in the plans.
- This is only the first phase which will be followed by phases B, C & D which would increase to 240 units.
- Since the closure of the top of Lon Masarn and the entrance to Cefn Coed Hospital, crime levels have dropped considerably, the plan outlines in the proposal advises of cycle paths – this could be a potential problem and full crime design assessment should be carried out.
- Not all residents in Lon Masarn or surrounding neighbourhoods have received a letter asking for comments and to express opinion about the development as it will have an impact on them also.
- The limited three week time in which to give comments seems short especially as it is during a holiday seasons and some residents may be away. Lon Masarn also has a number of older residents who are not confident with IT and therefore this is not giving them an opportunity to respond.
- The increase in traffic and housing will add to pollution levels which are already high in the area. The destruction of natural green areas with flourishing wildlife is of concern as it is much needed in the area.



ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

- The proposed site connects with the Nant Llwyd valley an area being considered for a SINC as a result of its habitat interest. Surely the Cefn Coed site contributes to this habitat and certainly forms a corridor between the valley and the one to east of Lon Masarn for movement of wildlife.
- The survey points to a number of both common and rare species of bats within 4km of the site. The construction of the site will therefore take further available habitat from the bats within this area, potentially leading to a fall in bat numbers.

### **Natural Resources Wales**

Natural Resources Wales (NRW) does not object to the application, providing appropriately worded conditions are attached to any planning permission your authority is minded to grant.

### Ecology and Protected Species

NRW welcome the submission of the document entitled; '*Cefn Coed Hospital, Sketty, Swansea: Development Area A – Ecological Assessment*', dated 9 July 2014 by WYG Planning Limited. We note from the report that site is mainly dominated by poor semi-improved grassland, with areas of dense bramble scrub and bracken. Areas of semi-mature tree regeneration are present to the south-east of the site, but none of these trees are regarded as having any features suitable for roosting bats. The Ecological Assessment goes on to state that no structures for roosting bats were recorded within the site, along with no badger setts, no great crested newt ponds or records. We welcome the proposals and best practice measures laid down in Section 4 (Ecological Impacts and Recommendations) of the report and advise that these are discussed and agreed with your Authority's Planning Ecologist and make enforceable planning conditions, should your Authority be minded to grant planning permission. Particular attention should be paid to the design and location of lighting across the site and to the landscaping, in order to ensure that connectivity across the site is maintained for bat species. We advise that these aspects are covered in a specific document/report.

### Surface Water Drainage

We note that the application refers to Phase 1 of the proposed development which comprises 73 private dwellings in a land parcel located towards the south-western corner of the Hospital site. It is proposed that domestic surface water runoff from the development will be disposed of either via individual plot soakaways or a surface water network discharging to a communal soakaway. NRW are supportive of these proposals, but we recommend that the method should be agreed with your Authority's Drainage Engineer. Your Authority must be satisfied that the soakaway has been sized accordingly, prior to granting planning permission, should you be minded to do so. In relation to highway drainage, public sewers in the site locality are currently overloaded and no future development foul flows will be permitted to connect to the public network. The 'Phase 1 Drainage plan' for this development includes an option to disconnect two existing road gullies from the public sewer and re-direct these flows eastward into a dedicated soak away. The impermeable road and footway surface draining to these gullies is calculated from the topographical survey to be 0.10ha. The highway soak away has been designed to accommodate the 100yr storm with 30% climate change allowance. This is line with current guidance. The area of the soak away required for the highway drainage is calculated to be approximately 350cu.m. Should you be minded to grant planning permission, then your Authority, must first be satisfied that the soakaway has been sized accordingly. The Greenfield run-off rates provided in Appendix B of the 'Sitewide Drainage Strategy Report', dated November 2012, are appropriate for this development.

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

Foul Water Drainage

We note from the application form that foul water is to be disposed of via connection to the mains sewer. This is our preferred means of foul water discharge and is considered to be the most sustainable. It is important that surface water does not enter the foul water drainage system. You are advised to contact Dwr Cymru to ensure that the existing system is capable of accepting increased foul flows, as a result of this development

Contaminated Land

Having reviewed the information submitted with this application, NRW recommend that conditions are added to any planning permission, that your Authority may be minded to grant.

Pollution Prevention

As your Authority will be aware there can be no deterioration of water bodies under the Water Framework Directive. It is therefore vital that all appropriate pollution control measures are adopted on site to ensure that the integrity of controlled waters (surface and ground) is assured. As best practice, we would advise the developer to produce a site specific construction management / pollution prevention plan with particular reference given to the protection of the surrounding land & water environments. If planning permission is granted, we would ask that conditions are included.

Waste Management

Given the nature and scale of this development, we would recommend that a site waste management plan (SWMP) for the project is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money.

**Glamorgan Gwent Archaeological Trust**

No Objection subject to a condition requiring a programme of archaeological work.

**Dwr Cymru / Welsh Water**

No objection subject to conditions

**Highway Observations**

Background

This proposal is for development of land north of Lon Masarn. The land is part of the Cefn Coed site which is to be redeveloped and the applicant proposes that up to 73 dwellings can be developed on this portion of the site with access being along Lon Masarn and down onto Tycoch Road. There will be no vehicular access connecting the site to the rest of Cefn Coed. However, for the avoidance of doubt and as the traffic assessment only considers this phase of development traffic accessing Lon Masarn, a suitable condition should be imposed. The applicant has submitted a technical note assessing the traffic impact of the development and the ability of Lon Masarn to accommodate the expected traffic generated by the development.

Local Traffic Impact

Existing traffic movements along Lon Masarn have been surveyed by the applicant and these have been verified with a separate survey undertaken by this Authority. The applicant's survey was undertaken on 10 July 2012 and this Authority carried out a survey on 18 September 2014. Local concern has been raised referring to queuing taking place at the junction of Lon Masarn with Tycoch Road.

However, in the case of the applicant's survey and the Authority's survey, queues of only two vehicles were recorded during the peak periods of travel. Traffic movements recorded during the busy am peak indicated 59 vehicles northbound and 65 vehicles southbound along Lon Masarn. This equates to a total two-way flow of 124 vehicles or one vehicle movement every 30 seconds during the am peak. The predicted development traffic flows are 11 vehicles in (northbound) and 34 Vehicles out (southbound) during the same am peak. This is a two-way flow of an additional 45 vehicles. Traffic movements during the busier am peak therefore would rise from 2.1 vehicles per minute to 2.8 vehicles per minute which is not a significant increase.

#### Layout

The application is in outline form however indicative layout plans have been submitted. A single point of access is shown central to the Lon Masarn frontage and there will be a need to provide footway connections along the site frontage to accommodate safe pedestrian movement. Lon Masarn for the most part is between 7m and 8m wide along its southern section and is 5.5m wide along the site frontage. There is a narrow section on the bend at the top of Lon Masarn which reduces to less than 5m. However, it is technically wide enough for two vehicles to pass but due to the bend in the road this is not apparent.

#### Wider Traffic Impact

The need for highway improvements has been identified on Vivian Road and at Broadway/Cockett Road junctions. Gower College development on Tycoch Road has been required to contribute towards the cost of junction improvements to ease the flow of traffic and reduce the current levels of queuing and congestion that exist. As the development will also add to traffic flows on this part of the network, it is appropriate that this development also contributes to mitigating the effect of additional traffic and to that end the applicant has offered a contribution of £12,000 which is based on the level of influence that this development traffic will have compared to the recent Gower College development and its contribution. I consider this is acceptable and appropriate to the level of impact development traffic will have.

#### Highway Conclusion and Recommendation

The traffic impact of the development has been assessed and shown not to have a significant effect on highway conditions on Lon Masarn. The wider issue of additional traffic movements generated at main road junctions that are over, or nearing capacity, can be addressed through contribution by the developer towards junction improvements. I recommend no highway objection subject to the following;

- i The development shall not be brought into beneficial use until a contribution of £12,000 has been made to enable local highway improvements to be undertaken.
- ii. The site shall not be brought into beneficial use until footways have been constructed along Lon Masarn. Such footways must connect to existing footways adjacent to the site all in accordance with details to be submitted and approved.
- 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.

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

iv. 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].

v. There shall be no vehicular connection from this site to the remainder of the Cefn Coed site.

vi. Within 12 Months of reserved matters consent being granted, a Travel Plan shall be submitted and approved. The approved Travel Plan shall be implemented on first occupation of any part of the development and shall include provision for developers contribution towards Bus season ticket purchase and/or cycle purchase. Details of which are to be agreed.

### **Drainage Observations**

We have reviewed the submitted Drainage Strategy and additional hydrogeological review and we raised concerns regarding the use of individual plot soakaways which in our view have the potential to create and exacerbate existing surface water flooding problems. The report includes the wider development site on Cefn Coed hospital, and an additional Hydrogeological review. The report identifies all the issues within the catchment and identifies viable means for managing surface water without affecting third party properties. The Drainage Strategy dated June 2014 and the subsequently submitted Hydrogeological Desk Study that discusses the local conditions indicates that any surface water discharged to ground in the southern corner of the site, as an alternative disposal site, should move to the north due to the geological structure of the area. Therefore the application has demonstrated that the site can be drained in a viable manner subject to detailed site investigation and design, accordingly we recommend approval subject to conditions.

### **Affordable Housing**

We would expect the provision of 30% Affordable Housing, pepper potted throughout the site. The affordable housing should consist of 2 and 3 bedroom properties which are required in this area. There is a small need for 4 bedroom social units and as such, one should be accommodated on the site. Of the 30% affordable provision on site, the units should be a 30/70 split, with 30% social rent to be passed on to the Registered Social Landlord (RSL) at 42% acceptable cost guidelines (ACG) and 70% intermediate housing to be passed on to at 70% ACG. All units should be built to Development Quality Requirements (DQR) and phased and pepper potted throughout the site. We will require these units to be disposed of via an RSL. We would suggest dialogue with the RSLs as soon as possible. The majority of the intermediate units should be for rent, however a small number could be offered as intermediate sale via an RSL.

### **Education Observations**

The catchment area for this development is Sketty, and the catchment schools are:

|                          |                      |
|--------------------------|----------------------|
| English Medium Primary   | Sketty Primary       |
| English Medium Secondary | Olchfa Comprehensive |
| Welsh Medium Primary     | YGG Brynymor         |
| Welsh Medium Secondary   | YG Y Gwyr            |

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

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

Primary: 22.63 Pupils (£234,718)

Secondary: 16.06 Pupils (£254,519)

Primary: There is no capacity for growth in Welsh Medium. The surplus capacity at YGG Brynymor (which is the nearby Welsh medium primary school), in January 2014 was 20 with the projection figures for January 2021 as being over capacity by 11. In addition, it must be remembered that this site also has a number of temporary demountable buildings (i.e. one single and one double classrooms), this temporary accommodation can be removed for purpose of calculations which would then also put YGG Brynymor even more over capacity. Please see table below. There is also no sufficient capacity within the catchment school of Sketty Primary School which is the English Medium school. In January 2014, Sketty Primary was over capacity of 8 pupils, with a projection for January 2021 of a surplus capacity of 6 pupils. In order to accommodate any pupils from this development in this instance, a developer's contribution will be required for enhancements / improvements to facilities within Primary Schools in the area and on this basis, we would be requiring the full generated amount of £234,718 plus inflation. Please see table below.

Secondary: All of the secondary schools in the West of Swansea are currently under review as part of the ongoing Secondary Stakeholder Forum. There are major concerns over access to the site, particularly as many pupils are transported by bus. Whilst the development will generate 16.06 secondary pupils there will a request for a specific contribution towards the English Medium secondary provision at this time as there will be insufficient capacity within the catchment school. In January 2014, Olchfa Comprehensive had an unfilled surplus capacity of 61 pupils, with a projection for January 2021 of being 23 pupils. However, it must be remembered that this site also has a number of temporary demountable buildings, and this temporary accommodation can be removed for purpose of calculations which would put Olchfa School even more over capacity (i.e. - 224 in January 2014 to - 262 in January 2021).

In addition, to the Candidate Sites, there are other proposed developments in the area which have already received Planning consent but have yet to be built and would have a further adverse effect on Olchfa Comp. School's available pupil places, namely:

- PA 2013/0467 Former Bible College (24 Houses). S106 Agreement dated 20/03/2014.

There is no capacity for growth in Welsh Medium. There is not sufficient capacity within the catchment school of Y.G. Y Gwyr. In January 2014 the school had a surplus capacity of 182 with the projection for January 2021 now being an overcapacity of 197. It must be remembered that this site also has a number of temporary demountable buildings (i.e. two double classrooms), and this temporary accommodation can be removed for purpose of calculations which would then also put Y.G. Y Gwyr even more over capacity. Please see table below.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

N. B. Projected Unfilled Pupil Capacity (Based on January 2014 Projections)

|                                                           | Jan-14 | Sep-14 | Sep-15 | Sep-16 | Sep-17 | Sep-18 | Sep-19 | Sep-20 |
|-----------------------------------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|
| Sketty Primary                                            | -8     | -8     | -3     | -2     | -1     | 0      | 2      | 6      |
| Olchfa Comp.                                              | 61     | 65     | 64     | 59     | 44     | 41     | 23     | 23     |
| Olchfa Comp. (with demountables removed from calculation) | -224   | -220   | -221   | -226   | -241   | -244   | -262   | -262   |
| YGG Brynymor                                              | 20     | 15     | -1     | -7     | -14    | -17    | -21    | -11    |
| YGG Brynymor (with demountables removed from calculation) | -52    | -57    | -73    | -79    | -86    | -89    | -93    | -83    |
| Y Gwyr                                                    | 182    | 140    | 102    | 73     | 8      | -25    | -118   | -197   |
| Y Gwyr (with demountables removed from calculation)       | 111    | 69     | 31     | 2      | -63    | -96    | -189   | -268   |

Please note that there are a large number of other proposed Candidate development sites for the area which are still under consideration by Planning and the results of these would further exacerbate the situation at all four named catchment schools and also neighbouring ones. The need to review school catchments area and formalise feeder schools to comprehensive schools in the area is becoming more evident.

N. B. Should any further sites be submitted for Planning consideration for proposed development in the area then we would, of course, want to reconsider the accumulative effect on this particular application alongside any new ones received in the near future.

In summary, in order to accommodate any pupils from this development:

- The Authority would seek the full Developer's contribution of £234,718 plus inflation for Primary School enhancements which will require possibly new build and claiming the full figure generated for primary schools.
- In addition, Education would also be seeking the full £254,519 plus inflation for Secondary School enhancements which will require a Developer's Contribution for possibly new build and claiming the full figure generated for secondary schools.
- In this instance, please could we confirm the actual named schools to be recipients of this Developer's Contribution at a later stage when the emerging strategy for education provision in West Swansea has been considered further (i.e. as there may be perhaps a need then for the provision of a new primary school in the area which would also affect local school catchment areas etc?).

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

In addition, it must be remembered that, as Education are currently undertaking an LDP Review with regard to the effects the proposed Category A Sites might have on Education provision as a whole throughout the Authority, then the emerging strategy for education provision in this whole area may require reconsideration of our request in this case at a later stage; i.e. when the Review has been completed and finalised for submitting feedback to Planning to aid the whole current LDP process.

**Ecology Observations**

The site at Cefn Coed has had a recent ecological survey which found the site generally to be of low ecological value. No objection subject to conditions

**Pollution Control Observations**

No Objection subject to conditions.

**APPRAISAL**

The application is reported to Committee for decision at the request of Councillor Cheryl Philpott to assess the potential impact on the area and in particular, impacts on the highways, drainage and local schools.

Outline planning permission is sought for residential development for the construction of up to 73 dwellings. All matters relating to access, appearance, landscaping, layout and scale would be considered at reserved matters stage.

The site is located within the larger allocated housing site Policy HC1 (128) – Cefn Coed Hospital. The site is approximately 3.16ha in size, is currently undeveloped and slopes downwards from Cefn Coed Hospital towards Lon Masarn. The site is bound to the north by the hospital buildings, to the east by Cockett Valley, to the south by houses in Lon Masarn and Lon Mefus and to the west by houses in Maes y Gryffydd Road.

The site is accessed from Lon Masarn which is a residential street leading from Tycoch Road. There is a sharp bend at the top of Lon Masarn adjacent to the southern boundary of the site.

The site is owned by the Abertawe Bro Morgannwg University Local Health Board (LHB). The LHB is reshaping its provision of mental health services within the Swansea area through a phased programme of significant investment in modern health-care facilities at Cefn Coed Hospital, Morrison Hospital in Swansea and elsewhere in its area. This will result in the existing health-care campus at Cefn Coed being significantly reduced in size and will render the majority of the site surplus to NHS operational requirement. It will then become available for disposal on the open market and a Master Plan to show how the future redevelopment of the site is currently being developed. Although the Master Plan has not been finalised, it is accepted that the first phase of development (Development Area A) is capable of independent development.

### **Main Issues**

The main issues for consideration with regard to this application relate to the acceptability of residential development on this site in terms of the impacts of the development on the character and appearance of the area, residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking and highway safety, and impacts on environmental interests with regard to the provisions of policies EV1, EV2, EV3, EV30, EV33, EV34, EV35, HC1, HC3, HC14 HC17, AS1, AS2, AS4, AS5, AS6 and AS10 of the Unitary Development Plan 2008, the Supplementary Planning Guidance (SPG) – Places to Live: Residential Design Guide, and the SPG – Planning Obligations. There are no overriding issues for consideration under the provisions of the Human Rights Act.

### **Principle of Development**

The application site is located within the urban area of west Swansea and is allocated as a housing site within the Unitary Development Plan HC1 (128). The site forms a part of the larger allocated housing site HC1 (128) - it is anticipated that the wider Cefn Coed Hospital site will be brought forward for development in the future via a Master Plan. The Master Plan is presently in draft form only as further changes may be required during the Local Development Plan (LDP) process.

Policy HC14 – Cefn Coed Hospital - states that the comprehensive redevelopment of the hospital site for a mixture of health care and residential use will be supported, subject to criteria, and that the policy should be supported by a development brief or SPG. As mentioned above, a master plan is presently in draft form only and will focus on the redevelopment of the wider site. It does however demonstrate that the application site can be developed independently from the main site in terms of access and due to the topography and levels change between the current application site and the wider Cefn Coed site. As such this application should be considered on its own merits and is not dependant on the development of the wider Cefn Coed Hospital site.

The site lies adjacent to the Cockett Valley Greenspace Protection area but it does not encroach into the green space protection area. The site is located in a predominantly residential area and it is therefore considered that the use of the site for residential development is appropriate for this location. An indicative plan has been submitted with the application which demonstrates that the site is capable of accommodating up to 73 dwellings. It is therefore considered that the site is suitable for development and as such the principle of residential development is acceptable and complies with the provisions of Policies EV1, EV2, HC1 and HC14 of the Unitary Development Plan 2008.

### **Visual Amenity**

With regard to the impact on the visual appearance of the area, it is noted that the application is in outline form only and as such full consideration to the design of the proposed dwellings and their impact upon the streetscene will be considered when the scale and appearance details are submitted as part of the reserved matters application. However, within the Design and Access Statement submitted with the application, the scaled parameters for the development indicate that the majority of the dwellings would be two storey with a small number of three storey dwellings. It is considered that three storey dwellings would not be appropriate in this location and as such it is considered relevant and necessary to include a condition requiring the proposed dwellings be limited to 2 storeys in height or 2 storey's with loft accommodation.



On this basis the application is considered to be acceptable and complies with the provisions of Policies EV1, and EV2, of the Unitary Development Plan 2008 and the SPG – Places to Live: Residential Design Guide.

### **Residential Amenity**

With regard to the impact upon the residential amenities of existing occupiers adjoining the site, it is considered that the use of the site for residential purposes would not cause an undue harmful impact on the amenities of the existing residents. As the application is in outline form only, no details of the layout (other than an indicative plan) has been submitted. The indicative layout plan shows that up to 73 dwellings can be accommodated on the site without harming the residential amenity of the surrounding residential dwellings. Full consideration of the impacts upon the amenities of surrounding houses with regard to overbearance, overshadowing and overlooking will be considered fully at the reserved matters stage. As such the application is considered to be acceptable in that it is demonstrated that the site can be satisfactorily developed in accordance with the provisions of policies EV1 of the Unitary Development Plan 2008 and the SPG – Places to Live: Residential Design Guide.

### **Highway Impacts**

The Head of Transport and Engineering considers that the traffic impact of the development would not have a significant effect on highway conditions on Lon Masarn, as detailed in the Highway Observations section of this report. There will be no vehicular access connecting the site to the rest of the Cefn Coed site. The wider issue of additional traffic movements generated at main road junctions that are over, or nearing capacity, can be addressed through contribution by the developer towards junction improvements. As such, no highway objections are raised subject a contribution of £12,000 towards junction improvements and subject to conditions as detailed in the Highway Observations section of this report. As such, the application is considered to be acceptable and complies with the provisions of policies EV1, EV2, EV3, HC17, AS1, AS2, AS4, AS5, AS6 and AS10 of the Unitary Development Plan 2008 and the SPG – Places to Live: Residential Design Guide, and the SPG – Planning Obligations.

### **Drainage**

The application was accompanied by a Drainage Strategy which includes the wider development site on Cefn Coed hospital, and an additional Hydrogeological review. The report identifies all the issues within the catchment and identifies viable means for managing surface water without affecting third party properties. Concerns were raised regarding the use of individual plot soakaways which were considered to have the potential to create and exacerbate existing surface water flooding problems. However the Drainage Strategy dated June 2014 and the subsequently submitted Hydrogeological Desk Study that discusses the local conditions indicates that any surface water discharged to ground in the southern corner of the site, as an alternative disposal site, should move to the north due to the geological structure of the area. Therefore the application has demonstrated that the site can be drained in a viable manner subject to detailed site investigation and design, and therefore no objections are raised subject to conditions. As such the application is considered to be acceptable and complies with the provisions of policies EV1, EV2, EV33, EV34, and EV35 of the Unitary Development Plan 2008 and the SPG – Places to Live: Residential Design Guide.

**Affordable Housing**

UDP Policy HC3 (Affordable Housing) highlights that where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate level of affordable housing on suitable sites. The evidence base for this need is the Local Housing Market Assessment which assessed the dynamics of the housing market in Swansea and underpins the Council's Housing Strategy.

The applicant has agreed to provide 30% affordable housing on-site as detailed in the Affordable Housing Observations in this report. As such, this level of affordable housing is considered to be acceptable and complies with the provisions of Policies HC3 and HC17 of the Unitary Development Plan 2008 and the SPG – Planning Obligations.

**Education**

The Council's Education Department response to this application is set out above and concludes that a contribution towards school facilities will be sought as there is likely to be insufficient capacity within the existing schools within the catchment area. The total requested by the Education Department is: Primary £234,718 and Secondary £254,519 which totals £489,237.

The applicant has contested the requested amount stating that the financial contribution does not meet the statutory and policy tests for planning obligations and as such the applicant considered that it would be inappropriate for the local planning authority to require this. The applicant has further stated that they are prepared to consider making a smaller financial contribution in respect of primary school provision.

Planning Officers have considered the above against the Councils Supplementary Planning Guidance (SPG) for Planning Obligations and the Community Infrastructure Levy Regulations which dictate that a planning obligation can only be lawfully taken into account when determining a planning application for a development if the obligation meets all of the following tests:

- It is necessary to make the development acceptable in planning terms
- It is directly related to the development; and
- Is fairly and reasonably related in scale and kind to the development.

In accordance with the provisions of the SPG, 73 dwellings equates to 22.63 places for primary schools and 16.06 places for secondary schools.

Consideration should be given to the capacity for both English and Welsh Schools at both primary and secondary level. As of 2014 approximately 14% of pupils attend a Welsh School.

The figures are therefore broken down further as follows:

Primary

- 22.63 places in total;
- 19.46 English medium;
- 3.17 Welsh medium (14%).

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

Secondary

- 16.06 places in total;
- 13.81 English medium;
- 2.25 Welsh medium (14%).

The schools within the catchment area are:

- Primary : Sketty Primary (English) and YGG Brynymor (Welsh)
- Secondary : Olchfa Comp (English) and YG Y Gwyr (Welsh)

With regard to future capacity (2018-2021) on the basis of the information provided it is evident that Olchfa has capacity for additional pupils. It is therefore considered to be unreasonable to ask for a contribution towards the additional 13.81 English medium pupils that would be created by this development.

Sketty Primary shows capacity for 2-6 additional pupils between 2018-2021; the development would create 19.46 pupils for the English Primary, therefore a contribution for 13.46 pupils should reasonably be sought which equates to £140,333.

The Welsh Medium schools do not have capacity for 2018-2021. As such it is considered that a contribution for YGG Brynymor and Yr Gwyr is required. It is considered that the development would generate 3.17 primary pupils; and 2.25 secondary pupils.

As such a contribution should be sought for the following: Primary 3.17 pupils = £31,156 and Secondary 2.25 pupils = £34,869 which totals £66,025.

The total education contribution should therefore be: £140,333 + £66,025 = £206,358.

The applicant has accepted this assessment of the situation and is agreeable to this approach. The Education Department were informed of this approach and have provided no further comments on this, therefore the amount of £206,358 is considered to be acceptable is considered to comply with the provisions of Policy HC17 of the Unitary Development Plan 2008 and the SPG – Planning Obligations.

### **Ecological Issues**

The development site has been subject to an Ecological Survey which revealed that the site is of low ecological value. As such no objections are raised to the development of the site subject to conditions. As such the application is considered to be acceptable and complies with the provisions of policies EV1, EV2, and EV30, of the Unitary Development Plan 2008.

### **Pollution Issues**

The Pollution Control officer raises no objection to the application subject to conditions. On this basis the application is considered to be acceptable and complies with the provisions of policies EV1, EV2, EV33, EV34, EV35 of the Unitary Development Plan 2008.

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

**Section 106 Contributions**

Education : The S106 contribution for Sketty Primary School, YGG Brynymor and YG Y Gwyr total £206,358

Affordable Housing : 30% on-site provision.

Highways : £12,000 towards junction improvements.

Management Plan for future maintenance and management of the Local Area of Play (LAP)

Management and Monitoring fee for the S106 – this will be based on either 20% of the application fee (£1,764) or 2% of the value of the obligation of the S106 agreement (which ever is the greater and subject to a minimum charge of £150).

As such, this level of Section 106 contributions is considered to be acceptable and complies with the provisions of Policies HC3 and HC17 of the Unitary Development Plan 2008 and the SPG – Planning Obligations.

**Responses to Objections**

Issues relating to the increase in traffic, access, the existing road network, principle of development, impacts upon schools, privacy, drainage, open space, the character of the area, ecology, pollution, are addressed in the report above.

With regard to the applicant's traffic survey, this was undertaken in 10 July 2012 and this Authority carried out a survey on 18 September 2014. As such it is considered that the current highway conditions in the area have been fully assessed.

With regard to the documentation submitted with the application, the technical details have been fully assessed by the professionals within their field. The plans contained with the Design & Access statement are illustrative only and do not form part of the planning permission. The relevant plan associated with this outline application is the 'red-line' plan A01 - Application Site Plan

The time period for consultation responses is the statutory 21 days. Fifty Eight properties were directly consulted and there were 3 site notices placed close to the site and the application was also advertised within the press.

**Conclusion**

Having regard to all material planning considerations, including the provisions of the Human Rights Act, the principle of the development of this allocated housing site for up to 73 residential units is considered to be acceptable subject to conditions and an S106 Agreement. As the application is in outline form only with all matters reserved, further consideration will be given to the access, appearance, landscaping, layout and scale at the reserved matters stage. It is considered however, that the application demonstrates that the site can be satisfactorily developed in terms of impacts upon visual amenity, residential amenity, traffic and highway safety, drainage, trees and protected species, Section 106 contributions and therefore, in principle, complies with the provisions of policies EV1, EV2, EV3, EV30, EV33, EV34, EV35, HC1, HC3, HC14, HC17, AS1, AS2, AS4, AS5, AS6 and AS10 of the Unitary Development Plan 2008, the Supplementary Planning Guidance (SPG) – Places to Live: Residential Design Guide, and the SPG – Planning Obligations.

**RECOMMENDATION**

**That outline planning permission be granted subject to the following conditions and the applicant entering into a S106 Planning Obligation to provide:**

- **An Education Contribution of £206,358**
- **30% on site affordable housing provision.**
- **A Highways contribution of £12,000 towards junction improvements.**
- **Management Plan for future maintenance and management of the Local Area of Play (LAP)**
- **Management and Monitoring fee for the S106 – this will be based on either 20% of the application fee (£1,764) or 2% of the value of the obligation of the S106 agreement (which ever is the greater and subject to a minimum charge of £150).**

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

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

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

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

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

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

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

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

5 The development shall be carried out in accordance with the following approved plans and documents: A01 - Application Site Plan dated 9th July 2014.

Reason: To define the extent of the permission granted.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

- 6 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.
- 7 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.
- 8 Foul water and surface water discharges shall be drained separately from the site.  
Reason: To protect the integrity of the public sewerage system
- 9 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.
- 10 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
- 11 The proposed development site is crossed by a public sewer with the approximate position being 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. No development (including the raising or lowering of ground levels) will be permitted within 3 metres either side of the centreline of the public sewer  
Reason: To protect the integrity of the public sewer and avoid damage thereto.
- 12 Foul flows from the proposed development shall connect to the 150mm public combined sewer at manhole SS62934703 on Lon Masarn as shown on the statutory sewer plan  
Reason: To prevent hydraulic overloading of the public combined system, to protect the health and safety of the existing residents and ensure no detriment to the environment.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

- 13 Prior to the commencement of any development on site, a strategic site wide surface water drainage strategy for the site, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The strategy should be based upon a SUDS hierarchy, as espoused by the CIRIA publication 'The SuDS Manual, C697'. The strategy shall maximise the use of measures to control water at source as far as practicable, to limit the rate and quantity of run-off and improve the quality of any runoff before it leaves the site or joins any water body.
- The strategy shall include details of all flow control systems and the design, location and capacity of all strategic SUDS features and shall include ownership, long-term adoption, management, and maintenance scheme(s) and monitoring arrangements/responsibilities, including detailed calculations to demonstrate the capacity of the measures to adequately manage surface water within the site without the risk of flooding to land or buildings. Details of phasing during drainage operations and construction shall also be included. The approved drainage works shall be carried out in their entirety, fully in accordance with the approved details, prior to the occupation of any building or alternatively in accordance with phased drainage operations agreed in writing by the Local Planning Authority.
- Reason: To ensure a satisfactory and sustainable means of surface water drainage, to prevent the increased risk of flooding and ensure future maintenance of these.
- 14 Any reserved matters application shall be accompanied by a detailed surface water strategy for the reserved matters site for which approval is sought. The strategy shall demonstrate how the management of water within the reserved matters application site for which approval is sought accords with the approved details for the strategic site wide surface water strategy. The strategy shall maximise the use of measures to control water at source as far as practicable, to limit the rate and quantity of runoff and improve the quality of any runoff before it leave the site or joins any water body.
- The strategy shall include details of all flow control systems and the design, location and capacity of all such SUDS features and shall include ownership, long-term adoption, management and maintenance scheme(s) and monitoring arrangements/responsibilities, including detailed calculations to demonstrate the capacity of receiving on-site strategic water retention features without the risk of flooding to land or buildings.
- Reason: To ensure that a satisfactory and sustainable means of surface water drainage is available 'upfront' to serve development individual phases, and to prevent the increased risk of flooding to third parties.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order with or without modification), Classes A, B, C, D and E of Schedule 2, part 1 shall not apply.
- Reason: To protect the integrity of the chosen surface water management system from additional impermeable areas that the system is not designed to accommodate and to safeguard the character and amenities of the premises and adjoining properties.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

- 16 Prior to any works commencing on site, a reptile mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall then progress in accordance with the details thereby approved.  
Reason: In the interests of protecting the ecology of the area
- 17 A landscaping scheme for the site shall be submitted as part of the reserved matters, and the scheme as approved shall be carried out within 12 months from the completion or occupation of the development, whichever is sooner. The landscaping plan shall provide features to support wildlife - a list of suitable species for planting is included in Appendices B and D of the submitted Ecological Report. Any trees, shrubs or plant material which are part of the scheme, which die, become seriously damaged or diseased within two 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.
- 18 No part of the development hereby permitted shall be occupied until street lighting has been installed in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will avoid excess light falling on site features that may be used for foraging bats.  
Reason: To ensure a convenient and safe form of development and in the interests of protecting the ecology of the area
- 19 Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
1. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.



**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

19 Reason: Controlled waters at this site are of high environmental sensitivity due to being situated on a Secondary aquifer and in close proximity to surface water. Additionally, contamination is known/strongly suspected at the site.

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

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

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

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

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

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

23 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

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

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

- 24 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.  
Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.
- 25 The site shall not be brought into beneficial use until footways have been constructed along Lon Masarn. Such footways must connect to existing footways adjacent to the site all in accordance with details to be submitted and approved in writing by the Local Planning Authority.  
Reason: In the interests of highway safety.
- 26 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: To ensure that the proposed development is constructed in the interests of safety and traffic management.
- 27 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: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.
- 28 Within 12 Months of reserved matters consent being granted, a Travel Plan shall be submitted and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented on first occupation of any part of the development and shall include provision for developers contribution towards Bus season ticket purchase and/or cycle purchase.  
Reason: In the interests of highway safety.
- 29 Prior to the commencement of development on site, a pedestrian route linking the site to the adjacent site to the north and east shall be provided. Full details of which 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 prior to the first occupation of the dwelling.  
Reason: In in the interests of pedestrian safety and accessibility.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

- 30 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.  
Reason: To ensure that the overall open plan housing layout is not prejudiced by uncontrolled development.
- 31 Before the development hereby approved is occupied the means of enclosing the boundaries of the site and individual curtilages of all dwellings shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of visual amenity and general amenity.
- 32 Unless otherwise agreed in writing by the Local Planning Authority ,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.
- 33 A minimum of 2 car parking spaces per dwelling shall be provided within the curtilage of the site, at least one of which shall be set behind the building line, and shall be used only for the purpose specified.  
Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and in the interests of visual amenity.
- 34 Road layout details including longitudinal road sections shall be submitted for the approval of the Local Planning Authority as part of the submission of details.  
Reason: To allow the proper consideration of all highway details.
- 35 Garages shall be retained for the parking of vehicles and purposes incidental to that use and shall not be used as or converted to domestic living accommodation.  
Reason: To ensure adequate on site car parking provision in the interests of highway safety, and residential and visual amenity.
- 36 Before the development hereby permitted is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) together with any changes proposed in the levels of the site shall be submitted to and agreed by the Local Planning Authority in writing.  
Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.
- 37 The garage drive gradients shall not be steeper than 1 in 6.  
Reason: In the interests of highway safety.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

38 No building on any part of the development site shall exceed two storeys in height above the finished ground level of the site.

Reason: In the interests of the visual amenity and character of the area.

39 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.

40 The work shall be carried out by a qualified tree surgeon to British Standard 3998 (2010) recommendations for tree work, the identity of whom shall be notified to the Local Planning Authority a minimum of 7 working days before the work is to be carried out.

Reason: In the interests of visual amenity and safety.

41 No development approved by this permission shall be commenced until a pollution prevention management plan detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately. As a minimum the plan should include the following points.

a) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.

b) How each of those watercourses and pathways will be protected from site run off during construction.

c) How the water quality of the watercourses will be monitored and recorded.

d) How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.

e) Storage facilities for all fuels, oils and chemicals.

f) Construction compounds, car parks, offices, etc.

g) Details of the nature, type and quantity of materials to be imported on to the site.

h) Measures for dealing with any contaminated material (demolition waste or excavated waste).

i) Identification of any buried services, such as foul sewers, so that they are protected.

- Continued -

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

41 j) Details of emergency contacts, for example Natural Resources Wales hotline 0800 807 060.

Pollution prevention guidance is available from the Environment Agency's website <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

Reason: To prevent pollution of controlled waters and the wider environment.

42 No development approved by this permission shall be commenced until a Site Waste Management Plan has been produced and submitted in writing for approval by the Local Planning Authority. The development shall be implemented in accordance with the details thereby approved.

Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

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

a) Demolition/Construction programme and timetable

b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc

c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;

d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;

e) Proposed working hours;

f) Principal Contractor details, which will include a nominated contact for complaints;

g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);

h) Details of on site dust mitigation measures having regard to BPM;

i) Details of on site noise mitigation measures having regard to BPM;

j) Details of waste management arrangements (including any proposed crushing/screening operations);

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.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

- 44 There shall be no vehicular access between the application site and the wider site of Cefn Coed Hospital at any time.

Reason: In the interests of residential amenity and highway safety.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV30, EV33, EV34, EV35, HC1, HC3, HC14, HC17, AS1, AS2, AS4, AS5, AS6 and AS10.

- 2 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.

#### 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.

- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest in use or being built
- Take or destroy an egg of any wild bird

Care should be taken when working on buildings particularly during the bird nesting season March-August.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0969

- 4 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 5 This decision relates to planning control only. The Department would advise that if the proposed works require Building Regulations approval this should be obtained 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 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.
- 7 The Council is responsible for the naming and numbering of streets within the administrative area. All new property addresses or changes to existing addresses arising from development for which planning consent is sought must be cleared through the Council's Street Naming and Numbering Officer as soon as building work commences. Street naming and numbering proposals must be agreed with the Council prior to addresses being created or revised. Please note that there is a charge for the provision of some street naming and numbering services.

For further information please visit [www.swansea.gov.uk/snn](http://www.swansea.gov.uk/snn) or contact the Council's Street Naming and Numbering Officer, City & County of Swansea, Room 2.4.2F, Civic Centre, Swansea, SA1 3SN. Tel: 01792 637127; email [snn@swansea.gov.uk](mailto:snn@swansea.gov.uk)

- 8 The developer is advised to note the content of Policy HC14 - Cefn Coed Hospital of the Unitary Development Plan 2008 which will require the development of the wider site to be led by a master plan approach, under one outline planning application.
-

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 6

APPLICATION NO.

2014/1954

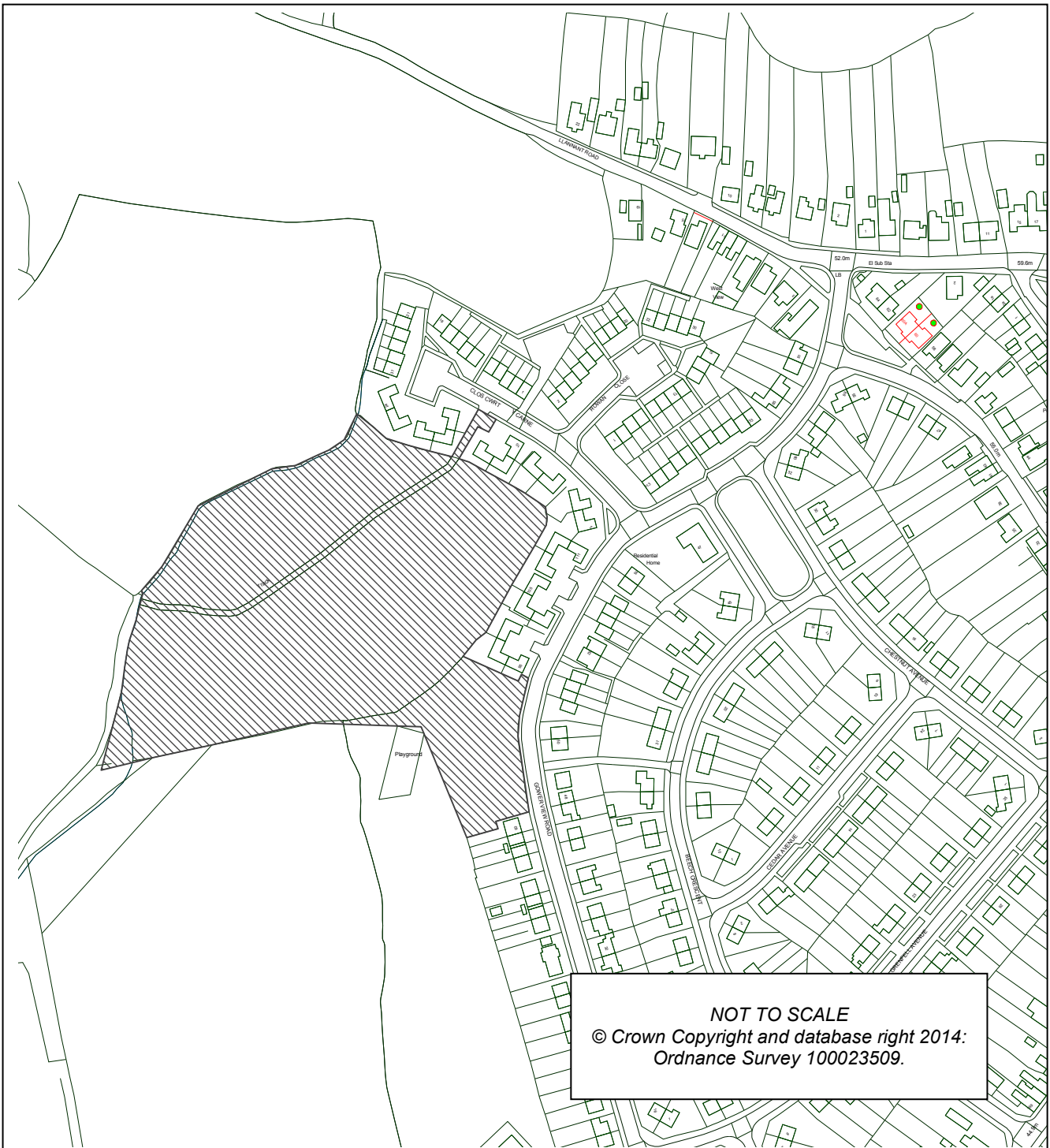
WARD:

Penyrheol

**Location:** Former Honeybee Nursery Land off Gower View Road / Clos Cwrt y Carne, Penyrheol, Swansea, SA4 4GB

**Proposal:** Residential development to provide 95 dwellings and other ancillary works and activities including: site preparation, clearance, treatment and the installation of new services and infrastructure (details access, appearance, landscaping, layout and scale pursuant to application A01/0132 granted 6th March 2014)

**Applicant:** C/O Agent





## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

### **BACKGROUND INFORMATION**

#### **POLICIES**

| <b>Policy</b> | <b>Policy Description</b>                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policy EV3    | Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)                                                                                                                                                                                                                                                       |
| Policy EV30   | Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)                                                                                                                                                                                               |
| Policy EV33   | Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)                                                                                                                                                            |
| Policy EV34   | Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)                                                                                                                                                                                |
| Policy EV35   | Development that would have an adverse impact on the water environment due to:<br>i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,<br>ii) A reduction in the quality of surface water run-off.<br>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 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)                                                                                                                                               |

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

| ITEM 6 (CONT'D) | APPLICATION NO.                                                                                                                                                                                                                                  | 2014/1954 |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Policy HC1      | Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)                                                                                                                                   |           |
| Policy HC3      | Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)                                                                                        |           |
| Policy 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)                                                                                                                          |           |
| 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). |           |

### SITE HISTORY

| App No.   | Proposal                                                                                                                                                                                        |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A01/0132  | Residential development (outline)<br>Decision: Perm Subj to S106 Agree<br>Decision Date: 06/03/2014                                                                                             |
| 2005/2355 | Residential development incorporating public open space and new access roads from Gower View Road and Brynafon Road (outline)<br>Decision: Perm Subj to S106 Agree<br>Decision Date: 23/04/2010 |
| 2010/1777 | Detached garage and associated access<br>Decision: Grant Permission Conditional<br>Decision Date: 15/04/2011                                                                                    |

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

2015/0283 Discharge of condition 19 of planning permission A01/0132 granted 6th March 2014  
Decision: No Objection  
Decision Date: 02/03/2015

### **Background**

Outline planning permission for the residential development of this site was approved subject to a S106 agreement in March 2014 (ref: A01/0132). Members resolved to approve the application at Committee in April 2007; however it took several years for the S106 agreement to be finalised due to issues over land ownership.

The Local Planning Authority are currently considering an application to modify the original S106 agreement for this site as the applicant has stated that the proposals in their current form are unviable. This modification would be reported to Planning Committee for consideration once the viability assessment has been reviewed.

The land to the south of the application site (which incorporates part of this site) was granted outline planning permission for residential development in April 2010 (ref: 2005/2355). Part of this site has been developed at the southern end (ref: 2012/1113) as part of phase 1 of the development which has created 30 dwellings. The site together with the land to the south has been included within the adopted Brynafon Road Design Statement and Masterplan.

The application site has an area of approximately 2.65ha. Therefore this proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, as the application site area exceeds 0.5 hectares. A Screening Opinion was carried out in accordance with the above regulations. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

### **Neighbour comments:**

The development was advertised on site with two site notices, and 29 no. properties were consulted individually. Two local residents have written raising concerns with regards to certain elements of the proposal. The first is from a resident living in Clos Cwrt Y Carne which backs on to the site. They query what will happen to the parking area at the northern end of the site adjacent to the proposed footpath (as there are parking problems in the area). They are also concerned about where this footpath will lead. Secondly, they raise concerns over Japanese Knotweed on the site and how it would be treated.

The second letter is from a resident on Gower View Road. They raise concerns with regards to the potential dangers of additional traffic, fly-tipping on the land opposite given that it is not maintained and the provision of public transport in the area given that the bus route has changed and no longer stops in the area.

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

## Consultation Responses

### Highways:

#### "1 Background

- 1.1 This proposal is the second phase of a development already granted outline consent. The whole site has consent for up to 305 dwellings and this second phase proposes 95 dwellings on the former Honey Bee Nursery site south of Cwrt y Carne.
- 1.2 The outline application was supported by a Transport Assessment that considered the transportation impact of the development. Local highway safety improvements were identified through the assessment and costs associated with the improvements apportioned to different phases of the larger development site. This phase of the development was required to provide £33,689.25 towards delivery of the following range of items through the Section 106 Agreement;
- Pelican Crossing on Frampton Road.
  - New bus stop and shelter at the Gower View Road access point into the site.
  - Electronic traffic calming signs on Frampton Road.
  - Traffic Calming measures on Frampton Road.
  - Traffic Regulation Orders outside Penyrheol Primary School.
- 1.3 A separate application has been submitted for amendment to the Section 106 Agreement (reference 2015/0268) and this aspect is to be considered separately.

#### 2 Access and Layout

- 2.1 The site is to be accessed from a new access road leading off Gower View Road. This principle was established at the outline stage and will necessitate the repositioning of the current bus stop position along the frontage. Whilst this aspect is listed as part of the off-site highway works contribution, it is a requirement for gaining access to the site and therefore part of the access works. The bus stop repositioning and up-grading therefore will be expected to be delivered as part of the new access construction.
- 2.2 In order to gain access to this and the remaining part of the development site, the access road will need to cross Council owned land and will provide one of the main accesses to the whole development. The access road will cover a distance of approximately 55m before reaching this phase of the development.
- 2.3 The layout is indicated as two cul-de-sacs with provision for a future link to a subsequent phase allowing for permeability. The site currently has a link to the north to Clos Cwrt y Carne and this is to be improved to provide a pedestrian route. All roads are indicated to standard 5.5m width with 1.8m wide footways where necessary.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

- 2.4 The applicant has indicated that roads within this phase of the site will be privately maintained and not offered for adoption. As adoption for maintenance at public expense is voluntary, the applicant cannot be forced to offer the roads for adoption. However, the roads will need to be conditioned for construction and layout to adopted standards and this will necessitate a charge for discharging the condition.
- 2.5 As the roads are to be privately maintained, a further condition requiring details of this aspect will also be necessary.
- 2.6 Parking provision within the site is indicated to accord with adopted standards.

### 3 Conclusion and Recommendation

- 3.1 The principle of this development has been granted outline consent. The detailed aspects of the proposal are acceptable with the access roads laid out to the appropriate standard and parking in accordance with adopted standards.
- 3.2 I recommend no highway objection subject to the following;
- i. 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.
  - ii. 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].

Note: The applicant is advised that to discharge the above condition that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

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

Note: The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge Condition X of this consent.

- iv. The site access works shall include for the provision of a new bus stop, shelter and associated work all in accordance with details to be agreed.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

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 been through the documents on the portal, especially the ground investigation reports that have been submitted. I shall only look to attach a condition relating to ‘unforeseen contamination’ as long as verification can be given with regard to planned works to be carried out encompassing the following concerns that were raised: -

- Validation testing of topsoil’s (bio-accessible arsenic) in garden areas.
- Results of investigation of soils in the ‘boggy’ areas.
- Removal/method of remediation of the soils identified as having elevated chromium/PAH concentrations.
- Use of protective water supply pipes in areas of elevated PAH’s
- Evidence to show that ‘600mm capping’ is sufficient to remove the exposure pathway for garden use.

The report also recommends the requirement of Basic Radon Protective Measures as well.

### Conditions:

Please could you attach the following two conditions to the application: -

- Unforeseen Contamination

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

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

- Construction Site Management Plan

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;

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

- 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.

### INFORMATIVES

#### 1 Construction Noise

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

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

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

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

#### 2 Smoke/ Burning of materials

No burning of any material to be undertaken on site.

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

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

#### 3 Dust Control:

During construction work the developer shall operate all best practice to minimise dust arising 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.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

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

#### 4 Lighting

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

#### **Drainage:**

“We have reviewed the submitted information and consider the principles within the Drainage Strategy ref 14120 Rev 1, dated 17/03/2015 appropriate to the scale and nature of the development.

We would point out that the original outline permission contains a relevant drainage condition that will need to be discharged via the submission of detailed designs and supporting calculations according with the principles of the aforementioned drainage strategy.

We do not wish to recommend a duplicate drainage condition for this reserved matters application.

However we do consider that the **condition** below should be appended to any permission given.

#### Condition

Prior to the commencement of any development, a scheme for the ownership and maintenance of the surface water system shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

#### Reason.

To ensure the satisfactory long-term operation of the surface water management scheme to prevent the increased risk of flooding to the development itself and surrounding third parties.

#### Informatives

Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting a watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues.”

#### **Urban Design Officer:**

“The latest revisions remove my final objections to the scheme.

It is considered that the layout responds appropriately to the site and context, plus the future development of the wider allocated site. The outward facing layout on the NW part of the site is especially welcome where it faces the countryside and overlooks the new footpath connection to the existing right of way



ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

The house types are also supported with well-designed corner houses and coherent street scenes that treat the affordable housing and the private housing with the same materials and details.”

**Ecology:**

“The site appears to have been partly cleared and much of the areas that would have supported wildlife have gone. The surveyor has though identified a number of features which are of value. The surveyor has suggested that further surveys are carried out for reptiles, water voles and otters. It is likely that the site will contain reptiles, a further survey would help inform reptile mitigation plan. The site is within 500m of the Burry Inlet SAC and is connected to it via a small watercourse it is possible that the site is used by otters. Water voles have recently been discovered near Penllergaer it is possible that other water courses attached to the Burry Inlet may have them.

Please could we add a condition requiring surveys to be submitted together with mitigation plans covering otters, reptiles and water voles for our approval prior to work starting?

Hedgerows with trees are the most important habitat on the site these should be retained and enhanced by suitable planting of native species. Some of the trees surrounding the site have been identified as having bat roost potential if any require work they must be assessed by a suitably qualified ecologist prior to work starting, could we add a condition to ensure this happens.

The landscape plan is rather lacking in native species could we request that the scheme is modified to include more of them. It is likely that the hedges on site are used by foraging and commuting bats any additional lighting will adversely affect bat use. Artificial lighting should be kept away from the hedges.”

**Housing:**

“I can see on the original 106 there is also an offsite AH contribution of £378,801 to add to the 15% on site provision.

Also we want to confirm the sale price to the nominated RSL should be at 70% of ACG .

We have no other comments to make at this time.”

**Natural Resources Wales:**

“Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales, in relation to the above proposal, which was received on 24 December 2014. We also welcome the additional information, which was provided via e-mail on 22 January 2015.

We would not object to the above application, providing appropriately worded conditions are attached to any planning permission your authority is minded to grant.

**Flood Risk**

The site is located within zone A, as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, indicates the site to outside of the flood map. The proposal is for 95 dwellings which can be classed as highly vulnerable development according to TAN15.

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

We note that the Flood Consequence Assessment and Drainage Strategy report (Project No. 14120 - Rev 0) dated December 2014; states that surface water will be discharged via attenuation to a drainage ditch running along the southern boundary of the site. We note that the developable catchment area is given as 2.19 hectares within section 10.5 of the report and the associated drawing SK010GR (Greenfield Runoff Catchment Zone).

Having reviewed this information we find that the proposal to limit any discharge to a local watercourse via a flow control device to the existing Q bar Greenfield rate of 15.6 l/s is suitable. In addition, we note the inclusion of a suitable climate change factor for the storage requirements. We advise that this is also discussed with your Authority's Drainage Engineers, to ensure they are satisfied with the information provided.

The report states that SUDS options such as soakaways and other infiltration techniques are not proposed on the site, as areas are shown to be waterlogged and ground investigations have indicated a clayey nature of the existing soil strata.

We also note that underground attenuation in the form of cellular storage structures are to be located underneath shared driveways and rear gardens. We would prefer to see the site layout designed around over ground storage areas, as they are easier to maintain in the long term. As it is also stated that a private management company will maintain the surface water system; we would strongly advise that your Authority agree a suitable surface water management plan, should you be satisfied with the proposed option of underground storage.

Ultimately the drainage system design is a matter for the local authority engineers; therefore we would advise that you seek confirmation from your Drainage Section that they are satisfied with the proposals.

We would also remind your Authority that any culverting of drainage ditches will require prior consent from the Lead Local Flood Authority, which in this instance is your Authority.

#### Memorandum of Understanding

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

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

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

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

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

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

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

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

In addition to capacity and hydraulic overload issues, the Burry Inlet is understood to be sensitive to nutrient enrichment, notably to Phosphorus – a constituent of sewage-related discharges. Consequently, in respect of Phosphorus, the UK has an obligation under the Water Framework Directive (WFD) 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 prevent further deterioration in levels of Phosphorus in the Burry Inlet.

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

In relation to surface water disposal we recommend that ideally, approval should be sought from building control and your Authority's drainage engineers, prior to determination. This is in order to ensure there is no connection of surface water to the main sewerage system.

We note that due to ground conditions SUDS and other ground infiltration techniques are not available. However, we would encourage the applicant to investigate and implement other possibilities within the development, such as example grey-water recycling, rain-water harvesting, etc.

#### Foul Water Disposal

It is stated that the applicant has made an enquiry to Dwr Cymru/Welsh Water (DCWW) in relation to connecting to the foul sewer and that it has been confirmed that the sewer network can accommodate the foul flows from the proposed development.

We also note that it will be necessary to relocate a section of the foul sewer within the site and that the permission of DCWW will be required for this to occur. Therefore, we would strongly advise the applicant to contact DCWW as soon as possible, if this has not already occurred.

It is our understanding is that the public foul sewer running across this land is shallower than is to be expected; so its exact depth at the point of the new proposed connection will need to be determined in order to draw up accurate plans. The potential shallowness of the sewer means that it is vulnerable to damage by heavy plant tracking across it. Therefore, care and good site management should be followed whilst operating on site, in order to avoid potential pollution incidents.

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

#### Pollution Prevention

Given the presence of existing watercourses at the site and the hydrological links that exist with the nearby SAC/SSSI, it is vital that pollution prevention measures are in place. Therefore, we advise that a robust Construction Environmental Management Plan (CEMP) is provided.

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

As best practice, we would advise the developer to produce a site specific construction management / pollution prevention plan with particular reference given to the protection of the surrounding land & water environments. If planning permission is granted, we would ask that the following conditions are included.

Condition: No development approved by this permission shall be commenced until a pollution prevention management plan detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

Reason: Prevent pollution of controlled waters and the wider environment.

As a minimum we would recommend that the plan include the following points.

- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- How each of those watercourses and pathways will be protected from site run off during construction.
- How the water quality of the watercourses will be monitored and recorded.
- How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- storage facilities for all fuels, oils and chemicals.
- construction compounds, car parks, offices, etc.
- details of the nature, type and quantity of materials to be imported on to the site.
- measures for dealing with any contaminated material (demolition waste or excavated waste).
- identification of any buried services, such as foul sewers, so that they are protected.
- details of emergency contacts, for example Natural Resources Wales hotline 0800 807 060.

Pollution prevention guidance is available from the Environment Agency's website:

#### Waste Management

Given the nature and location of this development, we would recommend that a site waste management plan (SWMP) for the project is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

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 may be best undertaken post permission.

The following condition is suggested, but could be amended as you see fit.

Condition: No development approved by this permission shall be commenced until a Site Waste Management Plan has been produced and submitted in writing for approval by the Local Planning Authority.

Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

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

### Protected Sites

We note that the site is located approximately 0.5km from the boundary of the Carmarthen Bay and Estuaries SAC and the Burry Inlet and Loughor Estuary SSSI. A watercourse on the western boundary of the site would also appear to provide a direct hydrological link between the application site and the SAC/SSSI.

We consider it unlikely that the on-site works would have a significant adverse effect on the SAC/SSSI, providing appropriate mitigation is provided in the form of pollution prevention and construction management plans are in place. We advise that this is made an enforceable planning condition to be agreed with the Local Planning Authority and NRW.

There is also a requirement to assess any potential impacts under the Conservation of Habitats and Species Regulations 2010. Regulation 61 of the Regulations, requires the competent authority to undertake a test of the likely significant effects of the proposal on the SAC.

If it cannot be demonstrated that there will not be a significant effect, either alone or in combination with other plans and projects, you are required to undertake an appropriate assessment of the implications of the proposed scheme for the SAC in view of its conservation objectives, before granting planning permission

### Ecology and Protected Species

We welcome the submission of the document entitled; '*Extended Phase 1 Habitat Survey: Land at Gower View Road, Gorseinon, Swansea*', dated November 2014, by Hawkeswood Ecology.

The survey was carried out on 11 November 2014, which is acknowledged as being outside of the optimum survey period. The report also highlights that the site had recently been cleared of dense scrub and that the majority of the site was heavily disturbed. It goes on to say that recent ditch clearance works had also affected some hedgerows at the site.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

It is unfortunate that this work had taken place prior to the ecological survey being carried out.

The report also states that due to previous developments and the removal of scrub, there was little pre-existing vegetation over a much of the site and the areas which remained were considered to be of limited value.

We advise that the recommendations laid down in Section 8 of the report are discussed with your Authority's Planning Ecologist. Any mitigation and/or habitat management proposals should be delivered via enforceable planning conditions, should you Authority be minded to grant planning permission.

Should any mature trees on the site need to be felled or be subject to any other management, then we advise that they should first be assessed for their potential as bat roosts. The results of the assessment/survey should be provided to your Authority's Planning Ecologist.

Should your Authority be minded to grant planning permission NRW recommend that appropriately worded conditions are attached to any planning permission you are minded to grant."

### **Arboricultural Officer:**

The Officer originally provided comments raising concerns with regards to the amount of trees to be removed as part of this proposal. Following a brief review of the landscaping plan, the Officer has raised concerns with regards to the final size of the proposed Sorbus aria 'Majestica' in the front gardens of 40-49 which would probably be too big in the space provided. The Officer has also advised that given the large number of trees are being removed along the southern boundary some mitigation planting should take place here to restore the hedgerow.

### **Dwr Cymru Welsh Water:**

"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 no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

### SEWERAGE

#### Conditions

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.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

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.

The proposed development site is crossed by a 150mm public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

### Advisory Notes

#### SEWAGE TREATMENT

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

#### WATER SUPPLY

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

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

“We identified a possible archaeological issue for this planning application when we inspected your weekly planning list; consequently we have consulted the detailed information contained on your website. The proposal will require mitigation.

The Historic Environment Record shows the application area to be cut through on its west side by the supposed Roman Road RR60d-01, which linked the fort at Loughor to a river crossing of the River Loughor in the vicinity of Hendy. At present little physical evidence has been recorded for the road and its exact route remains uncertain. It is evident that there is the potential that significant archaeological remains prehistoric to modern date to be present in the application area. Of particular concern in this case however is the potential for archaeological features of Roman date, given the proximity to the line of a the Roman road, will be encountered during the groundwork’s required for this development.

Our advice is that an archaeological watching brief, limited to the western half of the development site should be undertaken during the remediation and construction work required for the development.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

Consequently we recommend that a condition ensuring that an archaeologist conducts a watching brief during any groundwork required for the development should be attached to any consent granted by your Members in response to the current application. This recommendation is made following the advice given in Welsh Office Circular 60/96, Section 22.

We suggest that the condition be worded:

*The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute of Field Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.*

*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.*

The applicant will therefore need to employ an archaeologist to undertake the work to meet the requirements of the condition. The work must be undertaken to the standards and guidance of the Chartered Institute for Archaeologists (CIfA) and it is our policy to recommend that the work is undertaken by a Registered Organization of the CIfA or by a member with MIFA level membership. A list of suitable contractors can be found at [and](#) future information on how to meet the requirements of the condition can be found from our website”

### **Japanese Knotweed Officer:**

“Planning condition CL12 must be placed upon this application.

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

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

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

### **Gorseinon Town Council:**

“No objections. Councillors noted that the site had been cleared of vegetation in May 2014, and much of the clearance works were in blatant breach of the Countryside Act. The actions of the developer were reported to the Environment Agency at the time, which resulted in the ‘taping off’ of the affected trees/ hedges for protection. There was also evidence of Japanese Knotweed on the site, which Councillors consider has not been adequately or professionally removed, and will remain a problem in the immediate area. Councillors have received concerns from residents of the adjoining old peoples houses, who are concerned that they will lose their allocated sites for disabled parking spaces, adjoining their properties. They also want to ensure that the privacy of their properties



## **PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

adjoining the pedestrian link to Clos Cwrt y Carne from the site estate road is provided by suitable panel fencing to obscure views into their rear gardens. Subject to these concerns being conditioned, there is no objection offered to the scheme.”

### **Site Location**

The application site covers an area of approximately 2.65 hectares and lies to the west of Gower View Road and south of Clos Cwrt y Carne on the edge of the settlement area of Penyrheol and Loughor. The site is a former nursery site (for plants) being previously developed with the site boundaries well defined by established hedgerows incorporating a number of mature trees and hedgerows. The site is relatively flat and enjoys partial views of the Loughor Estuary/ Burry Inlet.

The site has good access to a number of facilities within walking distance, including corner shops on Frampton Road and Penyrheol Primary School. The site has good access to a number of public footpaths that extend into the surrounding countryside and link it to the nearby Loughor Estuary foreshore. The character of the nearby residential areas is typical of the type of suburban streets of houses that was popular in the mid-to-late 20<sup>th</sup> century. Rows of primarily semi-detached houses line the principal streets off which short cul-de-sacs emanate. The site adjoins Clos Cwrt y Carne to the north which comprise of semi-detached and terraces of “L” shaped bungalows which extend around the corner on to Gower View Road. A narrow unmade road provides access to Clos Cwrt y Carne whilst the primary access proposed is from Gower View Road. The site (whilst previously developed) is currently overgrown with scrub and ruderal vegetation. Agricultural land lies to the west of the site.

### **Description of Development**

This is a Reserved Matters application for 95 dwellings comprising a mix of 1, 2, 3 and 4 bed dwellings and associated works with access, appearance, landscaping, layout and scale to be considered.

The proposed layout comprises a new access of Gower View Road (opposite number 52) which would curve to the north of the existing playground leading to a “T” junction within the site resulting in two cul-de-sacs. 10 different house types are proposed as part of the development which would comprise detached, semi-detached and terraced properties. The dwellings would be two-storey although some properties would have accommodation in the roof space served by rooflights.

As part of the proposals, a footpath would be created to link through to Clos Cwrt y Carne to the north and a footpath would be created between the two cul-de-sacs which would link to a footpath to the west of the site. A turning head would be provided in the south western corner which could provide a future link through to the rest of the development site.

The proposed development allows for 15% of the proposed units to be compliant with the Design Quality Requirement (DQR) which is a requirement for affordable homes. The mix of affordable units comprises 4 x no. 1-bed flats, 8 x no. 2-bed houses and 2 x no. 3-bed houses.

The application has been submitted along with an Extended Phase 1 Habitat Survey, a Flood Consequences Assessment and Drainage Strategy, a Tree Survey, a Travel Plan and a Transport Statement.

The proposed development of 95 units includes 257 bedrooms which could result in a SPG maximum parking provision of 276 spaces: i.e. one parking space per bedroom, plus 19 visitor spaces at 1 space per 5 units. However, 162 parking spaces are proposed as part of the development and the applicant has provided justification for this approach in the Design and Access Statement and the Transport Statement. Briefly, based on the 2011 census data, the Ward of Penyrheol is made up of 2,277 households and there are 3,047 cars or vans registered to these properties. This equates to an average of approximately 1.34 cars/vans per household. When applied to the proposed scheme of 95 new homes on the application site, this would equate to 127 resident parking spaces. Furthermore, the visitor parking requirement of 1 space per 5 residential units, as set out in the CSS, would equate to 19 spaces. Therefore, using a combination of the factual Census data for the Ward of Penyrheol and the CSS standards for visitor parking numbers, the total parking requirement would be 146 spaces. This falls well below the proposed parking provision of 162 spaces on the site. In addition, 14 of the 95 homes are proposed to be affordable units which typically have lower car ownership levels. The road widths would measure 5.5m which would enable visitor parking to be on-street.

The Phase 1 Habitat Survey concludes that there is potential for reptiles and amphibians to be present on the site, with suitable habitat for common lizards, slow worms and grass snakes. This is due to the presence of water bodies on the site, although it should be noted that no evidence of such species was found during the Ecologist's visits. The on-site ditches also offer the potential to support water voles and the trees and shrubs, scrub and open areas for bird foraging. As such, further survey work may be required in relation to reptiles and water voles. It should be noted that there was no evidence of the site's use by badgers or ground nesting birds. In respect of European Protected Species, the site does not support suitable habitat for otters or great crested newts, which is particularly unlikely given the site's isolation from known populations and lack of wider connectivity. However, the survey found that the mature oak trees present on the site may offer the potential for roosting bats. In light of this, additional survey work may be needed in relation to birds and bats.

The site lies within 500 metres of the Carmarthenshire Bay and Estuaries Special Area of Conservation (SAC) and directly links to it via drainage from the south-western tip of the site. The outline planning permission for the site refers to an earlier assessment of drainage on the site and concludes that surface water run-off attenuation is required. Welsh Water raised no objections subject to provision of a comprehensive drainage scheme being provided. This information will be required for Swansea City Council to assess whether appropriate measures have been undertaken to protect the special interest of the SAC. The site itself was found to be heavily disturbed and modified. Large areas of scrub have been cleared recently and building platforms, particularly in southern and western parts of the site, were noticeable. Historical imagery supports this with aerial pictures of the field being at least partially developed in the past.

The site is located within Zone A as indicated on the Welsh Government Development Advice Maps. The Flood Consequences Assessment concludes that the site is at little or no risk of fluvial or tidal / coastal flooding. The most likely mechanism for flooding within the site to be as a result of a storm event over and above the design criteria specified by the Sewers for Adoption 7th Edition, TAN 15 and Local Authority or via infrastructure failure. The site can subsequently be considered safe from all perspectives of flooding and the proposed usage as residential deemed suitable.

Site investigation works to determine the adequacy of the existing strata to support an infiltration type system to discharge the surface water to ground were not deemed necessary to be undertaken, this was due to the waterlogged areas of the site and clayey nature of the existing strata. It is proposed that the surface water generated from the development is attenuated to Greenfield runoff rates and discharged to the ditch along the southern boundary. The surface water system shall be designed to accommodate storms up to and including the 100 Year (+30% c/c) year return period, and be maintained by a management company, the storage volumes shall be accommodated within cellular storage structures positioned in shared drives or rear gardens. Flood risk via other mechanisms such as coastal, groundwater or surface, and foul infrastructure flows have been considered and deemed to be negligible and manageable. The proposed development would have no significant detrimental effects to third parties in the event of flood. Attenuation would be located within cellular structures within rear gardens with a private management company set up to maintain this, and all rights of access for maintenance shall be held within the appropriate house owners Title of Deeds. Foul water flows shall generate a peak flow rate of 4.39 l/s which shall discharge into the diverted foul water sewerage system at various locations.

## **APPRAISAL**

This is a Reserved Matters application for 95 dwellings comprising a mix of 1, 2, 3 and 4 bed dwellings and associated works with access, appearance, landscaping, layout and scale to be considered. 14 of the dwellings would be affordable units as specified within the S106 attached to the outline consent.

The application site covers an area of approximately 2.65 hectares and lies to the west of Gower View Road and south of Clos Cwrt y Carne on the edge of the settlement area of Penyrheol and Loughor. The site is a former nursery site (for plants) being previously developed with the site boundaries well defined by established hedgerows incorporating a number of mature trees and hedgerows. The site is relatively flat and enjoys partial views of the Loughor Estuary/ Burry Inlet.

The site is allocated in the City and County of Swansea Unitary Development Plan for residential development (Policy H1 (95)) and outline consent for the residential development of this land has already been granted. Therefore the principle of the development has already been approved.

### Main Issues

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

### Design/ Visual Impact/ Layout

The layout has been designed with one new permanent vehicular access off Gower View Road which would also provide access to the land to the south of the application site as per the approved masterplan document.

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

The proposed access would curve around the existing play area and enter the site through the southern boundary. Whilst the masterplan suggests a loop road around the development, the proposed layout concludes in a cul-de-sac, however pedestrian access is retained through to the footpath located along the western side of the site.

Within the site, the proposed layout follows the basic approach set out in the masterplan with houses backing onto boundaries and facing onto internal street. Existing trees and hedges along the boundary have been retained where possible to enclose the site and separate it from the surrounding open countryside.

The applicant has proposed 10 different house types within the development, with similar design features throughout and has indicated that two colour bricks would be used (red and yellow) along with one colour roof tile in the development. The design of the dwellings is considered acceptable in general although Officer's raised concerns with regards to the scale of one type of dwelling (the 3 bed special). This has subsequently been amended, with the eaves raised and the ridge line reduced which brings the design more in keeping with the remainder of the site, whilst still providing a focal point at key locations within the site.

At the request of the Urban Design Officer, buildings on road corners have been designed with a double frontage to provide an active frontage and overlooking on both facades and this approach has also been adopted on plot 77 to ensure the public footpath is overlooked. The overall site layout has been amended several times following comments from the Urban Design Officer and the Officer does not object to the proposals. The site layout as revised now generally complies with the adopted residential design guide SPG.

Several category U trees are proposed to be removed along with some category C trees in various locations, however new trees would be planted as part of the landscape planting plan for the proposals which also incorporates planting at the front of properties to soften the visual impact. The layout provides for parking at the front of properties and at the sides with two property types incorporating integral garages. Within this context, it is not considered that parking would dominate the development.

Within the site, the proposed development is seen in isolation due to its position and relationship with the surrounding area. The resultant development would be similar to other recently constructed developments within the locality. It is therefore considered that the detailed design and layout of this proposal is acceptable, in terms of its impact on the character of the area.

#### Neighbouring/ Residential Amenity

The proposed development is located to the west of dwellings on Gower View Road and to the south of Clos Cwrt y Carne. The land to the west of the site consists of open countryside as does the land to the south; however this is allocated for residential development in the UDP. The surrounding dwellings comprise of bungalows with the majority housing people with disabilities, located at a higher level than the development site. Officers raised concerns with regards to the relationship of some of the new plots to the existing buildings and sought amendments to the site layout and sections through the site to indicate the relationship between these properties.

The applicant subsequently submitted proposed sections indicating the relationship of the proposed dwellings to the existing adjoining properties. In most cases the minimum distances recommended in the residential design guide SPG can be achieved between a rear and a side elevation (15m). There are three dwellings where the distances are reduced to 12m (Plot 16 – 103 Gower View Road) and 14m (Plot 12 – 97 Gower View Road and Plot 17 – 8 Clos Cwrt y Carne). However the existing dwellings (which are all bungalows) are located at a higher level than the dwellings and an assessment of the 25 degree rule of thumb indicates that the relationship in each case is acceptable and the new dwellings would not have an overbearing impact on the existing properties.

In addition, the distance between rear elevations of plot 26 and No. 20 Gower View Road is 16m which is below the recommended distance of 21m. Whilst this is less than ideal, a 1.8m high solid boundary fence would be erected along the rear boundary to ensure that there is no significant overlooking from the main habitable rooms in the dwelling at ground floor level. Whilst there would be an element of overlooking at first floor level, given the orientation of the dwelling to the bungalow, and the fact that there are only two windows and a partially glazed door on the rear elevation (one of which serves a bathroom and the other a kitchen), it is not considered that this situation would warrant refusal of the application.

On this basis, it is not considered that the proposed dwellings would have an overbearing impact on the existing bungalows and there are no concerns regarding a significant reduction of privacy for these bungalows. As such, it is not considered that the proposed residential use of this site would have an adverse impact on the amenity of existing neighbouring uses.

In terms of residential amenity for the proposed dwellings, the distance between rear habitable room facades is generally 21 metres which is considered acceptable. Similarly the minimum distance between a rear elevation and a flank elevation is generally a minimum of 12 metres although there is one instance where this is below this recommended distance. Whilst this situation is less than would normally be expected, it is acceptable in this instance as the whole development is new build and given the orientation of the dwellings in terms of their main outlook. The remainder of the site layout pays due regard to adequate distances around and between properties to ensure there would be no significant detrimental impact on residential amenity.

Concerns were raised by a local resident regarding the pedestrian access spur to the north of the site as there is space for 3 off-street car parking spaces which are being utilised by disabled residents of Clos Cwrt y Carne who are reliant on their cars. The applicant has confirmed that this area would remain as existing and the side access to their property would be retained. One resident commented that the land opposite their site was untidy and suffered from fly-tipping. Whilst fly-tipping is not a planning issue per se, the proposed access would go through this section of land and it is considered the area would have increased natural surveillance which should reduce incidences of this.

One resident raised concerns verbally about the impact of the proposed access in terms of overlooking into their property given the orientation of the road. Officers have considered the location of the access in relation to the property opposite and are of the opinion that the access would not result in a significant detrimental impact on the occupier of this property. The centre point of the access aligns with the wall adjacent to the main window and the property is at a marginally higher level than the road.

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

Given this relationship, it is not considered that the access would result in a reduction of privacy over and above the use of the main road and it is not considered that vehicle lights would significantly impact on this property.

Finally, given the proximity of nearby dwellings and the issues involved with the construction of the development on nearby residents, it is considered appropriate to attach a condition requiring the submission of a Construction Pollution Management Plan for the proposed development in line with the request of the Pollution Control Officer.

Highway Safety/ Parking/ Public footpaths

The applicant has submitted both a Transport Statement and a Travel Plan with this application and has proposed a reduction in car parking levels. The proposed development of 95 units includes 257 bedrooms which could result in a SPG maximum parking provision of 276 spaces: i.e. one parking space per bedroom, plus 19 visitor spaces at 1 space per 5 units. However, 162 parking spaces are proposed as part of the development and the applicant has provided justification for this approach. Briefly, based on the 2011 census data, there is an average of approximately 1.34 cars/vans per household within the Ward of Penyrheol. When applied to the proposed scheme of 95 new homes on the application site, this would equate to 127 resident parking spaces. Furthermore, the visitor parking requirement of 1 space per 5 residential units, as set out in the CSS, would equate to 19 spaces. Therefore, using a combination of the factual Census data for the Ward of Penyrheol and the CSS standards for visitor parking numbers, the total parking requirement would be 146 spaces. This falls well below the proposed parking provision of 162 spaces on the site. In addition, 14 of the 95 homes are proposed to be affordable units which typically have lower car ownership levels. The road widths would measure 5.5m which would enable visitor parking to be on-street.

The proposed layout shows an indicative access in the south western corner of the site to provide a road link through into any development to the south of the site as required by the masterplan. However this does not connect to the site boundary as the works would require a culvert to be provided and it is not considered reasonable to require this. The highways within the site would also be privately maintained and therefore this connection may still not be provided in the future even if the road was extended up until the site boundary.

The Highways Officer notes that the outline application included a S106 agreement for various works, and the applicant is seeking to amend this agreement as the scheme is unviable currently. Notwithstanding this, the principle of residential development has previously been approved and the Highways Officer has provided comments on the detailed design/ layout/ parking proposed as part of this scheme. The Highways Officer has advised that whilst the relocation of the bus stop was included in the S106 works, it is a requirement for gaining access to the site and therefore part of the access works. The bus stop repositioning and up-grading therefore would be expected to be delivered as part of the new access construction. The applicant has indicated that roads within this phase of the site would be privately maintained and not offered for adoption. As adoption for maintenance at public expense is voluntary, the applicant cannot be forced to offer the roads for adoption, however a condition would be attached requiring the roads to be made up to adoptable standard.

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

The Highways Officer concludes that the detailed aspects of the proposal are acceptable with the access roads laid out to the appropriate standard and parking in accordance with adopted standards and has no objections subject to conditions.

In terms of public footpaths, the applicant has provided a pedestrian access which loops around the whole of the site with links to the existing public footpath located to the west of the site. In addition, a footpath link would be retained to the north of the site which would ensure that the site links in the surrounding area, and the surrounding area retains links through to the open land to the west of the site. Whilst the Police Designing Out Crime Officer requested that the footpath be widened, it is considered that a 2m width path is sufficient in this instance and would be constructed to an adoptable standard.

One neighbour has raised concerns with regards to increased traffic hazards as a result of this development and has queried whether the previous bus route along Gower View Road would be reinstated following the development. The principle of the residential development of this land and associated traffic impact has already been agreed at the outline stage and issues regarding the proposed bus route would be a separate matter.

The proposals are therefore considered acceptable in terms of access, highway safety and parking.

#### Ecology/ Trees/ Landscape

Several trees are proposed to be removed as part of the development and the application has been submitted along with a Tree Survey and a Landscape Planting Plan which has informed the development. Firstly in terms of trees, the majority of the trees are located along the site boundary and are proposed to remain. The access to the development would cut through a band of trees along the southern boundary but this would be the only way to access this site.

The Council's Arboricultural Officer expressed concern with regards to the removal of the trees/ hedgerow along the southern boundary. The Officer has provided brief comments on the landscaping scheme which was received just prior to the committee report being finalised. For this reason, and to allow the Council's Ecologist adequate time to comment with regards to increasing native species as requested, it is considered appropriate to consider the landscaping scheme further as a condition of any consent.

The Phase 1 Habitat Survey concludes that there is potential for reptiles and amphibians to be present on the site, with suitable habitat for common lizards, slow worms and grass snakes. This is due to the presence of water bodies on the site, although it should be noted that no evidence of such species was found during the Ecologist's visits. The on-site ditches also offer the potential to support water voles and the trees and shrubs, scrub and open areas for bird foraging. As such, further survey work may be required in relation to reptiles and water voles. It should be noted that there was no evidence of the site's use by badgers or ground nesting birds. In respect of European Protected Species, the site does not support suitable habitat for otters or great crested newts, which is particularly unlikely given the site's isolation from known populations and lack of wider connectivity. However, the survey found that the mature oak trees present on the site may offer the potential for roosting bats. In light of this, additional survey work may be needed in relation to birds and bats.

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

The Council's Ecologist has advised that the site appears to have been partly cleared and much of the areas that would have supported wildlife have gone. The surveyor has though identified a number of features which are of value. The surveyor has suggested that further surveys are carried out for reptiles, water voles and otters. The Ecologist has recommended a condition is attached requiring the submission of these surveys along with mitigation and has no objections to the proposal. However, he has advised that the landscape plan is rather lacking in native species and requested the scheme is modified to include more of them.

Natural Resource Wales (the new body which brings together the work of the Countryside Council for Wales, Environment Agency and Forestry Commission) have raised no further issues with regards to ecology considerations, subject to consultation with the Council's Ecologist and the recommendations outlined in Section 8 of the ecology report following through into conditions.

#### Contaminated Land

Site investigation work has been undertaken in the form of a Phase 1 and Phase 2 Geotechnical and Geo-Environmental site Investigation, prepared by Eastwood and Partners Consulting Engineers in April 2014. This report has been supplemented by additional on-site investigations (comprising seven trial pits) undertaken by Integral Geotechnique in June 2014. In respect of contamination, the site investigation data provided by Eastwood and Partners Consulting Engineers has been considered in conjunction with the more recently obtained data. The laboratory analysis identified the presence of six elevated PAH concentrations in a sample of made ground obtained from Trial Pit 2 at 0.2m in depth.

The laboratory analysis has not recorded any further elevated PAH concentrations which exceed the published guideline values. In addition, no elevated arsenic concentrations have been recorded. As such, the risk to site end users from any site sourced contamination is considered to be low.

The Council's Pollution Control Officer has reviewed the site investigation report accompanying the application and has advised that provided that verification can be provided (and a condition to this effect attached to any grant of consent) with regards to the items requiring further work in the Site Investigation, there are no objections to the proposal subject to a condition regarding unforeseen contamination. NRW have no adverse comments subject to the inclusion of a condition regarding a Construction Environment Method Plan which has already been covered above in the residential amenity section. Therefore, the approach recommended by the Council's Pollution Control Officer is considered appropriate for this development.

#### Affordable Housing

The level of Affordable Housing was agreed as part of the original S106 agreement as part of the outline consent. This stated that 15% of the dwellings on site should be Affordable Housing. 14 units have been proposed and designed to DQR standard with 6 units located off a private drive in the north west corner, 3 units off a private drive in the western part of the site and 3 units in close proximity at the end of the northern cul-de-sac.



ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

The dwellings would comprise of 4 x 1 bed flats, 8 x 2 bed dwellings and 2 x 3 bed dwellings. The Council's Housing Officer has no further comments to make with regards to this application.

### Archaeology

The Glamorgan Gwent Archaeological Trust have advised that the application site is cut through on its western side by a supposed Roman Road which linked the fort at Loughor to a river crossing of the River Loughor in the vicinity of Hendy. It is evident that there is the potential for significant archaeological remains of prehistoric to modern date to be present in the application area. GGAT therefore recommend that a condition requiring an archaeological watching brief is attached to any grant of consent.

### Drainage/ Flooding

The site is located within Zone A as indicated on the Welsh Government Development Advice Maps. The Flood Consequences Assessment concludes that the site is at little or no risk of fluvial or tidal / coastal flooding. The most likely mechanism for flooding within the site to be as a result of a storm event over and above the design criteria specified by the Sewers for Adoption 7th Edition, TAN 15 and Local Authority or via infrastructure failure. The developer states that the site can subsequently be considered safe from all perspectives of flooding and the proposed usage as residential deemed suitable.

The site lies within 500 metres of the Carmarthenshire Bay and Estuaries Special Area of Conservation (SAC) and directly links to it via drainage from the south-western tip of the site. The outline planning permission for the site refers to an earlier assessment of drainage on the site and concludes that surface water run-off attenuation is required. Welsh Water raised no objections subject to provision of a comprehensive drainage scheme being provided. Flood risk via other mechanisms such as coastal, groundwater or surface, and foul infrastructure flows have been considered and deemed to be negligible and manageable. The proposed development would have no significant detrimental effects to third parties in the event of flood.

Site investigation works to determine the adequacy of the existing strata to support an infiltration type system to discharge the surface water to ground were not deemed necessary to be undertaken, this was due to the waterlogged areas of the site and clayey nature of the existing strata. It is proposed that the surface water generated from the development is attenuated to Greenfield runoff rates and discharged to the ditch along the southern boundary. The surface water system would be designed to accommodate storms up to and including the 100 Year (+30% c/c) year return period, and be maintained by a management company, the storage volumes would be accommodated within cellular storage structures positioned in shared drives or rear gardens. Attenuation would be located within cellular structures within rear gardens with a private management company set up to maintain this, and all rights of access for maintenance shall be held within the appropriate house owners Title of Deeds. Foul water flows shall generate a peak flow rate of 4.39 l/s, which shall discharge into the diverted foul water sewerage system at various locations.

The Council's Drainage Officer has reviewed the submitted information and considers the principles within the Drainage Strategy ref 14120 Rev 1, appropriate to the scale and nature of the development.

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

The Officer points out that the original outline permission contains a relevant drainage condition that would still need to be discharged via the submission of detailed designs and supporting calculations according with the principles of the aforementioned drainage strategy. However, given that the proposed attenuation tanks are located within the rear gardens of dwellings, the Officer has requested a condition regarding the future maintenance and ownership of the proposed attenuation system to ensure it can be regularly maintained. This is considered necessary to ensure the system continues to operate in an effective manner. This approach is supported by NRW. Dwr Cymru Welsh Water have not objected to the planning application and are currently being consulted on the detailed design of the drainage scheme as required by a condition attached to the outline consent.

The City and County of Swansea as Local Planning Authority has followed the precautionary approach advised by its statutory advisor NRW towards all development that drains into CBEEMs, and carried out the following habitat 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 and Habitats and Species Regulations 2010 (known as the 'Habitat Regulations') to undertake a Habitat Regulations Assessment of any project likely to have an effect on a European site, or candidate/ proposed European site, either alone or in combination with other plans or projects, that is not necessary to the management of the site for nature conservation.

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

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

#### Water Quality

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

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

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

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

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

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

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

#### Other possible effects on CBEEMs features

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

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

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

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

#### Conclusion

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

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 6 (CONT'D)

APPLICATION NO. 2014/1954

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

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

### **Japanese Knotweed**

One resident states that there is Japanese Knotweed present on site and is concerned how this would be dealt with. A condition was attached to the outline consent requiring a scheme to be submitted to and approved in writing by the Local Planning Authority. Since the application was originally submitted, a scheme for the eradication of the knotweed has been submitted and approved following consultation with the Japanese Knotweed Officer. Therefore, providing the scheme is implemented in accordance with the approved details, this issue has been resolved.

### **Conclusion**

The proposals are generally in accordance with the Adopted Unitary Development Plan. It is therefore concluded that the application should be approved subject to the following conditions.

### **RECOMMENDATION**

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

- 1 The development shall be carried out in accordance with the following approved plans and documents: 1:1250 Site Location Plan (Drawing No. 2173-02 Rev C), 1:500 Site Location Plan (Drawing No. 2173-02 Rev B), DQR 3 Bed Plans and Elevations, 908sqft Plans and Elevations (Drawing No. SF-WD16 Rev B), 548sqft Plans and Elevations (Drawing No. MR-WD10 Rev F), 761sqft Plans and Elevations (Drawing No. HB-WD10 Rev M), DQR 2 bed Plans and Elevations, 1153sqft Plans and Elevations (Drawing No. LG-WD16 Rev A), 969sqft Plans and Elevations (Drawing No. HT-WD10 Rev L), Single and Double Garage Plans and Elevations and Long Sections (Drawing No.PL011 Rev 0) received on 20th December 2014; DQR 1 bed flat Rev A Plans and Elevations received on 6th January 2015; Site Section (Drawing No. SS-01) received on 13th January 2015; Site Section (Drawing No. SS-02), 911sqft Plans and Elevations (Drawing No. SU-WD10) and DQR 2 bed Special Rev A received on 9th March 2015; Site Layout Plan (Drawing No. 2173-01 Rev F) received on 12th March 2015 and, 999sqft Special Plans and Elevations (Drawing No. CCA-WD16 Rev G), 999sqft Plans and Elevations (Drawing No. CA-WD16), Material Layout Plan (Drawing No. 2173-03 Rev C), External Works Plan (Drawing No. 2173-04 Rev C) and Boundary Treatments Plan (Drawing No. 2173-05 Rev D) received on 18th March 2015.

Reason: To define the extent of the permission granted.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

- 2 Prior to the first beneficial use of any of the dwellings hereby permitted and following completion of the measures identified in Site Investigation report prepared by Eastwood and Partners Consulting Ltd and Supplemental Site Investigation undertaken by Integral Geotechnique, results, a methodology and a verification report covering the soils identified in the 'boggy areas', soils with elevated chromium/ PAH concentrations and evidence to show that 600mm capping is sufficient to remove the exposure pathway for garden use; shall be submitted to and approved in writing by the Local Planning Authority. In the event that the remediation objectives are not achieved, a revised remediation scheme and verification plan shall be submitted to and approved in writing by the Local Planning Authority within two months following the submission of the Methodology and Verification report to the Local Planning Authority. Any further works necessary shall be undertaken within an agreed timescale until the remediation objectives are achieved and reports confirming the same have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 3 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the latest guidance, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 4 Prior to the commencement of development on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) should be submitted to and approved in writing by the Local Planning Authority. The CPMP is to include the following:

- a) Demolition/ construction programme and timetable;
- b) Detailed site plans to include details of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc;
- c) Traffic scheme (access and egress) in respect of all demolition/ construction related vehicles;

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

- 4
- 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 regards to best practicable means (BPM) and avoidance of statutory nuisance impacts;
  - 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 crushing/screening operations);
  - k) Protocols to ensure that the risk of flooding during construction is not exacerbated; and
  - l) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on the Local Authority.

Reason: To ensure the safety of other road users, ensure the flood risk is not increased due to construction and protect residential amenity during the construction phase.

- 5
- Prior to the commencement of development, a lighting strategy shall be submitted for the written approval of the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To protect the bat population during and post development.

- 6
- Prior to the commencement of development, further survey work, and mitigation if required, for reptiles, water voles and otters shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation strategy/strategies shall then be carried out in accordance with the approved details.

Reason: To ensure the proposal does not have a detrimental impact on reptiles, water voles or otters.

- 7
- Prior to the first beneficial occupation of any of the dwellings hereby permitted, full details of the future ownership and maintenance of the surface water system shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification prior to the first beneficial occupation of any of the dwellings hereby permitted.

Reason: To ensure the satisfactory long-term operation of the surface water management scheme to prevent the increased risk of flooding to the development itself and surrounding third parties.

- 8
- Prior to the first beneficial occupation of any of the dwellings hereby permitted, all highways within the site shall be laid out to an adoptable standard in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

- 9 Each dwelling shall be provided with onsite parking in accordance with the approved layout which shall be laid prior to the first beneficial use of the dwelling which it serves and retained as such thereafter.  
Reason: To ensure adequate parking provision is provided and retained on site for future residents.
- 10 Prior to the commencement of development, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.  
Reason: In the interests of highway safety.
- 11 Prior to the commencement of development, and notwithstanding the landscaping details submitted on Drawing No. 837.01 Rev. B, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include mitigation planting for the trees and hedgerows proposed to be removed. All planting and grass seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first dwelling hereby approved. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.  
Reason: To safeguard landscape and amenity interests.
- 12 Prior to the commencement of development, full details of the site access works to include the provision of a new bus stop, shelter and associated work shall be submitted to and approved in writing by the Local Planning Authority. The approved site access works shall be undertaken in accordance with the approved details prior to the first beneficial occupation of any of the dwellings hereby permitted.  
Reason: In the interests of highway safety.
- 13 The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute of Field Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.  
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.

**INFORMATIVES**

- 1 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
  - Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
  - Take or destroy an egg of any wild birdYou are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 3 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.
- 4 Smoke/ burning of materials. No burning of any materials 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 Dust control. During construction work the developer shall operate 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.



**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1954

- 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 or the Team Leader, e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091
  - 8 Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting a watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues.
  - 9 Dwr Cymru have advised that the proposed development site is crossed by a 150mm public sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.
-

PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 7

APPLICATION NO.

2014/1968

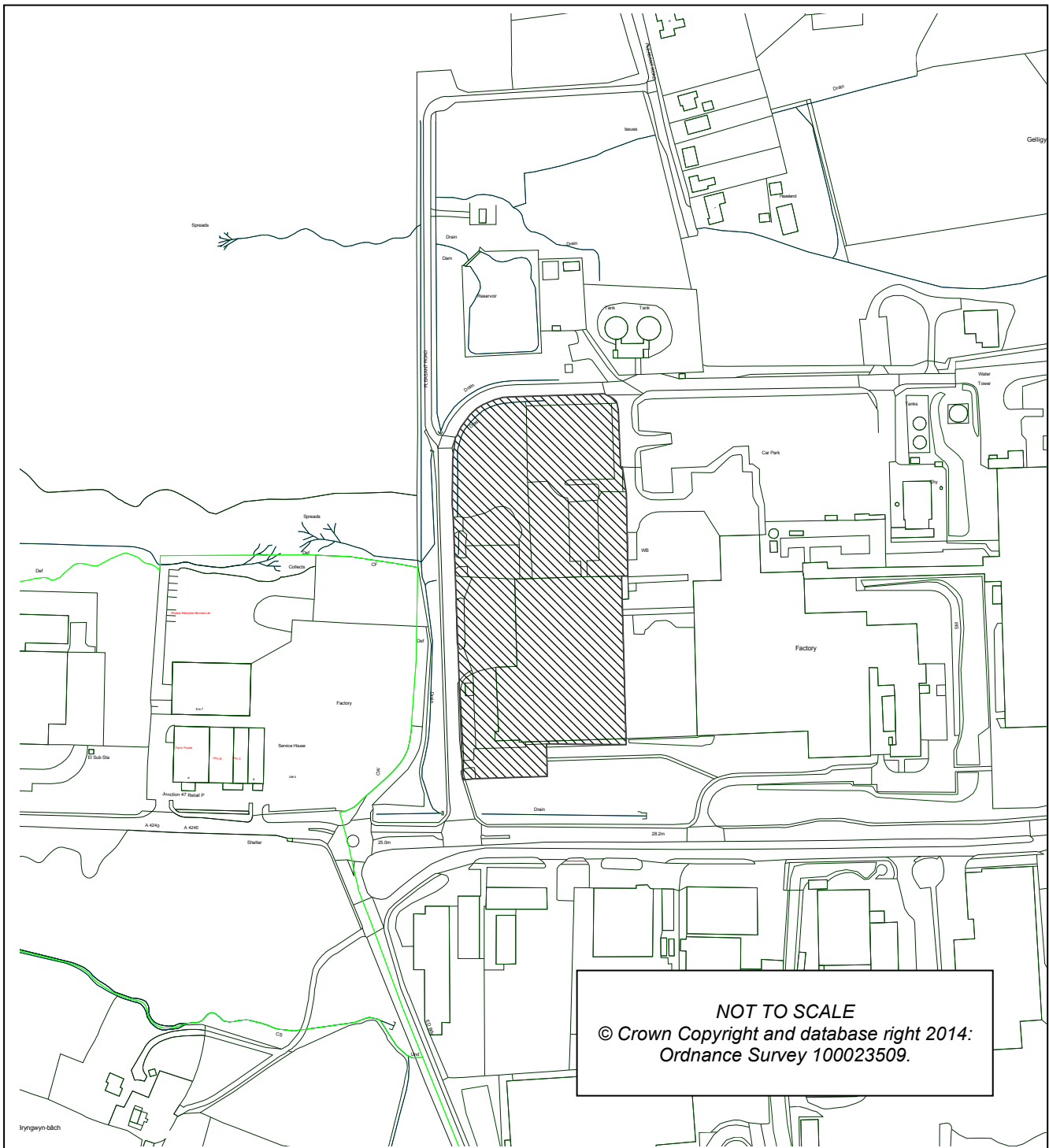
WARD:

Penllergaer

**Location:** Former T D Williams Site Pleasant Road Penllergaer Swansea SA4 9WH

**Proposal:** Change of use from warehouse and logistics (Class B8) to a cardboard box manufacturing place (Class B2) with associated storage and external alterations

**Applicant:** Mr Paul Williams



## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 7 (CONT'D)

APPLICATION NO.

2014/1968

### **BACKGROUND INFORMATION**

#### **POLICIES**

| <b>Policy</b> | <b>Policy Description</b>                                                                                                                                                                                                                                                                                            |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 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 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 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>                                                                                                                                                                                                                                              |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2012/1355      | Use of site as a Local Authority transport depot and waste management facility, construction of a salt barn and installation of roller shutters to existing warehouse (Council Development Regulation 3)<br>Decision: Withdrawn<br>Decision Date: 16/05/2013 |

#### **RESPONSE TO CONSULTATION**

The application was advertised on site and in the local press and one neighbouring commercial property was consulted. No response was received.

#### **Other consultation responses:**

ITEM 7 (CONT'D)

APPLICATION NO.

2014/1968

**Council's Head of Highways and Transportation**

This proposal is for the change of use of the former T. D. Williams premises on Pleasant Road, Penllergaer, to a cardboard box manufacturing unit. The previous use of the site as a warehouse and distribution centre would have generated a significant level of commercial traffic which is evident by the number of HGV loading bays (7) present on the site.

HGV movements with the proposed use will be limited and include 4 vehicles owned by the company and likely 4 HGV deliveries to the premises per day. This is a commercial site in a commercial area and therefore the level of traffic proposed can be accommodated on the surrounding highway network and is likely significantly less than historically associated with the site as a distribution depot.

Staffing levels are indicated to be up to 70 staff. Parking facilities are identified as 40 at the front car park and further 15 available within the service yard. Another yard is available to the north of the building which will accommodate an unspecified number of cars. In order that all parking demand is accommodated within the site, a suitable condition should be imposed to ensure a specific number of parking spaces commensurate with staff numbers.

I recommend no highway objection subject to the provision of 70 car parking spaces being made available within the site and retained for parking purposes unless otherwise agreed in writing with the local planning authority.

Additional Plans and Information received – 26<sup>th</sup> March 2015.

The applicant has submitted additional information to address the condition request previously submitted by highways. This included a parking layout showing the provision of 70+ car parking spaces. I am satisfied with the information submitted which negates the need for the suggested condition.

**Council's Planning Ecologist** - Recommend the inclusion of standard bat and bird informatives.

**Council's Pollution Control Division** – No comments on this application.

**Council's Drainage Section** – No comments received.

**DCWW** - No objection subject to the imposition of standard conditions and informatives.

**Health and Safety Executive** – Do not advise, on safety grounds, against the granting of planning permission.

**APPRAISAL**

The proposal is for the change of use of the former TD Williams site, Pleasant Road, Gorseinon from a Class B8 (Storage and Distribution) to a cardboard box manufacturing unit (Class B2 – General Industrial).

ITEM 7 (CONT'D)

APPLICATION NO.

2014/1968

The facility will be occupied by Welsh Boxes and Engineering Ltd a corrugated cardboard box manufacturer who will be relocating from their existing facilities at Bruce Road and Kingsway in Swansea Business Park, Fforestfach.

The building, which is currently vacant, occupies a prominent corner position flanking the A4240 Gorseinon Road which is the main access road from M4 Junction 47 to Gorseinon. Access into the site is via Pleasant Road which interfaces with the A4240 Gorseinon Road by means of a double mini roundabout arrangement. Other businesses within the immediate locality include 3Ms manufacturing facility, B & Q, Sinclair Garages, Lidl and Farmfoods.

The main warehouse is a 4 bay steel frame building. The office/administration block is a flat roof two storey configuration facing the western (Pleasant Road) side of the site.

The existing warehouse building will be refurbished internally; the proposal will include:

- Replacement/upgrade of existing electrics;
- Replacement of existing lighting;
- Bay 1 will be the designated goods receiving/shipping and will store raw material goods and finished goods;
- Bay 2 will be designated production material preparation area;
- Bay 3 will be designated primary production area with the installation of conventional and heavy duty box making machinery;
- Bay 4 will be designated secondary box making machinery.

The intention is to operate from 0600 to 1800 hours Monday to Friday. The company owns and runs four transport vehicles which operate between these hours. In addition approximately 4 HGV supplier deliveries are made to their existing sites each day. Staffing levels are indicated to be up to 70 staff. There will be no net increase in floor space as a result of the proposed change of use.

### **Main Issues**

The main issues for consideration relate to the acceptability of the proposed change of use at this mixed industrial/commercial location and its related transportation impacts having regard to Policies EV1, EV2, EV3, EC3, AS6 and EV40 of the City and County of Swansea Unitary Development Plan. There are considered to be no additional issues arising from the provisions of the Human Rights Act

Policy EC3 of the UDP states that “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. Policy EV1 sets standards and principles of new design to be followed. EV2 seeks to ensure new development has regard to the physical character of the site and its surroundings. Policy EV3 seeks to ensure that proposals for new development including changes of use of existing buildings are accessible for all. Policy EV40 seeks to ensure new development does not cause significant harm because of significant levels of air, noise or light pollution. Policy AS6 seeks to ensure that all new development provides appropriate levels of parking for private cars and service vehicles.

ITEM 7 (CONT'D)

APPLICATION NO.

2014/1968

### **Visual Amenity**

In terms of visual appearance the only external alterations proposed to the building include the provision of a single roller shutter to replace the two existing shutter doors on the western elevation (facing Pleasant Road). This minor external change is considered an acceptable alteration. The proposed operations would take place within the existing building and therefore in visual impact terms, would raise minimal concerns.

### **Residential Amenity**

In terms of impact on residential amenity the development is approximately 210metres from the nearest residential properties on Pleasant Road to the north of the site, some 330metres from houses due west of the site on Gwalia Close, and some 400metres from houses on GelliGynore due east of the site . As indicated, the proposed operations are proposed to take place within the existing buildings and therefore would not impact on the outlook for these existing dwellings and would be seen in the context of the existing industrial/commercial nature of the area in which the building is located.

### **Access and Highway Safety**

The proposal is for the change of use of the former T. D Williams premises on Pleasant Road, Penllergaer, to a cardboard box manufacturing unit. The previous use of the site as a warehouse and distribution would have generated a significant level of commercial traffic which is evident by the number of HGV loading bays (7) present on the site.

HGV movements with the proposed use will be limited and include 4 vehicles owned by the company and likely 4 GHV deliveries to the premises per day. This is a commercial site in a commercial area and therefore the level of traffic proposed can be accommodated on the surrounding highway network and is likely significantly less than historically associated with the site as a distribution depot.

Staffing levels are indicated to be up to 70 staff. The applicant has submitted a parking layout together with a schedule of parking requirements which indicates that there are 3 existing areas designated for parking at this site which can accommodate 70+ car parking spaces together with areas for lorry/trailer parking. The Head of Highways and Transportation is satisfied with the submitted information and that all parking demand can be accommodated within the site. Accordingly the Head of Highways and Transportation has recommended no highway objection to the proposal.

### **Other Issues**

It is noted that the applicant undertook pre-application consultation with Natural Resources Wales and has provided a copy of their comments with the application. In terms of trade effluent, it was unclear at the pre-application stage whether any trade effluent would be discharged to the public sewer and it was recommended the applicant contact DCWW if a trade effluent consent was required. It is understood the applicant is currently in discussion with DCWW on this issue.

DCWW have requested the submission of a drainage strategy for foul, surface and land drainage, however as this application is for a change of use only, it is not considered necessary or reasonable to request this information in this instance.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 7 (CONT'D)

APPLICATION NO.

2014/1968

The site is located within the drainage catchment area that drains to the Loughor Estuary and Burry Inlet which forms part of the Carmarthen Bay and Estuaries European Marine Site (CBEEMS). However as this application is for a change of use of an existing building and will not result in an increase in floor space being provided it is not considered necessary in this instance to carry out a Test of Likely Significant Effect (Habitat Regulation Assessment) of the proposal under the Conservation of Habitats and Species Regulations 2010. As indicated above the applicant is in discussion with DCWW on whether a trade effluent consent is required.

### Conclusions

In conclusion, having regard to all material considerations, including the Human Rights Act, the proposal represents a satisfactory form of development in compliance with Policies EV1, EV2, EV3, EV40, EC3 and AS6 of the City and County of Swansea Unitary Development Plan. Approval is therefore recommended

### RECOMMENDATION

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: (01 Site Location Plan; Proposed floor plans QCD-WB0004 received 23rd December 2014; Existing and proposed west elevation QCD-WB0009 received 15th January 2015; site plan and parking layout received 26th March 2015].  
Reason: To define the extent of the permission granted.
- 3 The car parking areas indicated on the plans hereby approved shall be laid out in accordance with the approved plans prior to the use commencing and shall be kept available for the parking of vehicles at all times during the duration of the use.  
Reason: To ensure adequate on site car parking provision in the interests of highway safety.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (EV1, EV2, EV3, EV40, EC3 and AS6).
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 7 (CONT'D)

APPLICATION NO.

2014/1968

- 3 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).
- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
  - Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild birdCare should be taken when working on buildings particularly during the bird nesting season March-August.
- 5 To protect the integrity of the Public Sewerage System, foul water and surface water discharges shall be drained separately from the site.
- 6 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment, no 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.
- 7 To prevent hydraulic overload of the public sewerage system and pollution of the environment, land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

### PLANS

01 site location plan, QCD-WB02 existing floor plans, QCD-WB03 existing floor plans, QCD-WB04A proposed floor plans dated 23rd December 2014. QCD-WB 0009 existing and proposed west elevation dated 15th January 2015

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**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 8

APPLICATION NO.

2015/0013

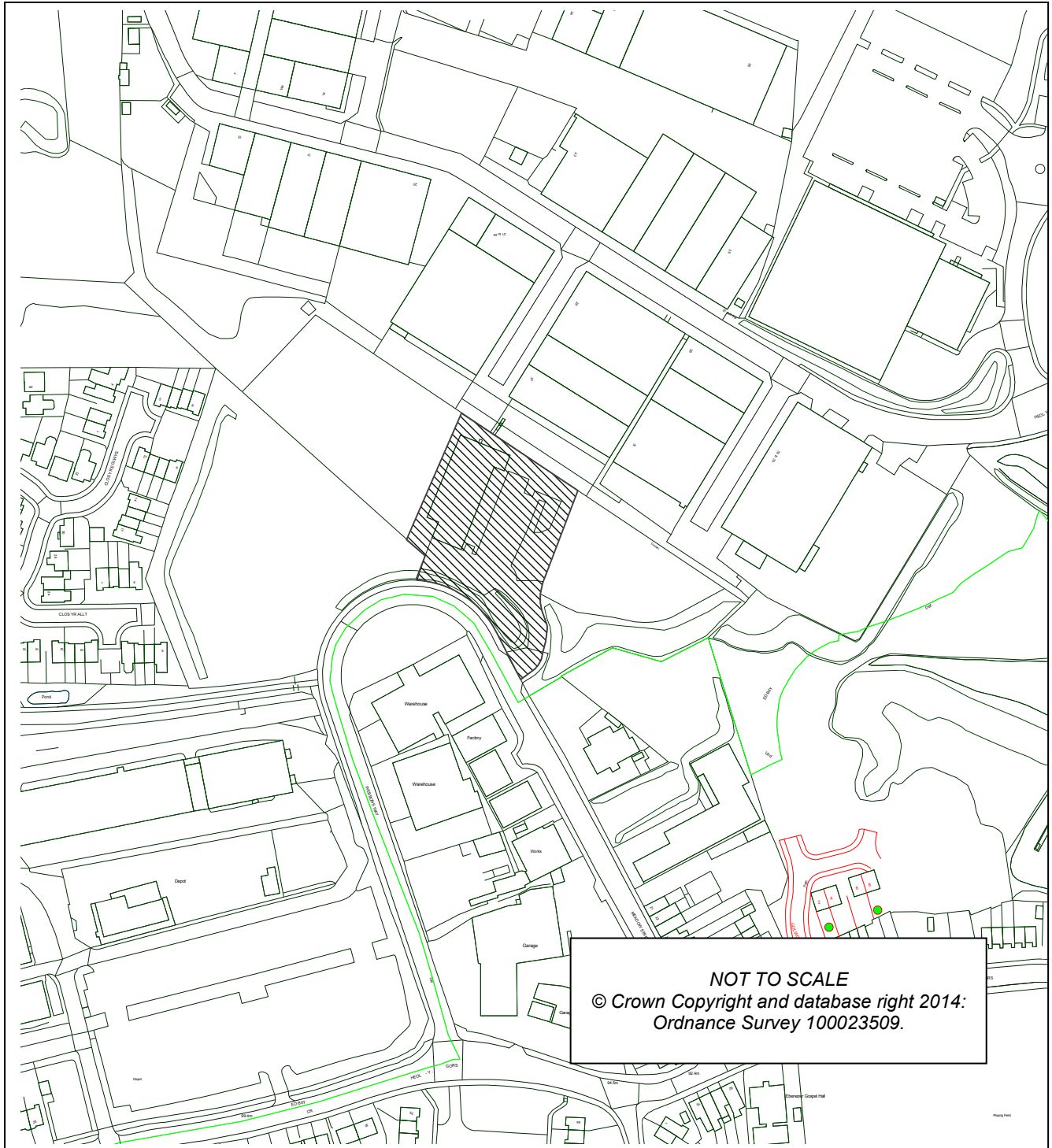
WARD:

Cockett

**Location: Shanks Waste Service Ltd Meadow Street Townhill Swansea SA1 6RZ**

**Proposal: Change of use from waste recycling centre to sports use (Class D2)**

**Applicant: Mr Ken Foulston**



## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 8 (CONT'D)

APPLICATION NO.

2015/0013

### **BACKGROUND INFORMATION**

#### **POLICIES**

| <b>Policy</b> | <b>Policy Description</b>                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 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 AS6    | Provision of car parking in accordance with adopted standards. (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)                                                                                                                                                                                                                                                                                                                     |

#### **SITE HISTORY**

| <b>App No.</b> | <b>Proposal</b>                                                                                                                                                                                                                                |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2009/1311      | Construction of 40 residential units (outline)<br>Decision: Withdrawn<br>Decision Date: 15/09/2011                                                                                                                                             |
| 2001/2082      | Use of site for the temporary storage and dismantling of redundant fridges<br>Decision: Withdrawn<br>Decision Date: 25/06/2002                                                                                                                 |
| 2002/1481      | Continued use of the site for the temporary storage of redundant fridges within two smaller buildings in association with continued use of main building for waste paper recycling.<br>Decision: Appeal Withdrawn<br>Decision Date: 20/02/2003 |

#### **RESPONSE TO CONSULTATIONS**

The application was advertised on site and in the press as a DEPARTURE from the Unitary Development Plan 2008. No response.

ITEM 8 (CONT'D)

APPLICATION NO.

2015/0013

**Dwr Cymru Welsh Water** – No objection subject to standard conditions and informatives

**Highways Observations** - This proposal is for the change of use at the former waste recycling centre to an indoor sports facility. Information provided with the application indicates that two football pitches will be accommodated that will provide playing facilities mainly for football but can be used for any ball orientated sports. Parking within the site can be accommodated on the large site area and this element is unlikely to generate any issues.

With regard to traffic generation, the previous use of the site would have generated significant commercial traffic movements and the proposed use is considered unlikely to generate a higher volume of traffic. Patterns of movement may well be slightly different but overall, traffic movements are likely to be more acceptable.

On balance, I recommend no highway objection subject to all on-site parking facilities being laid out and ready for use prior to beneficial use commencing.

#### **APPLICANT'S SUPPORTING STATEMENT**

The existing proposal is for 2 mini 3G inside pitches. 2 further outside 3G pitches are proposed in the future. 3 G pitches represent the cutting edge of artificial all weather pitches available in the UK .The turf comprises artificial grass blades supported by a this base layer of sand and an infill of rubber crumb. This is laid on a base of compacted stone and sometimes tarmac with a shock pad layer to provide the necessary 'give' in the pitch surface . There are different specifications for soccer, rugby and hockey. This proposal is for a soccer specification.

There are currently no 3G pitches within Urban Swansea except that available to the University and Swansea AFC. The Council's leisure department is looking to provide 3G pitches in the future but this will be dependent upon resources which currently are being cut rather than increased. The former Pitch side indoor astroturf pitch in the Cwmdu has been closed and there is now no other indoor football provision at all within this part of Swansea. There is clearly a need and demand for this new type of indoor sport provision within the area. The level of private investment proposed is indicative of this.

It is difficult to compare this new type of indoor facility with the open space provision considered in the Councils Open Space Assessment which is being used to develop the new leisure policies in the draft LDP. The site is also located on the boundary between the three wards of Cwmbwrla, Townhill and Cockett with information collated on a ward basis. It is noteworthy however that in considering all the main Fields in Trust and Accessible Natural Green space rankings all the wards are close to or below the recommended minimum standards for provision .This reinforces the case that this new form of leisure provision is needed.

The Councils Sports Development officer has been consulted informally and he has no objection to the development which will add a needed and useful private facility and reduce pressure on very limited Council resources.

## APPRAISAL

Full planning permission is sought for the change of use of the former Shanks Waste Recycling Centre in Meadow Street, Townhill to an indoor sports use facility. The proposal is to fit the existing building internally with 2, 3G mini football pitches. 3G football pitches are sand and rubber filled artificial grass surfaces with 30-60mm pile height of the artificial grass.

The land where the building is situated is allocated as future Housing Land in the current Unitary Development Plan 2008 and as such the change of use as proposed is considered a departure from the prevailing development plan. The main issues to be considered therefore are if the proposal would prejudice the future development of the site for housing development, the impact upon highway conditions in the area, residential and visual amenity having regard to the requirements of Policies EV1, EV2, HC1, AS6 and HC18 of the Unitary Development Plan 2008.

Policies EV1 and EV2 refer to developments complying with good design criteria and preference being given to the use of previously developed land. Policy HC1 (53) refers to the land being allocated for the construction of up to 30 dwellings. Policy AS6 states that parking provision to serve development will be assessed against adopted maximum parking standard.

Policy HC18 states that development of new leisure facilities will be provided at suitable locations within the urban areas provided that:

- Outside existing centres the need for the facility is assessed and justified,
- The proposal either singularly or cumulatively with existing or approved developments does not undermine the vitality and viability of the City Centre and District Shopping Centres,
- A sequential evaluation indicates that there are no more suitable alternative sites, with priority given to the City Centre, District Shopping Centres and Edge of Centre sites
- There is an acceptable means of access (including public transport, walking and cycling) and an appropriate level of parking, and
- The highway network is capable of accommodating the traffic generated by the proposal without a significant effect on traffic flows.

In terms of visual amenity, there are no external changes proposed to the building and as such the impact would be negligible. The site is located within an industrial area and again it is not considered that the use as an indoor sports facility would unduly impact upon any surrounding residential amenities. In addition, the use as an indoor sports facility is considered to have less of a noise and disturbance impact than the current use as a waste transfer facility. The proposal is therefore considered to comply with the overall requirements of Policies EV1 and EV2.

Turning to highway safety issues, the Head of Transportation and Engineering offers no highway objection as it is considered that the site can accommodate the required car parking and the traffic movements will be lesser than the current authorised use. A condition is recommended that ensures the proposed car parking areas are laid out prior to the beneficial use commencing. With this condition imposed, the proposal is considered to comply with the criteria of Policy AS6. Page 138

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 8 (CONT'D)

APPLICATION NO.

2015/0013

The main issue to consider therefore is the loss of potential housing land as indicated by Policy HC1(53) for up to 30 new dwellings. However, it has been confirmed by the Council's Planning Policy Section that the land in question is no longer being treated as a viable and deliverable site for the purposes of the Local Development Plan, within which it is proposed to be redesignated as white land to enable development proposals to be considered on their individual merits. It is a site that is not considered deliverable within the next 5 years and it is considered that is unlikely to have any development value/potential until the adjoining BT site (HC1(31)) is built out in its entirety (10yrs+).

The applicant's agent purports that this site was selected and has been acquired because of its central geographic location within Swansea surrounded by large concentrations of population and accessible via a wide range of transport modes including by foot, cycle, public transport and private car. He also contends that a facility of this nature requires large relatively low cost indoor space with a corresponding large outdoor area for future expansion with generous floor to ceiling heights needed. He continues to say that this puts a particular constraint on the type of building and site suitable for the development which is not generally available within the City Centre, District centres or edge of centre locations and insists that there are no sequentially preferable sites available for the development in Swansea.

It is considered that the proposal provides an opportunity to remove an existing bad neighbour use and encourage existing adjoining commercial/industrial uses to uplift the current poor quality environment within the locality and potentially encourage the completion of the stalled development site to the east (HC1(30)).

The proposal has also been considered in conjunction with the City and County of Swansea's Open Space Assessment where it recognises that there should be provision for children's outdoor sport and play acknowledged nationally as Fields In Trust (FIT). It recommends provision for children's outdoor playing space of 1.6ha per 1000 population for outdoor sport and 0.8ha per 1000 population for children's playing space with 0.25ha of the total relating to equipped playgrounds. Whilst the proposed use is an indoor facility and does not therefore contribute towards Fields in Trust provision as such, should it prove viable and seek to expand in future to include outdoor pitches as indicated in the applicant's supporting planning statement, then such pitches would count towards addressing the FIT deficiency within the area.

In summary, the existing land use allocation is no longer considered deliverable and the current proposal is supported as a suitable alternative use which could potentially address the current FIT deficiency within the locality.

In conclusion and on balance, it is considered that the proposal is an acceptable form of development at this location that complies with the overall requirements and criteria set out in Policies EV1, EV2, AS6 and HC18 of the City and County of Swansea's Unitary Development Plan 2008 and the City and County of Swansea's Open Space Assessment. It is recommended that the proposal be approved as an acceptable Departure to Policy HC1 (53) of the City and County of Swansea's Unitary Development Plan 2008.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 8 (CONT'D)

APPLICATION NO.

2015/0013

### RECOMMENDATION

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: site location and layout plan received 9th January 2015, parking layout plan received 20th January 2015.  
Reason: To define the extent of the permission granted.
- 3 The car parking layout as indicated on the parking layout plan received on 20th January 2015 shall be completed in accordance with the approved details prior to the commencement of the beneficial use hereby approved and shall be retained for such purposes at all times.  
Reason: In the interests of highway safety.
- 4 Foul water and surface water discharges shall be drained separately from the site.  
Reason: To protect the integrity of the Public Sewerage System.
- 5 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.
- 6 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.

### INFORMATIVES

#### 1 STANDING ADVICE - DEVELOPMENT LOW RISK AREA

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

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

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 8 (CONT'D)

APPLICATION NO.

2015/0013

- 1 Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)  
  
This Standing Advice is valid from 1st January 2015 until 31st December 2016.
  - 2 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, HC1, HC18, AS6
  - 3 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
  - 4 If 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.
  - 5 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).
  - 6 The developer is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's (DCWW) maps or 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. DCWW advise that the applicant contacts their 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.
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**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 9

APPLICATION NO.

2015/0030

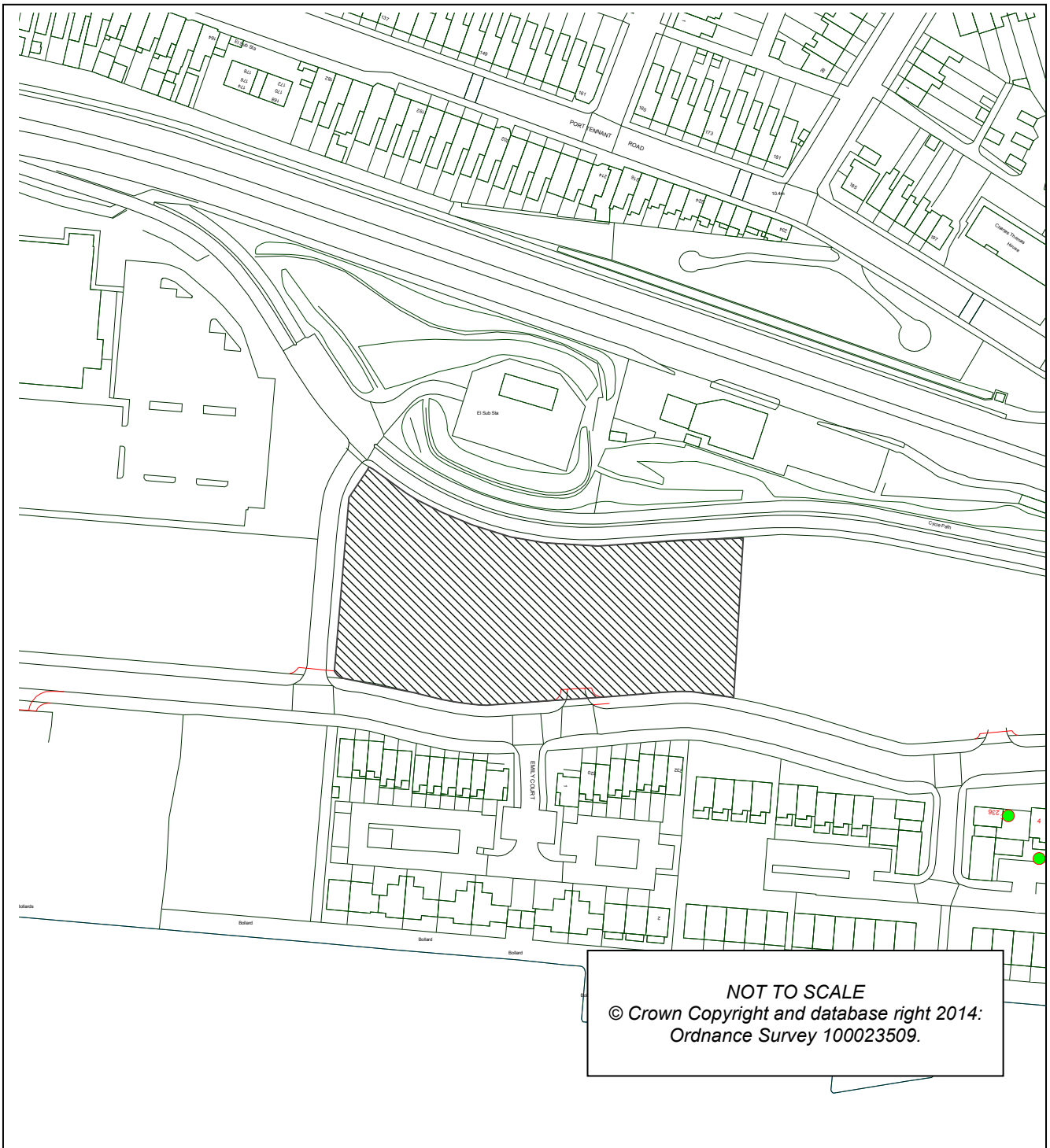
WARD:

St Thomas

**Location:** Plots D8 & E1 Langdon Road, SA1 Swansea Waterfront, Swansea

**Proposal:** Construction of 49 residential units comprising of 22 three storey townhouses and 27 apartments in three / two storey blocks with associated access, car parking, bicycle / refuse storage, landscaping and ancillary works

**Applicant:** Coastal Housing Group Ltd.





**BACKGROUND INFORMATION**

**RELEVANT PLANNING POLICIES**

**National Planning Guidance**

Planning Policy Wales (PPW – Edition 7 (July, 2014)

Technical Advice Note 12 – Design

**Swansea Unitary Development Plan**

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

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

Policy EV3 Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access.

Policy EV4 New development will be assessed against its impact on the public realm.

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.

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.

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.

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

Policy 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.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 9 (CONT'D)

APPLICATION NO.

2015/0030

Policy EC1 SA1 Strategic Mixed use Site

Policy EC2 A major redevelopment area identified at SA1 Swansea Waterfront for mixed employment and residential development together with supporting leisure, tourism, community use and ancillary services

Policy HC1 Land allocated in SA1 Swansea Waterfront for housing

Policy HC3 Affordable Housing

Policy AS1 Accessibility - Criteria for assessing location of new development.

Policy AS2 Accessibility - Criteria for assessing design and layout of new development.

Policy AS5 Accessibility - Assessment of pedestrian and cyclist access in new development.

Policy AS6 Provision of car parking in accordance with adopted standards.

### **Supplementary Planning Guidance:**

Port Tawe and Swansea Docks - Supplementary Planning Guidance (12th September 2002).

SA1 Swansea Waterfront Design and Development Framework (August 2004).

Places to Live: Residential Design Guide (January, 2014)

### **RELEVANT PLANNING HISTORY**

2002/1000 Mixed use development comprising employment (Use Class B1, B2) residential (C3), retail (A1), commercial leisure (D2), food and drink (A3), hotel (C1), and educational (D1/C3) uses, car parking, associated infrastructure (including new highway access and pedestrian overbridge), hard and soft landscaping  
Planning permission 19 August, 2003 subject to the completion of a Section 106 Agreement

2002/0743 Construction of highway infrastructure including cycle ways, footways, drainage and service  
Planning Permission July, 2002

2008/0996 Variation of Conditions 1 (review of phasing programme), 2 (land use masterplan), 3 (review of urban design framework), 5 (development capacity), 7 (scale, nature, distribution and design of Class A3 and commercial leisure uses), 14 (air quality), 16 (noise and vibration), 20 (waste management and recycling), 21 (ecology and wildlife) and 27 (archaeology) of outline planning permission 2002/1000 granted on 19th August 2003)  
Planning Permission 11 Oct. 2010

## RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press. TWO LETTERS OF SUPPORT / OBSERVATION have been received. The principal points may be summarised as follows:

1. From the view of a prospective buyer the internal layout does not flow well – living space should be on one floor and bedrooms on the other floors. The house looks long and thin, should be a little shorter and slightly wider.
2. In favour of housing but concerns over lack of visitor parking.
3. There is only provision for 6 visitor parking spaces which is inadequate.
4. The site opposite (Emily Court) has 2 parking spaces for each house with 8 visitor spaces for 30 houses and is insufficient.
5. There is no waiting or unloading on Langdon Road.

### **NRW –**

#### Pollution Prevention

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

As best practice, we would advise the developer to produce a site specific construction management / pollution prevention plan with particular reference given to the protection of the surrounding land & water environments.

#### Waste Management

Given the scale and nature of this development, we would recommend that a site waste management plan (SWMP) for the project is produced. Completion of a SWMP will help the developer / contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money.

#### Flood Risk

The site is located within zone B, as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, indicates the site to be outside the current flood zones. The proposal is for a residential development which is classed as highly vulnerable development according to TAN15.

The Flood and Drainage Statement (Ref. C14218, dated January 2015) prepared by Jubb Consulting indicates in Section 5.4 that the finished floor level of the properties will be 10m AOD. We are satisfied that this level is above both the 1% and 0.1% tide levels when climate change allowances have been applied.

ITEM 9 (CONT'D)

APPLICATION NO.

2015/0030

Surface Water Disposal

We note that existing surface water connections into the dock will be utilised. Whilst we acknowledge that this is an existing system, should any opportunity arise to utilise SUDs on the site then we recommend that this should be taken, subject to a prior assessment to ensure that there are no risks to groundwater from any contaminated land.

Foul Water Drainage

We note that foul water flows are to be discharged to the main public sewer. This is our preferred means of foul water discharge and is considered to be the most sustainable. We would recommend that Dwr Cymru Welsh Water (DCWW) are consulted and asked to confirm that there is sufficient hydraulic capacity within the sewer network at this location to accommodate the flows generated without causing pollution.

Ecology

We welcome the submission of the document entitled; 'Phase 1 Habitat Survey and Reptile Mitigation Strategy: Plots D8 and E1, Swansea Waterfront SA1', dated November 2014 by Hawkeswood Ecology. We note the recommendations made in sections 7 and 8 of the survey and advise that these are discussed and agreed with your Authority's Planning Ecologist.

To conclude, we would not object to the application, providing appropriately worded conditions are attached to any planning permission your authority is minded to grant.

**Glamorgan Gwent Archaeological Trust** – An archaeological desk based assessment was made prior to the wider development of the sa1 Waterfront area commencing, which resulted in the attachment of a condition for an archaeological Written Scheme of Investigation for the wider area. The applicants have taken this into consideration and provided in the support information a rapid archaeological assessment, which re-lists the archaeological interests within the area.

It remains apparent that archaeological remains are likely to be present in the application area, and any impact on these will need to be mitigated. As such we 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. We envisage that the programme of works would be an archaeological watching brief, 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.

**Welsh Water** – No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. Request that conditions be included within any planning permission granted to ensure no detriment to existing residents or the environment and to Welsh Water assets.

**Head of Environment, Management and Protection** – no objections subject to conditions in respect of unsuspected contamination and for a Construction Pollution Management Plan to be submitted.

### Highway Observations

Construction of 49 residential units comprising of 22 three storey townhouses and 27 apartments in three / two storey blocks with associated access, car parking, bicycle / refuse storage, landscaping and ancillary works. The site was identified as being suitable for residential development under the outline consent for the re-development of SA1, thus the principle of the residential use has already been established. A Transport Statement was also submitted with the application which summarised that the development would have minimal impact on highway safety and could be accommodated within the existing strategic Highway Network. The development is expected to generate 21 movements in total in both the a.m. and p.m. peaks which is not a significant amount of traffic given the existing flows in SA1 and the surrounding area.

Vehicular and pedestrian Access is gained directly off Langdon Road via a priority junction. Adequate visibility onto Langdon Road is available. The site is well served by public transport and in addition is well sited to take advantage of the local cycle network.

A series of amendments have been sought on various issues and the current proposed site plans (3958/A-90-100C) reflect those requests.

Parking is provided at 1 space per plot on the 27 apartments with an additional 6 visitor spaces. There are 2 spaces provided for each of the 3 bed townhouse types (including a garage). There are 2 spaces also being provided for the 4 bed townhouses. Cycle parking is also provided at 1 stand for each of the apartments. The cycle parking is provided in three clusters of 10, 10 and 12 spaces respectively. These levels of parking both the car and cycles are appropriate for the site. It is not evident as to which of the spaces are designated for visitor use only and this can be secured via an appropriate condition for the avoidance of doubt.

The layout of the site in the main complies with our adopted standards in terms of geometry. The palette of materials to be used has been previously agreed. There appears to be space for a refuse vehicle to enter the site and turn around thus access should be available as the submitted Autotrack demonstrates. The layout is such that there are no boundary walls that would impact on visibility and thus visibility is unlikely to be compromised by the siting of plots 12 and 13 at the sole access to the site, or indeed at any other location.

Pedestrian access is catered for with 2 m footways on the main access into the site, and also to the rear of plots 1-22. There is a service strip fronting the rest of the plots and this should be adequate to ensure that the services are catered for.

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

1. The road to be constructed under a section 38/278 agreement with the Highway Authority.
2. The parking areas to be retained for parking purposes only in perpetuity.
3. The visitor parking to be identified as such.
4. The applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use commencing.
5. Permitted development rights being removed with respect to the garages.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 9 (CONT'D)

APPLICATION NO.

2015/0030

Note 1: 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

### APPRAISAL

The application seeks full planning permission for residential development of 49 units comprising of 22 three storey town houses and 27 apartments in three and two storey blocks with associated access, car parking, refuge and bicycle stores, landscaping and associated works at SA1 Swansea Waterfront, Swansea. The site is located between the northern side of Langdon Road and the dedicated priority bus and cycle route along the northern boundary which runs parallel with Fabian Way (the footway in this area is currently the route of the Wales Coastal Path) and comprises land incorporated within Plots D8 and E1 of the SA1 Swansea Waterfront Masterplan.

The land to the north of Langdon Road (which includes the application site) has recently been cleared and regraded to form platforms for development in the eastern quarter of SA1. The vacant site is roughly rectangular in plan with a site area of 0.60 hectares. The site has a general fall of approximately 2m from the bus roadway to the north and Langdon Road and the level change across the site would be absorbed as the site gradually rises to the rear.

The general layout concept comprises two parallel blocks with frontages onto Langdon Road and the bus roadway to the north. It is proposed to construct 22 no. 'open market' three storey townhouses (10 x 3 bedroom units & 12 x 4 bedroom units) along Langdon Road and 27 no. affordable apartments in the form of one and two bedroom apartments (20 x 2 bedroom & 7 1 bedroom units) over two and three storeys to the rear. The townhouses are designed to provide a strong street frontage to Langdon Road with a dual aspect with the principal entrance from the rear. The respective blocks will look over a central courtyard car parking area. The primary materials would comprise reconstituted slate roofs and facing brickwork. Windows and doors would be composite powder coated aluminium and timber. A total of 77 car parking spaces are proposed including 6 visitor spaces with a cycle store provision of 32 spaces. Full details of the application are as per the accompanying plans and design and access statement.

### Main Issues

As detailed above, planning permission was granted in August 2003 for a mixed-use development of SA1 Swansea Waterfront, including residential Class C3 use. (Planning application 2002/1000 refers). The general land use principle within SA1 has therefore been established and further support is given to the principle of a major redevelopment area at SA1 for mixed employment and residential development together with supporting leisure, tourism, community uses and ancillary services by Policy EC2 of the adopted UDP. The main issues for consideration in this instance relate to whether the proposed development at this location, having regard to the prevailing Development Plan Policies, is an acceptable form of residential development in terms of the layout, design and visual impact of the proposal. In addition, consideration is given to the impact of the proposed development on the character, appearance and relationship to the surrounding area, including residential amenity. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 9 (CONT'D)

APPLICATION NO.

2015/0030

An application submitted under section 73 of the 1990 Act to vary Conditions 1, 2, 3, 5, 7, 14, 16, 20, 21, and 27 of outline planning permission 2002/1000 was approved on the 11th October 2010 (planning application 2008/0996 refers). The application was made principally to allow changes to the timing of the programme of phasing, for a review of the approved Land Use Masterplan and the Design and Development Framework to take place at appropriate intervals and also to allow for a revision to be made to the total development capacities for SA1 and for the capacity levels to be set by an addendum Environmental Statement. Condition 2 of the outline planning permission as varied requires development to accord with the SA1 Swansea Point Masterplan (April 2010). Any departures from the approved Masterplan are to be considered on their merits having specific regard to the provisions of the adopted City & County of Swansea Unitary Development Plan Policy EC2 and relevant and related policy. In this respect, the land use element of the approved Masterplan allocates plots D8 / E1 for residential use over 2 - 3 storeys. The proposal is therefore considered in principle to be acceptable in land use and general massing terms.

The Section 106 Planning Obligation under the planning permission 2002/1000 requires a phased programme of affordable housing up to 10% of the total number of residential units within the development. The provision of the 27 no. affordable housing apartments would contribute to the overall provision of affordable housing within the SA1 development and would accord with the aspirations of Policy HC3.

In considering the specifics of the scheme, Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design whilst Policy EV2 states that the siting of new development should give preference to the use of previously developed land over greenfield sites and should have regard to the physical character and topography of the site and surroundings by meeting specified criteria relating to siting and location.

Within the context of the overall development, the proposal further strengthens the approach to this eastern area of SA1 providing contemporary sustainable models of family housing. The general layout concept comprising two parallel blocks with frontages onto Langdon Road and the bus roadway around a central parking courtyard is welcomed. The scale of the development is appropriate to the context of the overall SA1 development. The roof design links together pairs of townhouses to form symmetrical pitched roofs with the strategy of attempting to replicate the aesthetic of a 'dockside warehouse'. The 4 bedroom townhouses are arranged in pairs providing a strong presence to Langdon Road. A similar approach is taken for the 3 bedroom townhouses, albeit each pair is slightly staggered along Langdon Road. The smaller scale apartments to the rear are predominantly 2 storeys in height, but incorporating elements of 3 storeys.

The two southern blocks of three storey townhouses creates a strong frontage onto Langdon Road which is enlivened by front doors, feature window projections and balconies. The townhouses would be set back off Langdon Road with modest front gardens with the front boundary treatment consisting of a low level (1100mm) high wall and black galvanised steel railings which will provide a clear definition between public and private ownership. This approach would strengthen Langdon Road as an active residential street with a domestic character as opposed to the more formal and commercial character which can be found at the western end.

ITEM 9 (CONT'D)

APPLICATION NO.

2015/0030

The access road is proposed to be adopted and to avoid extensive areas of tarmac and to visually reduce the perception of a car dominated environment, it is proposed to utilise granite setts in the form of a vehicular cross-over, at the T-junction of the internal site road and the inclusion of the bands of setts extending from the entrance paths serving the northern/rear blocks to break up the linearity of the tarmac. The use of this material has already been widely agreed and used within the SA1 development area. Additionally, the car parking areas around the periphery of the courtyard would incorporate a permeable concrete block surface. The precise material and detailing may be approved through conditions.

Again, as explained above, the three storey houses use traditional materials including reconstituted slate and facing brick in a robust and modern manner to give the scheme a sense of place. This contemporary character is further demonstrated through the asymmetrical roofs and detailing to openings. This can be addressed by the standard materials condition. Overall, the design of the development is appropriate to its context and would provide a good mix of building forms with well-articulated elements.

Further relevant criteria of Policy EV1 is that new development does not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements. In this respect it is considered that the size and design of the development proposed would not unacceptably impact on any existing residential development within SA1. Moreover it is considered that the approved SA1 Masterplan provides sufficient comfort that the current proposal can be successfully integrated into the scheme as a whole without undue detriment to future occupants. In terms of future occupants within the development itself, it is considered that the design and layout is such that the proposal would result in a good standard of residential amenity.

Overall the proposed development is considered to be of an acceptable standard of design that would fulfil the design objectives for sustainability, sense of place and community. The contemporary design approach is well-suited to its SA1 context. Having regard to the foregoing, it is considered that the proposal is in accordance with the requirements of UDP Policy EV1. Furthermore, as per the provisions of Policy EV2 the site utilises previously developed land and the nature of the development is such that it would not result in conflict with the criteria forming part of that policy.

Policy EV3 of the UDP requires new development proposals to provide access and facilities for all; provide satisfactory parking in accordance with Council adopted design standards; contribute to a high quality public realm by improving pedestrian linkages with adjoining spaces and attractions and be accessible to pedestrians, cyclists and users of public transport. In this respect the Design and Access Statement confirms that the development will be designed using inclusive design principles to provide ease of access for all and will be in full compliance with Part M of the Building Regulations. Langdon Road is generally level, whilst levels within the site have been set to ensure that gradients are acceptable for wheelchair use without the need for ramps. It is the intention that Langdon Road will have a regular bus service whilst at present bus services are available approximately 300 metres to the West on Langdon Road. The proposed development is sustainably located close to the centre of Swansea on a brownfield site and is well linked by shared cycle and pedestrian routes. The proposal is therefore considered to be in accordance with the requirements of Policy EV3.



Policy EV4 of the UDP relates to public realm. In this respect, the proposed active residential use for Langdon Road is considered to provide a good degree of active frontage to that key area of public realm. The proposal is therefore considered to be in accordance with the provisions of Policy EV4 of the UDP. As stated, a condition is however recommended to provide appropriate control of the precise design of the hard/soft landscaping scheme and means of enclosing the site, as well as all other aspects of the development's interface with adjoining areas of public realm.

### **Transportation**

The development will provide a total of 77 spaces. Each townhouse is allocated 2 spaces, with the affordable apartments allowing for 1 space for unit, with a provision of 6 visitor parking spaces. This is considered to be an appropriate level of parking provision in the context of the Council's car parking standards, the site's sustainable location and the likely car ownership levels across the development as a whole. Having regard to the site's proximity to the City Centre, its accessibility by a range of transport modes and the provision made to encourage pedestrian and cycle access/use, it is considered that the proposal satisfactorily accords with UDP Policies AS1 (new development proposals), AS2 (design and layout), AS5 (walking and cycling) and AS6 (parking).

### **Archaeological Constraint**

UDP Policy EV6 seeks to protect, preserve and enhance sites of archaeological potential. An archaeological desk based assessment was made prior to the wider development of the SA1 Waterfront area commencing, which resulted in the attachment of a condition for an archaeological Written Scheme of Investigation for the wider area. The Archaeological Assessment provided in the support of this current proposal has re-listed the archaeological interests within the area. Glamorgan Gwent Archaeological Trust (GGAT) indicate that archaeological remains are likely to be present in the application area and the impact will need to be mitigated. GGAT recommend that a condition be imposed requiring the applicant to submit a programme of archaeological work comprising an archaeological watching brief, 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. Subject to the imposition of such a condition, it is considered that the development would be in accordance with the provisions of Policy EV6.

### **Drainage and Flood Risk**

A Flooding and Drainage Statement has been submitted with the application. This indicates that the application site is fully serviced with a foul drainage connection on Langdon Road. The surface water will be connected to the existing SA1 infrastructure which discharges into the Prince of Wales Dock. Welsh Water advise that no problems are envisaged in terms of the treatment of domestic waste from this site and request that conditions be included within any planning permission granted to ensure no detriment to existing residents or the environment and to Welsh Water assets. Subject to the imposition of such conditions, it is considered that the proposal would be in accordance with the requirements of UDP Policies EV33 (sewage disposal), EV34 (protection of controlled waters) and EV35 (surface water run-off).

The wider SA1 Flood Consequences Assessment indicates that the extreme flood event for the 1 in 1000 (0.1%) is 6.82m. Whilst the minimum proposed level across the application site is 10m AOD and therefore there is no flood risk across the site. NRW raise no objections accordingly.

**Ground Contamination**

Policy EV38 indicates that development proposals on land where there is a risk from contamination 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 water, or the natural and historic environment. A Geo Environmental Report has been submitted with the application. NRW and the Head of Environment, Management and Protection have raised no objections subject to the imposition of conditions in respect of land contamination. Additionally, for a condition to be imposed for a Construction Management Pollution Plan to be implemented and informatives in respect of construction noise, smoke/burning of materials and dust control.

**Ecology**

Policy EV2 (v) requires undertaking, at the earliest opportunity, an assessment of species and habitats on site and when planning permission is granted, implementing any necessary mitigation measures. A Phase 1 Habitat Survey and Reptile Mitigation Strategy has been submitted with the application. This concluded that the site was of low biodiversity value with limited potential to support reptiles. The Council's Ecologist has endorsed its conclusions but recommends that a condition be imposed for a reptile mitigation strategy to be implemented in accordance with the submitted A Phase 1 Habitat Survey and Reptile Mitigation Strategy report.

**Conclusion**

In conclusion it is considered that the proposed development is acceptable when assessed against the provisions of Development Plan policy, adopted Supplementary Planning Guidance and the approved Design and Development Framework for SA1. There are considered to be no additional issues arising from the provisions of the Human Rights Act and approval is therefore recommended.

**RECOMMENDATION:**

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
  
- 2 The development shall be carried out in accordance with the following approved plans and documents: [A-90-01 Site Location Plan (12 Jan 2015), A-90-100 (Site Plan), A-90-300, A-90-301, A-90-302, A-90-140, A-00-100, A-00-200, A-00-300, A-00-201, A-21-500, A-21-501, A-00-500, A-00-501, A-00-600 & A-00-700 (amended plans received 24 March, 2015)]  
Reason: To define the extent of the permission granted.
  
- 3 Notwithstanding the details shown on any approved plan, samples of all external finishes, including windows and doors 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 development of superstructure works. The development shall be implemented in accordance with the approved details.  
Reason: In the interests of visual amenity.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 9 (CONT'D)

APPLICATION NO.

2015/0030

4 Prior to the commencement of super structure works, details at an appropriately agreed scale of the following shall be submitted to and agreed in writing by the Local Planning Authority:

- Typical window unit within its opening;
- Typical external door within its opening;
- A sectional elevation indicating the juxtaposition of various facing materials and how typical junctions are to be detailed;
- Details of the location, extent, design and finish of all visible external ventilation;
- Balconies;
- Rainwater goods.

The development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity.

5 Notwithstanding the details shown on any approved plan, the precise design, extent and height of all means of enclosure within and around the development shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be built in accordance with the approved details.

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

6 Notwithstanding the details shown on any approved plans, no superstructure works shall take place without the prior written approval of the Local Planning Authority of a scheme for the hard and soft landscaping of the site. The scheme shall include details of all external lighting, bin stores, bicycle parking, and external surfacing to vehicular and pedestrian circulation and car parking areas within the communal areas and shall be carried out as an integral part 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.

7 The levels of the residential buildings and access road shall be constructed in accordance with the details indicated in the approved drawings unless otherwise amended by details submitted to and agreed by the Local Planning Authority in writing.

Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 9 (CONT'D)

APPLICATION NO.

2015/0030

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

1. A preliminary risk assessment which has identified:

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

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

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

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

Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved.

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

9 Prior to occupation of any part of the permitted development, a verification report demonstrating

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

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

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 9 (CONT'D)

APPLICATION NO.

2015/0030

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

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

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

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

- 12 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

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

- 13 No development approved by this permission shall be commenced until a Construction Pollution Management Plan detailing all necessary pollution prevention measures for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To prevent pollution of controlled waters and the wider environment.

- 14 No development approved by this permission shall be commenced until a Site Waste Management Plan has been produced and submitted in writing for approval by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 9 (CONT'D)

APPLICATION NO.

2015/0030

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Order) 2013, (or any Order revoking or amending that Order), Classes A, B, C, D, E, F, G & H of Part 1, Classes A, B and C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Order) 1995 and Part 40 (micro-generation) of the Town and Country Planning (General Permitted Development) (Amendment) (Order) 2012 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.

- 16 The garage(s) indicated in the submitted plans shall be retained for the parking of vehicles and purposes incidental to that use and shall not be used as or converted to domestic living accommodation.

Reason: To ensure adequate on site car parking provision in the interests of highway safety, and residential and visual amenity.

- 17 Unless otherwise agreed in writing by the Local Planning Authority, details of a single satellite television system solution incorporating all residential units shall be submitted to and approved in writing prior to the commencement of superstructure works. The system shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

- 18 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.

- 19 Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occur to the environment or the existing public sewerage system.

- 20 Foul water and surface water discharges must be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public foul sewerage system. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

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

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 9 (CONT'D)

APPLICATION NO.

2015/0030

- 21 The access spur from Langdon Road into the development shall be laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of highway safety.
- 22 The development shall be carried out in accordance with a travel plan to be submitted to and approved in writing by the Local Planning Authority prior to any beneficial use of the development commencing. The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary.  
Reason: In the interests of sustainability and to prevent unacceptable highway congestion.
- 23 The development shall be implemented in accordance with the recommendations of the Phase 1 Habitat Survey and Reptile Mitigation Strategy.  
Reason: In the interests of ecology.

### INFORMATIVES

- 1 The Council is responsible for the naming and numbering of streets within the administrative area. All new property addresses or changes to existing addresses arising from development for which planning consent is sought must be cleared through the Council's Street Naming and Numbering Officer as soon as building work commences. Street naming and numbering proposals must be agreed with the Council prior to addresses being created or revised. Please note that there is a charge for the provision of some street naming and numbering services.

For further information please visit [www.swansea.gov.uk/snn](http://www.swansea.gov.uk/snn) or contact the Council's Street Naming and Numbering Officer, City & County of Swansea, Room 2.4.2F, Civic Centre, Swansea, SA1 3SN. Tel: 01792 637127; email [snn@swansea.gov.uk](mailto:snn@swansea.gov.uk)

- 2 The Construction Pollution Management Plan (CPMP) shall 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 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;

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 9 (CONT'D)

APPLICATION NO.

2015/0030

- 2 j) Details of waste management arrangements (including any proposed crushing/screening operations).

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

- 3 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.

- 4 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.

- 5 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.

- 6 Lighting:

During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on site lighting.

- 7 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (UDP Policies EV1, EV2, EV3, EV4, EV33, EV34, EV35, EV38, EV40, EC1, EC2, HC12, HC3, AS1, AS2, AS5 & AS6)
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PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 10

APPLICATION NO.

2015/0221

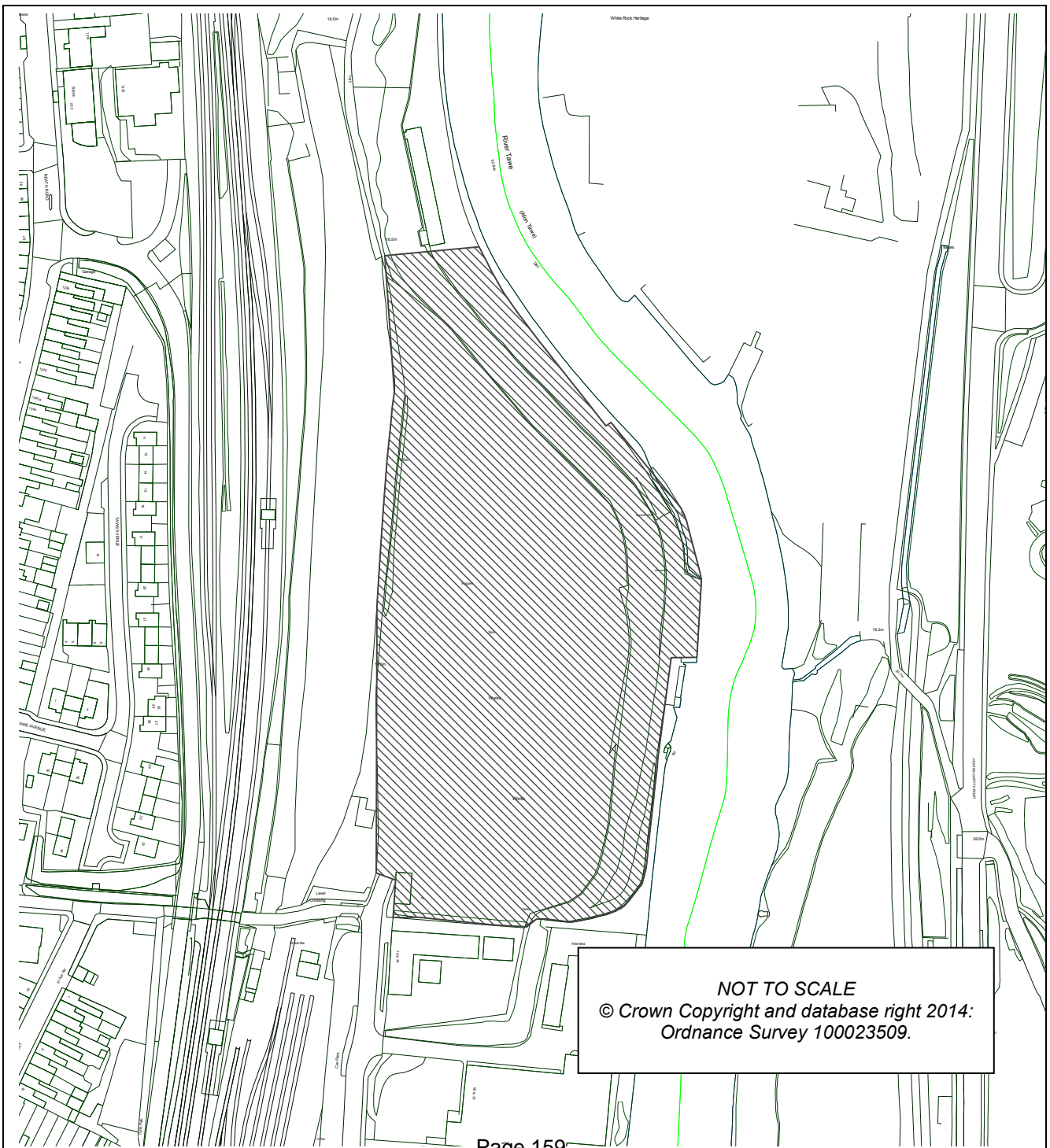
WARD:

Landore

**Location:** Former Bernard Hastie & Co. Site Maliphant Sidings, Morfa Road Swansea

**Proposal:** Residential re-development of site for 93 units (26 apartments & 67 two/three storey dwellings) together with new access road, car parking, infrastructure, and engineering works (Details of appearance, landscaping, layout and scale pursuant to outline planning permission 2008/1615 granted 4 Feb. 2015)

**Applicant:** Persimmon Homes West Wales



**BACKGROUND INFORMATION**

**RELEVANT PLANNING POLICIES**

**Swansea Unitary Development Plan**

- Policy EV1 New development shall accord with a defined set of criteria of good design.
- Policy EV2 The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings.
- Policy EV3 Accessibility criteria for new development.
- Policy EV4 Creating a quality public realm
- Policy EV6 Ancient Monuments and Protection of Archaeological Sites
- Policy EV34 Development proposals will only be permitted where they would not pose a significant risk to the quality of controlled waters.
- Policy EV35 Surface water run-off
- Policy EV36 New development within flood risk areas will only be permitted where flooding consequences are acceptable.
- Policy EV38 Development proposals on contaminated land will not be permitted unless it can be demonstrated that measures can be taken to overcome damage to life, health and controlled waters.
- Policy EV40 Development proposals will not be permitted that would cause or result in significant harm to health, local amenity because of significant levels of air, noise or light pollution.
- Policy EC3 Improvement and enhancement of the established industrial and commercial areas will be encouraged.
- Policy HC2 Proposals for housing developments within the urban area will be supported where the site has been previously developed or is not covered by conflicting plans policies or proposals.
- Policy HC17 In considering proposals for development the Council will, where appropriate, enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990. The Council will expect developers to make contributions towards:  
(i) Improvements to infrastructure, services or community facilities,  
(ii) Mitigating measures made necessary by a development, and  
(iii) Other social, economic or environmental investment to address reasonable identified needs.  
Provisions should be fairly and reasonably related in scale and kind to the individual development

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 10 (CONT'D) APPLICATION NO. 2015/0221

- Policy HC19 The Tawe Riverside Park will be completed to improve its role as an attractive recreation area and complete the pedestrian and cycle network
- Policy AS1 New developments (including housing) should be located in areas that are currently highly accessible by a range of transport modes, in particular public transport, walking and cycling
- Policy AS2 Design and layout of access to new developments should allow for the safe, efficient and non intrusive movement of vehicles
- Policy AS4 Creation or improvement of public access routes will be encouraged
- Policy AS6 Parking provision to serve developments will be assessed against adopted maximum parking standards to ensure appropriate levels of parking
- Policy AS11 Road construction and /or improvements are proposed at the Morfa Distributor Road

### National Planning Policy

#### Planning Policy Wales (Edition 7 July 2014)

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

#### Technical Advice Note 12: Design

#### Supplementary Planning Guidance:

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

### RELEVANT PLANNING HISTORY

- 2008/0919 Construction of Morfa distribution road and widening of existing express bus route (Council Development Regulation 3)  
Planning Permission March, 2010
- 2013/1850 Construction of Morfa Distributor Road together with associated infrastructure works (Council Development Regulation 3)  
Currently being considered
- 2011/1305 Construction of Intercity Express Programme Maintenance Depot including a footbridge and access ramp, inspection shed, train wash facility, cleaners store and amenity building, fuel farm pump room, fuel tank room, CET pump room, HV substation, switch room & transformer, security fencing, lighting, CCTV, retaining wall, groundworks, trackworks, associated car parking and landscaping  
Planning Permission February, 2012

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

| ITEM 10 (CONT'D) | APPLICATION NO.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 2015/0221 |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 2013/1069        | Construction of Intercity Express Programme Maintenance Depot including a pedestrian footbridge and access ramp, maintenance building, train wash facility, two storey accommodation building, fuel pump room & tank, CET pump room & water tank, train wash plant room, HV substation, LV switch & transformer rooms, with associated security fencing, lighting, CCTV, retaining wall, groundworks, trackworks, car parking and landscaping (amendment to Planning Permission 2011/1305 granted 1 February 2012)<br>Planning Permission December, 2013                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |           |
| 2008/1615        | Residential re-development of site together with new access road, car parking, landscaping, infrastructure, re-profiling and engineering works (outline)<br>Planning Permission 4 February, 2015 subject to a Section 106 Planning Obligation with the following Heads of Terms                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           |
|                  | <ul style="list-style-type: none"><li>• The dedication of the land (within the developers / applicant's ownership) in order to allow the Local Authority to construct the MDR to take place immediately upon the completion of the Section 106 Planning Obligation.</li><li>• The site access onto the proposed Distributor Road limiting all traffic movements from the proposed development to travel north until such time as the Distributor Road has been completed to provide the through link to New Cut Road.</li><li>• A sum of £250,000 be made available by the developer / applicant for the intrusive archaeological investigation on the site in line with agreed tenders and scope to be agreed by the Local Authority.</li><li>• That any savings arising from that intrusive archaeological investigation be made available to the Council for the Morfa Distributor Road and that the applicants be required to submit to the council tenders for the archaeological works and subsequent payments for this work in order that any balance is readily identified.</li></ul> |           |

### RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press. No response.

**Dwr Cymru Welsh Water** – No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. Request that conditions be included within any planning permission granted to ensure no detriment to existing residents or the environment and to Welsh Water assets.

**Natural Resources Wales** – no objections

**Glamorgan Gwent Archaeological Trust** - As you will recall in response to the outline application for this development 2008/1615, we identified that the proposed works would require archaeological mitigation and a condition was subsequently attached.

You will recall from our previous correspondence, and most recently our letter of 24th June 2014 and our recent meeting, that an archaeological evaluation conducted by SLR Consultants (Report No. 407.04593.00004) identified a number of archaeological features and structures likely associated with the nineteenth century former Foundry building. There is a substantial likelihood that similar archaeological remains will be encountered during ground disturbing activities in the project area.

As a result, whilst we do not object to the granting of reserved matters for this application, in our role as the archaeological advisors to your Members we strongly recommend that a condition remain attached to any consent that is granted ensuring that a programme of archaeological investigation be implemented during the construction work.

It is envisaged that this would take the form of an archaeological strip, map and record investigation of the southern portion of the project area with suitable contingency arrangements in place to allow for the availability of sufficient time and resources to enable any archaeological features or finds that are discovered, including any human remains, to be fully investigated and recorded.

**Highway Observations** – no observations

## **APPRAISAL**

Outline Planning Permission for the residential re-development of this site was recently granted (4 February, 2015) following the completion of a Section 106 Planning Obligation which primarily provides for the dedication of the land (within the developers / applicant's ownership) in order to allow the Local Authority to construct the Morfa Distributor Road (ref:2008/1615). This current proposal now seeks the reserved matters approval for the construction of 93 units (26 apartments & 67 two/three storey dwellings). The Section 106 Planning Obligation remains in place on the development.

### **The site and its surroundings**

The application site is located on the western banks of the Rive Tawe at the northern end of the Morfa Industrial Estate. The majority of the site comprises of the former industrial site of Bernard Hastie, whilst the site frontage includes a linear strip of land which consists of Network Rail railway sidings. Additionally, the application site also comprises the wooded embankment above the River Tawe.

The development of this site is of strategic importance on the basis of its relationship to the delivery of the Morfa Distributor Road (MDR). The redevelopment of this brownfield site would accord with the adopted Tawe Riverside Corridor Study (TRCS), and moreover, the proposed development would assist in the delivery of the MDR, which is one of the key aspirations of the TRCS, through the dedication of land to allow the construction of the MDR.

The strategy for the Morfa Road is for a significant opportunity for redevelopment, capitalising on the superb riverside setting, the proximity of the area to the City Centre and waterfront and also to celebrate and interpret the heritage of the area. The strategy for the regeneration of the area is to alter the balance of uses from light and heavy industry and dereliction, which ignores the river frontage, to a high quality mixed area of residential, commercial and light industrial uses. The masterplan for the Morfa Road area envisages the residential development of the Hasties Site. The the realisation of the residential scheme on the application site would act as a catalyst for further development, and would radically change the appearance of the area.

In addition, one of the key aspirations of the TRCS is the delivery of the 'Morfa Distributor Road', which would require the upgrading of the existing Morfa Road from its junction on New Cut Road and then providing a new road link via the existing Landore park and ride access onto the A4067 to enable to have a distributor road function. The distributor road would serve development within the area and moreover would relieve traffic congestion elsewhere on the highway network by providing a direct corridor to the city centre from the north. The proposed alignment of the Morfa Distributor Road would ultimately cross the application site frontage before linking into the Landore Park and Ride link road to the north.

#### **Environmental Impact Assessment (EIA)**

The original submission of the outline application in 2008 was accompanied by an Environmental Statement (ES) due to the fact that the site is located in a sensitive environmental location adjacent to the River Tawe and it was therefore considered that the proposed uses would have significant effects on the environment. The revised proposal under ref:2008/1615 submitted in 2014 was accompanied by an Environmental Statement Addendum (ESA) reviewing the revised layout in the context of

- \* Ecology
- \* Cultural Heritage
- \* Air Quality
- \* Noise
- \* Highways and Transportation
- \* Land Quality

The general conclusion of the ESA was that the project refinements would not impact upon the findings of the original ES. This conclusion was accepted. However, the main issues identified within the ES are summarised within the appraisal.

#### **Main Issues**

The principal of the development of this site for residential purposes is established under the outline planning permission and the main issues for consideration in this instance relate to whether the proposed development at this location having regard to the prevailing Development Plan Policies the proposal is an acceptable form of residential development in terms of the layout, design and visual impact of the proposal. In addition, consideration is given to the impact of the proposed development on the character, appearance and relationship to the surrounding area. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

## Development Plan Policy and Land Uses

### Unitary Development Plan

The site is an established industrial and commercial area and is therefore afforded white land status in the adopted UDP where redevelopment proposals are considered on their merits. Whilst there is no site specific allocation in the Plan, the Tawe Riverside Corridor Strategy (TRCS) provides an up to date planning policy framework and overarching masterplan for considering schemes along the Morfa Road corridor. The TRCS was adopted as Council policy in August 2006 and it is anticipated that it will become SPG in due course, following the adoption of the UDP.

It is the TRCS rather than the UDP that sets out specific site allocations and proposed uses within the context of a wider strategy for the whole of the Tawe Riverside extending northwards. The overall concept for the Morfa Road section is to deliver a mix of uses, however the TRCS does point out that there is sufficient flexibility to enable the majority of sites to be developed for housing purposes in the longer term. The Hasties site is specifically identified for residential development, and the UDP Inquiry Planning Inspector has indicated support for the Morfa Rd corridor to come forward as a housing windfall site during the lifetime of the Plan, which would accord with UDP Policy HC2. As such, the principal of a non-business use at the site has been accepted. However, phasing is clearly an important element in ensuring that the amenity of future occupiers is not unacceptably compromised by factors such as noise pollution and general disturbance. The UDP states that proposals for non-commercial uses at or adjacent to industrial areas should be determined on their individual merits against broad planning principles, many of which are set out in UDP Policies EV1 and EV2. Of particular relevance is the requirement to consider the level of impact caused by existing commercial uses in terms of environmental pollution to future occupiers at neighbouring sites. The TRCS also deals with 'Pollution Considerations', which states that Planning Permission may be refused at sites along Morfa Rd if – notwithstanding the use of good design – the close proximity of a site to existing noise generating uses is considered unacceptable.

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

### **Design Issues**

The Swansea to London main railway line isolates the site from the housing area of the Hafod. However, the site is identified in the Tawe Riverside Corridor Study for housing and the vision for the Tawe Riverside Corridor is to: *'Develop a modern, attractive and vibrant riverside urban area, creating a place where people wish to live, work and visit, capitalising upon and celebrating the Tawe's unique contribution to the Industrial Revolution'*.

It is proposed for the layout to be served by a single vehicular access formed from the 'Morfa Distributor Road' which would be created by the construction of road extension from the northern side of Morfa Road through the application site which would then link into the park and ride extension at Landore (ref:2013/1850 relates). A separate pedestrian access will be provided at the southern end of the site which will allow a connection to be made to the end of Morfa Road and would also provide for pedestrian links onto the proposed MDR and to the proposed footbridge over the railway line. However, a condition is attached requiring the construction of a temporary pedestrian access along the site frontage connecting the southern end of the MDR to the northern end of Morfa Road as the construction of the MDR linking into Morfa Road is unlikely to be completed prior to the occupation of the development.

The application site is relatively level but is elevated above the riverbank. The layout for 93 dwellings comprises a mixture of design includes 2 storey houses which are typical to the area, some 2.5 storey houses, some 3 storey houses and 3 no. 3 storey feature buildings which will house the proposed flats. The layout will provide a strong street frontage along the proposed MDR as well as providing a central vista through the site, the provision of a strong perimeter block/outer edge to the development, orientating the site towards the river. The site also provides 2 no. public viewing points to maximise the views offered across the river. The Design and Access Statement indicates that the form and architectural style of the dwellings draws on contemporary as well as traditional elements.

The palette of materials will consist of a mix of facing brick and render, grey roof tiles and grey uPVC windows. Car parking will be provided within a mix of internal parking courts, driveways and garages. Forecourt enclosures would consist of low railings with a combination of brick walls / fences and railing elsewhere. A number of dwellings would incorporate 'Juliette' balconies at appropriate locations to utilise views over the River Tawe.

The roof designs of several of the house types especially along the site frontage have been amended to incorporate gabled frontages in order for the architectural approach to relate to its former industrial context. However, the three storey apartment blocks and the 'Greyfriars' three storey townhouses have retained shallow pitched hipped roofs which would have an incongruous visual impact within the street scene. Therefore, it is proposed to impose a planning condition requiring the roof design of the Greyfriars house types and the apartment blocks to incorporate steeply sloping pitched roof gables.

Subject to the above revision, it is considered that the scale and layout of the proposed development would fulfil the design objectives for sustainability, sense of place and community, whilst incorporating element of contemporary design which would be sympathetic to the industrial context of the area. Having regard to the foregoing, it is considered that proposal is in accordance with the requirements of UDP Policy EV1 and Policy EV2 in that the site utilises previously developed land and the nature of the development is such that it would not result in conflict with the criteria forming part of that policy.

#### **Environmental Impact Assessment (EIA)**

The following main issues have been identified within the EIA:

- **Ecology;**
- **Archaeology;**



ITEM 10 (CONT'D)

APPLICATION NO.

2015/0221

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

### **Ecology**

An ecological assessment of the development site was carried out as part of the EIA. The assessment was carried out on the Hasties site, the river bank and the railway sidings. Since the preparation of the original Environment Statement (ES), all the buildings and structures have been removed from the site. The proposed development is not considered to have an ecological impact on the site as previously assessed. The retention of the tree buffer along the river embankment would provide some protection to habitats and wildlife that may be present.

### **Archaeology and cultural heritage**

An Archaeological desk-based assessment was carried out as part of the EIA. This concluded that the proposed development will have a major effect upon the Swansea Canal, Former Hafod Phosphate Works, Hafod Foundry, the Hasties site itself and the railway sidings. Glamorgan Gwent Archaeological Trust (GGAT) confirmed the presence of an archaeological restraint on the site and originally requested a full archaeological investigation prior to determination of the application in order to provide an informed recommendation as to the appropriate level of mitigation required. However, the site then was still occupied which caused the developer some operational difficulty in implementing such investigation. Instead it was agreed that as part of the Section 106 Planning Obligation, archaeological investigations would be required prior to commencement of work. Since then all the buildings on the site have been demolished and currently a scheme of archaeological investigation (agreed with GGAT) is being carried out to ascertain the precise resource on the site. The required for the archaeological work is now secured through appropriately worded planning conditions under the outline planning permission.

### **Air Quality**

An air quality assessment was carried out on the site and assessed the potential air quality impacts associated with the proposed residential development. The conclusion was reached that the proposal would not give rise to any air quality related impacts.

### **Noise and vibration**

The EIA incorporates an environmental noise and vibration impact assessment. The purpose of the assessment was to determine the potential noise impact of the proposed development to the local environment during construction and site operation, and to also assess the impact of the local environment on the proposed new dwellings. The proposed development would be in close vicinity of the Swansea Mainline railway. Additionally, the operation of the proposed Morfa Distributor Road would lead to the introduction of a new source of noise. Mitigation measures are proposed to reduce this potential impact to an acceptable level. These measures would include the use of high quality double glazed windows to block sound indoors and screening for outside areas.

The Outline Planning Permission is subject to a planning condition for a noise mitigation scheme to be submitted. An Environmental Noise Survey has been submitted with this current reserved matters application and assesses the existing ambient noise and background noise levels impacting on the site, notably from the main railway line into and out of Swansea Station, the new rail depot currently being constructed and also the proposed Morfa Distributor Road along the western boundary which will provide access to the site. The Noise Survey concludes that the proposed dwellings along the western boundary, adjacent to the proposed MDR will require additional sound insulation measures in order to meet proposed internal noise criteria in habitable rooms. The Noise Survey includes preliminary specifications for glazing and ventilation elements.

### **Transport and highways**

The submitted Environmental Impact Assessment incorporated a Transport Assessment which concluded that the site would not give rise to any capacity issues. Walking distances between the site and access to public transport is acceptable being approximately 300 metres to bus stops on Neath Road. The former pedestrian tunnel from Maliphant Street has now been closed in order to facilitate the operational requirements of the Hitachi Rail Depot and the newly constructed pedestrian bridge over the railway line will facilitate pedestrian access.

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

The developer has indicated that it is not proposed to offer the highways within the proposed development for adoption and would be looking to establish a private management company to deal with future maintenance. It is therefore recommended that an additional Section 106 Planning Obligation be entered requiring the developer to secure future maintenance of the roads within this estate.

### **Land Quality**

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

The outline permission is subject to planning conditions (12, 13 & 14) relating to the ground contamination requiring the developer to submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site and the measures to be undertaken in order to remediate the contamination identified.

ITEM 10 (CONT'D)

APPLICATION NO.

2015/0221

In response to these conditions Remediation Strategy Report and Supplementary Site Investigation Report together with other supporting information have been submitted and Natural Resources Wales have confirmed that the requirements of the conditions have been satisfied.

### **Conclusion**

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

### **RECOMMENDATION**

**It is recommended that the application be APPROVED, subject to the completion of an additional Section 106 Planning Obligation to ensure that:**

- i) the design and construction of all highways are to adoptable standards;**
- ii) independent verification of those works by an agreed Engineering Consultant at the developers expense;**
- iii) Proposals for the future management and maintenance of all non-adoptable highways and public realm areas.**

**and the following conditions:**

1 The development shall be carried out in accordance with the following approved plans and documents: (Site Location Plan - SB-03, Apartments Plans & Elevations - AP01, Apartments Plans & Elevations - AP02, FoG Plan & Elevations, FOG, Morden Plans & Elevations - MR-WD17 Rev G, Moseley Plans & Elevations - MS-WD Rev H, Lydford Plans & Elevations - LD-WD Rev C, Wolvesey Plans & Elevations - WD-WD17 Rev. B, Single / Double Garage - SGD -01, (plans received 5 February, 2015);

Site Layout Plan - SL-02 Rev. J, External Works Layout - EW-01 Rev. D, House Finishes Layout - HF-01 Rev, C, Morden Special Plans & Elevations - MR-WD10 Rev G, Bickleigh Plans & Elevations - BK-WD17 Rev. A, Bickleigh Plans & Elevations (plots 20 & 15) - BK-WD17 Rev. D, Greyfriars Plans & Elevations (plots 7, 10 & 73) - GF-WD17 Rev Q, Greyfriars Hip Plans & Elevations (plots 67 & 68) - GF-WD17 Rev I, Greyfriars Plans & Elevations ( - GF-WD17 Rev S, Engineering Layout (Sheet 1 of 2) - 10020-001-01 Rev E, Engineering Layout (Sheet 2 of 2) - 10020-001-02 Rev E, Engineering Layout (500 Scale) - 10020-001-03 Rev F, (Amended plans received 27 March, 2015);

Lumley Plans & Elevations - LY-WD17 Rev. M (Additional plan received 20 March, 2015).

Reason: To define the extent of the permission granted.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 10 (CONT'D)

APPLICATION NO.

2015/0221

- 2 Prior to the occupation of any part of the development a temporary pedestrian access along the site frontage connecting the southern end of the Morfa Distributor Road to the northern end of Morfa Road shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of pedestrian safety and to provide a sustainable form of development.
- 3 Notwithstanding the details indicated in the application, the roof design of the Greyfriars house types and the apartment blocks shall incorporate steeply sloping pitched roof gables in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of visual amenity and to reflect the industrial architectural heritage of the area.
- 4 Notwithstanding the details indicated in the application, no part of the development hereby approved shall be occupied until road layout details of the internal estate road including street lighting and surfacing materials have been submitted to and approved in writing by the Local Planning Authority. The road layout shall be completed in accordance with the approved plans.  
Reason: In the interests of highway safety and visual amenity.
- 5 Notwithstanding the details indicated in the application, the rear dormer window to the Lumley house type shall incorporate a flat-roof design in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of visual amenity.

### 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, EV4, EV6, EV34, EV35, EV36, EV38, EV40, HC2, HC17, HC19, AS1, AS2, AS4, AS6 & AS11)

### PLANS

SB-03 site location plan, SS-02 REV A street scene, SS-01 REV A site section, SLC-01 site layout plan (coloured), SL-02 REV H site layout plan, SGD-01 garages, S104 Hasties foul, RK Runswick plans and elevations, 795 Rev A fog plans and elevations, MS-W Moseley plans and elevations, MR-WD Morden plans and elevations, LD-W Lydford plans and elevations, HF-01 REV B house finishes, EW01 REV C external finishes, BK Bickleigh plans and elevations, APO2 appt plans and elevations, AP01 appt plans and elevations, 829.01 REV A planting plan, 10020-003 REV B longitudinal sections, 10020-001-03 REV E engineering layout scale 500, 10020-001-02 REV D engineering layout sheet 2, 10020-001-01 REV D engineering layout sheet 1, MR-WD10 Morden Special plans and elevations, GF-WD17 Greyfriars special plans and elevations, GFC-WD17 Greyfriars corner plans and elevations, BK-WD17 Bickleigh plans and elevations dated 5th February, 2015

PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 11

APPLICATION NO.

2014/1620

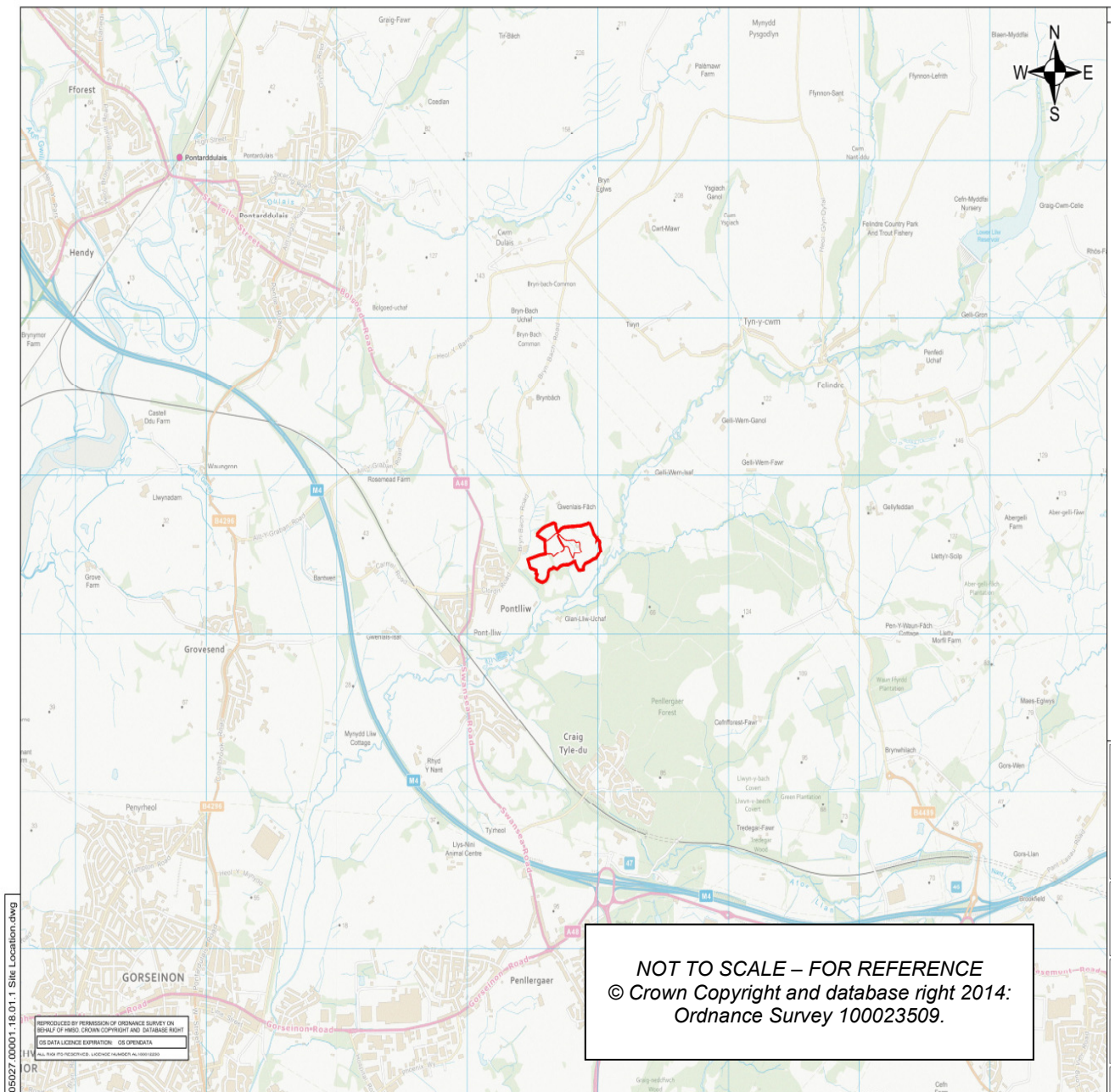
WARD:

Llangyfelach

**Location:** Gwensais Uchaf Farm Pontlliw Swansea SA4 9HB

**Proposal:** Construction of a 4MW solar farm comprising of 12,934 individual panels and associated structures and works

**Applicant:** Ms Anne Dugdale



**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

**BACKGROUND INFORMATION**

**POLICIES**

**Policy Policy Description**

- Policy EV1 New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
- Policy EV2 The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
- Policy EV12 The character of lanes and public paths that contribute to the amenity, natural and historical qualities of an area will be protected. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV21 In the countryside non-residential development will only be permitted where it can be demonstrated that it is beneficial for the rural economy, or it meets overriding social or economic local needs, or it is appropriate development associated with farm diversification, sustainable tourism or nature conservation, or it provides an acceptable economic use for brown field land or existing buildings, or it is essential for communications, other utility services, minerals or renewable energy generation. (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 EV27 Development that significantly adversely affects the special interests of sites designated as SSSI's and NNR's will not be permitted unless the need for the development is of such significance that it outweighs the national importance of the designation. (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)

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

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 R11

Proposals for the provision of renewable energy resources, including ancillary infrastructure and buildings, will be permitted provided:

(i) The social, economic or environmental benefits of the scheme in meeting local, and national energy targets outweigh any adverse impacts,

(ii) The scale, form, design, appearance and cumulative impacts of proposals can be satisfactorily incorporated into the landscape, seascape or built environment and would not significantly adversely affect the visual amenity, local environment or recreational/tourist use of these areas,

(iii) There would be no significant adverse effect on local amenity, highways, aircraft operations or telecommunications,

(iv) There would be no significant adverse effect on natural heritage and the historic environment,

(v) The development would preserve or enhance any conservation areas and not adversely affect listed buildings or their settings,

(vi) The development is accompanied by adequate information to indicate the extent of possible environmental effects and how they can be satisfactorily contained and/or mitigated,

(vii) The development includes measures to secure the satisfactory removal of structures/related infrastructure and an acceptable after use which brings about a net gain where practically feasible for biodiversity following cessation of operation of the installation.

Proposals for large-scale (over 25MW) onshore wind developments shall be directed to within the Strategic Search Area defined on the Proposals Map subject to consideration of the above criteria. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

**App No.**

**Proposal**

2006/0103

Construction of dog kennels

Decision: Grant Permission Conditional

Decision Date: 23/03/2006

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

2012/1034      Construction of agricultural building (application for Prior Notification of Agricultural Development)  
Decision: Prior Approval Is Not Required  
Decision Date: 14/08/2012

### RESPONSE TO CONSULTATION

The application was advertised on site and in the local press.

FIFTY FIVE LETTERS OF OBJECTION have been received which are summarised as follows:

1. Concerns regarding the visual impact on the surrounding area, impact on views from Gower Way, other PRoWs and Bryn-Bach Road.
2. Concerns it is an attempt to industrialise the countryside.
3. The site is not designated for solar in UDP nor in TAN 8. Such schemes should be on brownfield land or commercial rooftops.
4. Concerns regarding proximity to neighbouring properties; including loss of views and effect on property prices;
5. Concerns that CCTV cameras will impact on privacy of neighbouring properties;
6. Concerns of noise from construction and maintenance;
7. Concerns that the local roads are not suitable for higher than normal traffic, impact on local school and road safety.
8. Concerns that glare from panels would distract road users leading to highway safety concerns;
9. Concerns that no plans are in place for the safe removal of the panels and reinstatement of the land.
10. Concerns there would be an impact on tourism in the area;
11. Concerns regarding the impact on ecology including protected species. SSSI is located adjacent to the site;
12. Concerns the proposal will result in the loss of farming land;
13. Concerns there are health and ecological risks associated with leakage from the panels;
14. Concerns the proposal will increase energy bills/lack of need for more energy generation in Wales;
15. Concerns the local community will not get any benefit from this project. Only the landowner and developer will benefit;
16. Concerns the proposal will have a negative impact on Grade II Listed Building;
17. Concerns there would be an increased risk of runoff onto Clordir Road and brook;
18. Concerns existing hedgerows and trees were removed as precursor to the application;
19. Concerns that the 'ghost montages' are misleading in respect of height of panels;
20. Concerns that there has been a lack of consultation.

In addition to the above THREE LETTERS OF SUPPORT have been received.

1. This project is in support of the UK's overarching policy on renewable energy provision which is extremely important to reduce our reliance on fossil fuel based energy sources.
2. The developers have been extremely diligent in designing the scheme to ensure any potential local issues arising from this project are minimised and acceptable.



## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

3. Small farmers need to be able to manage their finances in order to continue the professional management of the land. Solar installations of this type benefit the small farmer by providing a guaranteed income which they cannot get from livestock and arable farming.

### **Pontlliw and Tircoed Community Council –**

The Community Council is extremely concerned about the nature and extent of this proposed development. The Community Council considers it to be wholly inappropriate for such a location. The Community Council is also concerned that shortly before the application was submitted, but clearly in anticipation of it being submitted, hedgerows and mature trees were cut down and removed without the requisite consent being sought.

As regards the application itself the Community Council has the following observations upon the proposed development:

1. It is not appropriate to its local context, would not integrate effectively with adjacent spaces, would result in significant detrimental effect in terms of visual impact both for neighbours, the wider community of Pontlliw and visitors to the area, and fails to have regard to the desirability of preserving the setting of a Grade II listed building.
2. As one would expect based upon the above observations the site has not been designated as a possible location for solar energy in either the local authority's UDP or LDP.
3. It would be on a greenfield site and would represent an unnecessary and unsympathetic intrusion into open countryside which forms part of the Gower Way national footpath.
4. It would be in a rural area. As such the design of any works should be appropriate to the character of the area and should not detract from the landscape and suburbanise the area. This proposed development does not satisfy these requirements. It would have the opposite effect. It would detract from the landscape. It would suburbanise the area.
5. There is no evidence the proposed developer has considered alternative brownfield sites.
6. It would be brutal in appearance, detracting from the natural surroundings in which it would be placed. It would be totally out of keeping with the surrounding area. It is in essence a quasi-industrial development in open countryside. Consequently there would be a substantial detrimental visual impact on the amenity of the area.
7. As indicated above, the Gower Way footpath runs through the adjacent site. The development would clearly detract from the attractiveness of that path.
8. As outlined above, as a precursor to making this application, hedgerows and trees were removed. This has been referred to the City Council's enforcement officer for investigation. It would be contrary to public policy to allow applicants to benefit from what appears to have been unauthorised removal of hedgerows.
9. The report from SLR Consulting describes the site as covering approximately 9.7 hectares and acknowledges that it will have a visual influence on distinct areas of the local and wider landscape. The impact on neighbouring properties will be significant. There will be a negative effect on the wider area as well.
10. There is an apparent contradiction between the "Glint and Glare" Report, which suggests that reflectivity would be almost non-existent, whereas the SLR Consulting Report suggests that reflectivity will occur.
11. There are no section 106 agreements proposed to benefit the community and to offset the impact of the proposed development.

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

12. It appears there has been inadequate or no consideration of the harmful effect the proposed development would have on the habitat of a protected species (*Triturus cristatus*). The protective species surveys appear to be incomplete.

**The Gower Society –**

1. We note the scale of this proposal that is large by any standard.
2. The Gower Way long distance path passes straight through the centre of the proposal.
3. The SSSI is impacted upon to the South.
4. The farm is Grade 2 listed and will be surrounded by solar panels.
5. We are concerned about the Glint and Glare Report that appears to us to be rather superficial. This aspect should be seriously looked at from all angles.
6. The solar panels will lead to a more rapid run off from the area into the Afan Lliw and could give rise to local flooding.
7. We wonder where all of these solar panel applications are leading to and at what stage do we have enough.?
8. This is within the area that was included in the proposed AONB extension that is still an active proposal.

We regret that in the circumstances we have no alternative but to **object** to this application.

**Swansea Ramblers** – This development will have a significant effect on the enjoyment of the Gower Way as a long distance walking route both within the site and close by. It will be partly visible from the edge of Pontlliw and also from several other rights of way in the vicinity. We use the Gower Way for guided walks as part of our annual programme.

**Glamorgan Gwent Archaeological Trust** – The desk based assessment undertaken by SLR (Ref 404/05027/00001, October 20145) meets current professional standards. The assessment has taken into account the nature of known sites within a study area and the likelihood of further remains within the development area, also the impact on the heritage receptors within the study area and particularly the farmhouse. The assessment concludes that due to the topography and layout design there will be no adverse impact. No further archaeological features were identified during the walkover or research.

It is our opinion that the works undertaken thus far provide suitable mitigation for the development; further archaeological work would not be necessary, and it is unlikely given the evidence, that features of significance would be encountered during the development work.

**Natural Resources Wales** - We would offer **no objection** to the above application, providing appropriately worded conditions are attached to any planning permission your authority is minded to grant.

Surface Water Disposal

We note that the proposal is for a solar farm and ancillary development, which totals approximately 9.7 hectares in size and can therefore be classed as less vulnerable development according to TAN15. From the details provided with the application we note that surface water will be managed through a number of swales located across the site. We would be supportive of this approach, utilising sustainable urban drainage systems as advocated in TAN15.

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

Ultimately the drainage system design is a matter for the local authority engineers. However the surface water drainage system must be designed to ensure no increased run-off from the site during and post development in all events up to the 1:100 year storm with an allowance for climate change.

We acknowledge that the panels will allow rainwater to runoff and infiltrate into the ground, however we would advise that this runoff will concentrate infiltration to a smaller area and depending upon the topography of the site this may lead to the creation of rivets or small channels which could speed up the flow of the runoff down the slope.

#### Ecology and Protected Species

We welcome the submission of the document entitled; '*Proposed Solar Farm, Gwenlais Uchaf Farm, Pontlliw, Extended Phase 1 Ecological and Badger Survey Report*' dated October 2014 by SLR Consulting Limited. We note that the initial survey was carried out on the 5 June 2014, with a further survey on the 24 June 2014, both of which are within the optimum period for surveying habitats. The report identifies several subsidiary and outlier badger setts and foraging areas. Section 6.4.1 also recognises that construction work with 30m of a sett has the potential to cause disturbance and/or risk of damaging the sett itself. Therefore, we are pleased to note that the typical method of installing arrays and security fencing will be revised where the solar farm footprint enters within 30m of any badger sett. We advise that these proposals are discussed and agreed with your Authority's Planning Ecologist and made an enforceable condition, should you be minded to grant planning permission.

We encourage the use of the local planning Policy EV30 and the achievement of its policy objectives: '*The proposed development will not affect any areas of ancient woodland*' , '*The proposed development will involve some limited areas of new hedgerow planting*' and '*The proposed development will not involve any commercial felling or replanting*'.

We note that; '*a distance of at least 3m will be left between the proposed fencing and existing or proposed hedgerows and a further 3m between the fencing and the solar array to allow sufficient space for access and maintenance*'.

It is also our understanding that the existing farm access track leading from Bryn-Bach Road will be used for all construction traffic. The report mentions that all materials should be stored at least 50m away from the SSSI boundary and that care should be taken to prevent any construction materials from spilling onto the SSSI. We also note that the report states that '*permanent impacts to the SINC will be minimal*'.

We are supportive of the recommendations, mitigation and avoidance measures laid down in Section 6 for the report. In particular the proposals to ensure no detrimental effects on the features of interest of the SSSI and recommendations to improve habitat management through use of species rich seed-mixes. However, it is important that any seed mixes should be of local provenance.

In addition, we would be supportive of a sensitive grazing or mowing regime, but wish to highlight the importance that where cutting of vegetation is required all grass cuttings should be removed. NRW recommend that these proposals are discussed and agreed with your Authority's Planning Ecologist and implemented via appropriate planning conditions; should you be minded to grant planning permission.

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

Nant y Crimp SSSI

Nant y Crimp SSSI is adjacent to the south eastern boundary of the proposed site. In terms of the SSSI, we do not anticipate any direct impacts on the site as a result of the proposal; providing that best practice techniques to protect water quality are employed and adhered to during construction. During the works it is expected that water quality of the *'drainage ditch which flows north to south through the aforementioned central wetland area and discharges to the SSSI'* will be protected.

We would recommend that the SSSI features are protected by a condition of planning which states that the water quality and water quantity of the ditch running into the SSSI (north to south) are protected from any significant effects, through appropriate pollution prevention measures.

Landscape

We note the provision of the document entitled; 'Proposed Solar Farm Gwenlais Uchaf Farm Pontlliw: Landscape and Visual (SLR Ref: 404-05027-00001), dated October 2014 by SLR Consulting Limited. Part of the site lies within a Historic Landscape aspect area classed as Outstanding by LANDMAP (SWNSHL398 H27 Gower Supraboscus Agricultural). The area includes very rare, irregular fieldscapes and a number of listed buildings and scheduled monuments. The listed farmhouse, byre and cowshed at Gwenlais Uchaf are in the adjacent area and are important historic features in the locality. There would be some adverse effect on the historic landscape, however, with suitable mitigation provided, this is not considered significant.

Therefore, we advise that management plan for existing and new hedgerows should be provided, along with new hedgerow planting to strengthen boundaries and screen views of the development. **We recommend that this should be delivered by means of an appropriate and enforceable condition, should your Authority be minded to grant planning permission.**

In considering the application, we also recommend the local authority take account of the following:

- The site is within the Geological Landscape aspect areas SWNSGL035 Pontarddulais and SWNSGL032 Loughor, both classed as Moderate by LANDMAP.
- In terms of Landscape Habitats, the site is within aspect area SWNSLH349 North of Gorseinon & Swansea, classed as Moderate by LANDMAP.
- The site is within Visual & Sensory aspect areas SWNSVS322 Upper Lliw Valley and SWNSVS738 Rhyd-y-Pandy, classed as Low and Moderate respectively by LANDMAP.
- In terms of Historic Landscape, the site is within aspect area SWNSHL571 H22 Lower Loughor & Lliw Valleys (unassessed overall but very rare) and SWNSHL398 H27 Gower Supraboscus Agricultural, classed as Outstanding by LANDMAP.
- In terms of Cultural Landscape, the site is within aspect area SWNSCL029 The Mawr, classed as High by LANDMAP.
- The visual impact on the Gower Way public footpath, which passes through the site and the setting of the historic farmstead at Gwenlais Uchaf.
- The cumulative impacts on the Lliw Valley and views from public footpaths crossing the valley e.g. viewpoint F, in combination with the proposed (in planning) solar farm at Gelli-Wern-Isaf.

Nevertheless, we consider that the effects on the nationally important historic landscape would not be significant, provided suitable mitigated is included. We leave to the discretion of your Authority the wording of any condition to secure appropriate mitigation; should you be minded to grant planning permission.

#### Pollution Prevention

The planning statement notes that the land is generally sloping to the south towards the valley of the Afon Lliw. The main river itself is located approximately 200 metres to the south of the site. As your Authority will be aware there can be no deterioration of water bodies under the Water Framework Directive. It is therefore vital that all appropriate pollution control measures are adopted on site to ensure that the integrity of controlled waters (surface and ground) is assured. As best practice, we would advise the developer to produce a site specific construction management / pollution prevention plan with particular reference given to the protection of the surrounding land & water environments. If planning permission is granted, we would ask that the following conditions are included.

**Condition:** No development approved by this permission shall be commenced until a pollution prevention management plan detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately

**Reason:** Prevent pollution of controlled waters and the wider environment.

As a minimum we would recommend that the plan include the following points:

- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- How each of those watercourses and pathways will be protected from site run off during construction.
- How the water quality of the watercourses will be monitored and recorded. How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- storage facilities for all fuels, oils and chemicals.
- construction compounds, car parks, offices, etc.
- details of the nature, type and quantity of materials to be imported on to the site.
- measures for dealing with any contaminated material (demolition waste or excavated waste).
- identification of any buried services, such as foul sewers, so that they are protected.
- details of emergency contacts, for example Natural Resources Wales (NRW) hotline 0800 807 060.

Pollution prevention guidance is available from the Environment Agency's website:

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

Waste Management

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

We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission. The following condition is suggested, but could be amended as you see fit.

**Condition:** No development approved by this permission shall be commenced until a Site Waste Management Plan has been produced and submitted in writing for approval by the Local Planning Authority.

**Reason:** To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

Any waste materials that are generated on site as a result of construction must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site, a relevant waste permit/exemption must be registered with NRW. More information on relevant waste exemptions can be found on our website: [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk).

In addition to the above, we would ask that the attached planning advice note is provided to the applicant/developer. This provides further information and advice on matters such as SUDS, pollution prevention and waste management.

**Should your Authority be minded to grant planning permission NRW recommend that appropriately worded conditions are attached to any planning permission you are minded to grant.**

**Dwr Cymru Welsh Water** – Recommend the inclusion of standard conditions and advisory notes.

**The Coal Authority** – The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report 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 has **no objection** to the proposed development.

**Health and Safety Executive** – Does not advise against the granting of planning permission in this instance.

**Council's Drainage Section** – Recommend the inclusion of a surface water condition to any permission granted.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

**Council's Pollution Control Division** – No comments on the application.

**Council's Planning Ecologist** - The site has been subject to an ecological survey which has identified a number of ecologically important features. The Nant y Crimp SSSI lies to the south of the site. It consists largely of habitats that rely on high levels of water in the soil much of this water drains from Gwenlais Uchaf farm it is vital that the drainage is not impeded.

A number of badger setts have been identified; I recommend the inclusion of an informative to advise the developer to contact NRW to confirm if a 'licence to disturb' application is required.

As part of the ecological mitigation the hedge separating the two western fields that has been coppiced should be fenced to protect it from stock and allowed to grow back.

The marshy grass land described in target note 5 should be protected. Any reseeded of this area must be done using seed appropriate to the site.

The suggested method of protecting breeding birds detailed in section 6.4.2 of the ecological survey should be followed. Reptile mitigation suggested in section 6.4.3 of the ecological survey should be followed.

**Council's Conservation Officer** - The proposed site wraps around Gwenlais-Uchaf Farm. The farm sits at the base of fairly low, undulating hills and as such, the existing landscape forms the setting for the listed property and related structures.

The proposal for the solar farm is a substantial one and covers all of the immediately adjacent fields. Whilst there is an existing hedgerow, it is relatively low and requires management to increase its density and height. By doing so, it will alter the visual character of the existing landscape. The visual impact of the solar panels, deer fencing, substations and CCTV structures whilst individually, are relatively minimal, they are collectively, considerable in their impact.

### Possible mitigation measures:

If fields C and H (as shown in drawing GF L/LS Oct 2011) could be removed from the scheme and substantial native species be planted around all of the remaining fields in a revised scheme then the visual impact on the setting of this listed building could be reduced. A revised scheme, as suggested, purely in terms of the visual impact on the historic fabric and its setting, could be supported for approval.

The scheme is provisionally assessed against The City and County Unitary Development Plan (adopted November 2008) Policy EV7, Extensions/Alterations to Listed Buildings, also the Planning (Listed building and Conservation Areas) Act 1990 and Welsh Office Circular 61/96, Planning and the Historic Environment.

**Recommendation:** The application is supported for approval subject to amendments as cited previously.

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

**Additional Comments - 26<sup>th</sup> February 2015**

Provided the applicant can provide satisfactory hedge screening of the all the proposed fields to the top height of the solar panels, using native species of hedging, then support of the scheme in terms of the setting of the listing building would be more acceptable and supported in respect of building conservation.

The two fields I previously requested to be removed from the scheme could be retained in the scheme and additionally, if the support of the solar energy farm in this location allows the continued and sustained use of the Gwenlais-Uchaf itself, it is felt that this outweighs the potentially harmful visual impact that the solar panels may have.

**Additional Comments – 23<sup>rd</sup> March 2015.**

I am satisfied with the approach taken to mitigate the visual impact of the proposed solar farm. The list of native species for hedging is welcomed. In addition, the positive impact of such species increases native flora and fauna and therefore, also beneficial for the wider environment

**Council's Highways Observations -**

The application site is located on land north-east of Pontlliw and north-west of Penllergaer forest. The development proposals involve the construction of a Solar PV array, a number of ground mounted solar PV panels, mounted on frames. The panels are to be connected to the electrical distribution grid. The application site is accessed from an the existing farm track leading from Bryn-Bach Road. The application site is entirely bounded by agricultural fields.

An indicative construction schedule has been submitted indicating that weeks 1-2 will be given to site preparation and mobilisation, weeks 3-10 for the solar PV construction and weeks 11-12 for removal of site services and the temporary site compound. A draft Construction Traffic Management Plan has also been submitted with the application.

The majority of delivery vehicles are anticipated to use the M4 J 47, the A48 from the south and turn right into Bryn Bach Road at Pontlliw. The route in is divided into three sections 1. M4 J 47-A48, 2. Clordir Road -Bryn Bach Road and 3,. Gwenlais-Uchaf Farm Access.

Traffic movements will be their highest during the construction phase. It is estimated that there will be upto 34 daily two way movements for staff and this is based on an average of 50 personnel with a car occupancy of 1.5. In terms of deliveries HGV's will be used to deliver all equipment and materials and there is no requirement for abnormal load movements. It is expected that deliveries will be limited to 8-10 two-way movements per day based up[on a 5 day working week. This is not a high volume of movements. The temporary site compound will include parking for upto 40 vehicles and will include a HGV manoeuvring, loading and unloading areas. Construction workers are expected to arrive by car/small light goods vehicles and at some occasions a minibus.. Car parking spaces are being provided and a maximum of 34 two way trips associated with staff movements is expected. Deliveries will be made using small rigid goods lorry or similar and large commercial vehicles such as 16.5m articulated lorries are not intended to be used due to the narrow nature of the adopted roads from Felindre. No abnormal indivisible load vehicles are required to be used.



## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

There are a number of traffic management measures proposed within the Construction Traffic Management Plan to help reduce the impact of the proposed development. Examples of these measures include the proviso that no abnormal or wide loads to enter the site, 'No right hand turn' signage for HGV's leaving the farm access, issuing of route road safety considerations, travel plan, temporary warning signs along Clordir/Bryn Bach Road, controlled delivery departure of HGV's, Wheel cleaning at Gwenlais-Uchaf Farm access, placement of regular warning signs for Gower Way walkers, HGV's not to exceed 5 mph along Gower Way section, review of

Following completion of the scheme, operational traffic will be the occasional service vehicle visit only and therefore will have no adverse impact on local highway safety conditions.

The project intends to undertake dilapidation surveys before and after completion and the methodology will need to be agreed with CCS prior to commencement.

The development is expected to have minimal impact on traffic and highways safety and as such I do not consider that there are any highway safety issues arising.

I recommend no highway objection to the proposal subject to:

1. No development approved by this permission shall take place until a method statement detailing the provisions of suitable facilities on site to ensure vehicles leaving the site do not deposit mud or debris on the adjacent highway has been submitted to and approved in writing by the LPA. The method statement shall be implemented in accordance with the approved details.
2. . No development approved by this permission shall take place until details of the methodology for the scope and nature of the dilapidation surveys on the adopted highway have been submitted to and approved in writing by the LPA. The dilapidation surveys shall be undertaken in accordance with the approved details.
3. Construction Traffic Management Plan shall be submitted for approval prior to any works commencing on site. This should include details of any access alterations that may require a section 278 agreement with the Highway Authority and /or any TRO's that may be required.

### **APPRAISAL**

This application has been called to Committee at the request of Cllr Gareth Sullivan.

### **Description**

Full planning permission is sought for the installation of a solar photovoltaic (PV) array on land at Gwenlais Uchaf Farm, Pontlliw, Swansea, SA4 9HB. The array would comprise approximately 12,900 individual panels and associated works and structures over a site area of approximately 9.7hectares and will have a total installed capacity of 4MW.

Ancillary development would include a small number of inverters and a transformer station placed amongst the solar panels, a small substation building, security fencing up to 2.4 m in height and associated security features (including CCTV cameras), and a temporary construction compound.

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

A Grade II listed building named Gwenlais-Uchaf Farm stands within the landholding. The listed building description includes a farmhouse, an attached offset byre and a neighbouring cowshed. The building complex probably dates to the 18th Century (or earlier).

The central area of the farm, which comprises an area of wetland and the farm buildings of the Gwenlais-Uchaf farm has been excluded from the proposed development. The farm buildings comprise (as noted above) a farmhouse with adjacent byre, a cowshed and a farm building which is of more modern construction, all of which are owned and managed by the owners of the application site.

### **Site Location and Use**

The site lies within an area of open countryside to the north east of the village of Pontlliw. The application site forms part of a family owned farm located on land mainly in permanent pasture with some occasional fodder crops. The site consists of a series of individual fields surrounded by a mixture of hedges and traditional clawdd walls (banks) which will remain intact. It is intended to maintain the land in agricultural use during the life of the solar farm.

Access to the site will be gained via the existing farm access route onto Bryn-Bach road on the western edge of the application site. This access route forms part of a public right of way which crosses through the application site. The footpath is part of the 'Gower Way' long distance footpath. A permissive diversion to the right of way is currently in place for a short section of the footpath as it passes to the north of the Gwenlais-Uchaf farm buildings.

The wider surrounding area is predominantly rural in character although there is a significant amount of utilities' infrastructure in the locality, e.g. gas pipelines, electricity pylons and cables. A 33kV overhead electricity line runs across the northern side of the application site. The layout of the site has taken this infrastructure constraint into consideration. Further afield lies a water treatment plant, electricity substation and gas compressor station.

The Nant Y Crimp Site of Special Scientific Interest (SSSI) lies to the south of the application site, part of which lies within the Gwenlais-Uchaf farm holding, but not within the application site. The SSSI extends along the Nant Y Crimp and Afon Lliw valley floors and the woodland to the south. It is designated for wet pastures, species-rich neutral grasslands and semi-natural woodland as well as associated scrub.

Approximately 2.3ha of the 86ha Middle Lliw Site of Importance for Nature Conservation (SINC) falls inside the application site. The SINC includes a variety of habitats, although the designated area within and adjacent to the application site is identified as 'relatively species-rich neutral grassland' and 'woodland containing an assemblage of ancient woodland and indicator species'.

The nearest residential properties to the site include two properties approximately 100m to the west of the application site on Bryn-Bach Road

### **Screening Opinion**

Prior to the submission of the application the local planning authority was approached for a Screening Opinion for a 5M capacity solar farm at the site in February 2014. Following the submission and having regard to the provisions of the Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 1999 the local planning authority determined that an Environmental Impact Assessment (EIA) was not required for this proposed development. The current application differs from the screening opinion submission in that two fields that lie immediately to the east of properties on Bryn-Bach Road close to the entrance to the Gwenlais-Uchaf farm have been excluded. This has resulted in the generation capacity of the scheme being slightly lower than envisaged at the screening stage.

### **Consultation prior to submission of planning application**

It is understood the agents undertook consultation with residents of the two neighbouring properties that potentially could be affected by the proposed development (on Bryn-Bach road). The scheme was amended to exclude the two fields that lie immediately to the east of the properties from this submission.

### **Supporting Documents**

The planning application is accompanied by a number of supporting documents.

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application including several photomontages of views of the site from a number of locations in the surrounding area, both nearby and from distance. Overall it concludes that the characteristics of the landscape mean that the proposed development would only have a localised effect, with some close proximity glimpsed views from local road, footpaths and properties; more distant views occur where elevation and intervening vegetation allows.

Visual effects on receptors moving along the Gower Way are limited to a short section. In order to reduce the residual effects the planting of a new hedgerow is proposed along the southern edge of the Gower Way as it crosses through the eastern side of the application site together with active hedgerow management to maximise its screening effects. The closer proximity glimpsed views mostly relate to individual properties or recreational receptors using the local footpaths. Other more distant views are possible from public rights of way to the north and east of the application site although from these locations the LVIA concludes that the proposed development is only likely to give rise to a small scale effect on the view.

A Heritage Statement has been submitted which assesses the impact on the setting of the Grade II listed Gwenlais-Uchaf farmstead (which includes the farmhouse, an attached off-set byre and a neighbouring cowshed). The report concludes that the changes to the setting are likely to be negligible with no significant adverse effects on the heritage significance of Gwenlais-Uchaf or the field system in which it stands. All impacts to the landscape surrounding Gwenlais-Uchaf are relatively temporary and reversible. Notwithstanding the above, the Council's Conservation Officer requested additional mitigation measures in the form of reinforcing existing hedge boundaries to screen the visible sections of the buildings.

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

The applicants have submitted an amended landscape scheme which identifies the existing hedgerows subject to a reduced management regime (i.e. less intensively managed and allowed to reach 2.5m in height to increase their screening function). Subject to this it is considered that the strategic hedgerow planting should adequately mitigate the issues of visuality impact on the listed buildings.

In addition the applicants have agreed to provide a contribution towards the maintenance and improvement of the listed buildings on site to further mitigate any detrimental impact upon the setting of these buildings.

An Extended Phase I Habitat Survey and Protected Species Survey Report has been submitted which assesses the ecological value of the site, recording any protected or otherwise important habitats and any evidence for notable or protected species within and adjacent to the survey area and provides recommendations on mitigation and enhancement where appropriate. The solar arrays and access tracks are to be set back from the field boundaries and existing hedgerows will be retained to minimise impacts. Overall the survey concludes that the proposal does not harm features or habitats that are of demonstrable importance to wildlife or nature conservation or that it would cause demonstrable harm to the interests of sites designated as SSSI's (in particular the Nant Y Crimp SSSI adjacent to the southern boundary of the site). The presence of badgers has been confirmed. No setts will be directly lost although a sensitive approach to works has been advised to ensure the setts are not damaged during installation works. However it is considered prudent to attach a planning informative in the event of planning permission being granted advising the applicant to contact NRW to confirm if a 'licence to disturb' application is required.

The Council's Planning Ecologist has advised that relevant conditions should be appended to any planning permission to ensure the mitigation recommendations proposed in the survey report are followed and implemented.

An outline Construction Traffic Management Plan has been submitted which sets out details of the anticipated construction programme, anticipated activity and site parking and manoeuvring arrangements and the proposed access route. Construction works will involve the delivery of equipment and material to and from the site, an indicative timetable for which is:

Site preparation/mobilisation – 2 weeks,  
Construction – 8 weeks,  
Commissioning – 2 weeks.

During the construction phases it is anticipated there will be up to 34 daily two-way light vehicle movements associated with construction works and supervisors. HGVs will be used to deliver all equipment and materials to and from the application site. The potential number of HGVs in any one day will vary between the phases. It is expected that deliveries of materials to the site during the construction phase will be limited to 8-10 two-way movements per day, based on a 5 day working week. A condition is proposed to be included requiring the submission of a detailed Construction Traffic Management Plan prior to any works commencing on site.

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

A Glint and Glare Assessment has been submitted defining 'glint and glare' and investigating potential effects on potential visual receptors within the vicinity of the site. Visual receptors that could potentially be impacted by the proposed development are limited to:

- The Gower Way within Gwenlais Uchaf Farm – views of the front face of the panels would be partially screened by hedgebanks and topography.
- Properties on Bryn-Bach Road to the west of the site – views of the panels would be limited due to the fields to the east of the properties being excluded from the scheme. Views towards the panels would be mainly sideways on or from the north.
- Penlleger Forest – these views are more distant and intermittent due to dense vegetation. There is no public access.

A Coal Mining Risk Assessment has been submitted. This establishes that the application site has been subjected to previous underground coal mining. However, the seams that have been extracted beneath the site are at depths which will not impact the proposed development which will have limited or shallow foundations, with only shallow piling used on the site. The Coal Authority has considered the report and is satisfied that the application site is, or can be made, safe and stable for the proposed development.

A Surface Water Drainage Plan has been submitted which sets out SUDS measures to capture excess run off from the site. Surface water will be managed through a number of swales located across the site.

## ISSUES

The main issues for consideration are the impacts of the proposed solar farm on the visual amenity of the area, upon residential amenity, highway safety, ecology & habitats and the impact on the setting of the Grade II listed buildings with regard to policies EV1, EV2, EV3, EV21, EV22, EV30 and R11 of the City & County of Swansea Unitary Development Plan 2008. There are no overriding issues with regard to the Human Rights Act.

In policy terms TAN6 is relevant and makes reference to diversification schemes. Para. 3.7 states that many economic activities can be sustainable on farms and includes renewable energy schemes as one of the options that are likely to be appropriate.

Policy EV1 is a general design policy and states that new development shall accord with the objectives of good design, including, *inter alia*:

- (i) Be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;
- (iii) Not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements;
- (iv) Incorporate a good standard of landscape design;
- (v) Sensitively relate to existing development patterns and seek to protect natural heritage, the historic and cultural environment not only on-site, but in terms of potential impact on neighbouring areas of importance;
- (xi) Having regard to the desirability of preserving the setting of any listed building.

Policy R11 supports the provision of renewable energy resources including ancillary buildings and infrastructure subject to:

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

- (i) The social, economic or environmental benefits of the scheme in meeting local, and national energy targets outweigh any adverse impacts;
- (ii) The scale, form, design, appearance and cumulative impacts of proposals can be satisfactorily incorporated into the landscape, seascape or built environment and would not significantly adversely affect the visual amenity, local environment or recreational/tourist use of these areas;
- (iii) There would be no significant adverse effect on local amenity, highways, aircraft operations or telecommunications;
- (iv) There would be no significant adverse effect on natural heritage and the historic environment;
- (v) The development would preserve or enhance any conservation areas and not adversely affect listed buildings or their settings;
- (vi) The development is accompanied by adequate information to indicate the extent of possible environmental effects and how they can be satisfactorily contained and/or mitigated;
- (vii) The development includes measures to secure the satisfactory removal of structures/related infrastructure and an acceptable after use which brings about a net gain where practically feasible for biodiversity following cessation of operation of the installation.

#### Amount, Scale and Layout

The proposed development comprises the construction of photovoltaic (PV) solar panels in a series of arrays running west-east across the application site. The panels will be angled so as to maximise the capture of solar energy, facing south, with the top edge up to a maximum of 2.5m above ground. The rows will be placed approximately 5-7m apart.

The solar panels will be bolt anchored to a metal frame (table) mounted on steel posts drive or screwed into the ground, to a depth of 1-2m depending on the ground conditions. No substantial areas of concrete construction will be required, with the possible exception of foundations for the substation building, met mast, CCTV cameras and inverters.

The panels will be connected by cable via inverters to a small on-site sub-station that will subsequently connect with the electricity grid.

The application site will be secured using a 2.4m stock-proof fence (deer fence) that will protect the equipment from theft, vandalism or damage. A distance of at least 3m will be left between the proposed fencing and existing or proposed hedgerows and a further 3m between the fencing and the solar array to allow sufficient spaces for access and maintenance.

The ground surface below the PV panels will remain vegetated. Any bare areas of ground left after construction works will be planted with a species rich mix of grass seed in order to improve the biodiversity of the application site.

The operational life of the solar farm will be approximately 25 years.

#### Construction Phase & Access

The existing farm access track leading from Bryn-Bach Road will be used for all construction and maintenance traffic. On site activity will be at a minimum once the site is operational with routine service and maintenance undertaken periodically.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

The anticipated construction period for the proposed solar farm will be approximately three months (twelve weeks) and will consist of the following operations, listed here in the approximate order of implementation:

- installation of sustainable drainage systems (SuDS);
- preparation of the construction compound;
- laying of construction phase proposed access tracks;
- digging of cable trenches;
- erection of fence and gates to define the site boundaries;
- delivery of panels, frames, inverters and substations, concrete for building foundations if required;
- installation of frames and panels;
- cable laying;
- commissioning of the panels and installation of inverter and substation enclosures and connection to grid; and
- reinstatement works primarily to the construction compound, if required.

SuDS will be installed in the form of shallow swales along key sections of the application site prior to construction works commencing. The SuDS will be designed to accommodate surplus run off which may arise in the future (although it should be noted that there would be no material increase in surface water runoff, when compared to existing pre-development conditions).

During construction works hedgerows and ditches will be avoided and hedgerows will be allowed to reach a height of 2.5m to increase their screening function. New hedgerows will be planted within parts of the site to provide further screening of the proposed apparatus.

During the construction phase there is anticipated to be up to 34 daily two-way light vehicle movements associated with construction workers and supervisors.

HGV's will be used to deliver all equipment and materials to and from the site. The potential number of HGVs in any one day will vary between the phases of the construction works. It is anticipated that deliveries of materials to the site during the construction phase will be between 8-10 two-way movements per day.

Delivery vehicles to the site will use the A48 from the south (approx. 2.5km) and turn right into Bryn-Bach Road at Pontlliw (approx. 0.5km) entering the application site via the existing farm access. Any local contractors or site works based locally may however approach from the A48 to the north, turning left into Bryn-Bach Road at the same junction in Pontlliw, although no deliveries of materials are expected from this direction.

Public access along the public right of way footpath 'the Gower Way' will be maintained throughout the lifetime of the project. The developers will erect signage along the route to warn any construction vehicles using the route that walkers using the Gower Way may be present.

### Decommissioning

When the panels reach the end of their lifetime (approximately 25 years), the solar farm would be decommissioned. All equipment would be dismantled and removed from the site and the site restored to its previous use.

### **Visual Amenity**

In terms of the impact of the scheme upon the character and appearance of the open countryside, the LVIA has investigated a number of viewpoints to analyse the existing baseline conditions and assess the likelihood for potential visual effects caused by the proposed development. These are considered in turn.

#### Viewpoint A – Gower Way; east of the application site

This viewpoint is on the Gower Way long distance walking route, it is approximately 140m from the application site boundary at an elevation of 60.4m AOD.

This viewpoint has been included as it represents one of the first glimpses of the application site when approaching from the northeast, with views further to the northeast at Gelli-wern Isaf (where a solar farm is currently under construction, ref 2014/0739) and Crwca being constrained by vegetation associated with the lower reaches of the Lliw.

From this location the proposed development would appear along the skyline, broken up by intervening vegetation in the middle distance. The development is contained within existing field compartments with each existing hedgerow having a standoff; as a result the solar array would not appear as a continuous band of development, but is broken up with lower parts of the structures being hidden behind existing hedgerows. The development would appear on the skyline and would follow the natural landform.

#### Viewpoint B – Gower Way; within the application site

This viewpoint is on the Gower Way long distance route as it enters the site from the east; it is at an elevation of approximately 69.4m AOD.

The distant horizon is formed by the hills and ridges beyond the Loughor Valley, broken by woodland seen in the middle distance (within the application site). Small scale industrial activity and larger clusters of housing is visible on the northern edge of Pontlliw and to the south of Pontarddulais; the rooflines of the house and modern barn structure at Gwenlais-Uchaf farm is visible below the skyline within the intermediate landscape.

The proposed development would be seen in the foreground of the view. The presence of the array would channel views along the track. The PV cells in the field compartment to the north would be partially screened by the intervening mature and dense hedgerow. The solar arrays within fields compartments to the west of this location would become visible when travelling westwards along the track; these would be seen beyond the property and mostly below the skyline. It is acknowledged that there is the potential for major visual impacts for receptors at this location; however it is considered that some of the key characteristics of the view would be retained and that the mitigation measures proposed (planting of new hedgerow and strategic management of existing hedgerows) would go some way to reducing any adverse effects.

#### Viewpoint C – Gower Way; within the application site near to junction with Bryn-Bach Road.

This viewpoint is located at the entrance to Gwenlais-Uchaf farm looking eastwards from the junction with Bryn-Bach road; it is approximately 100m away from the application site boundary at an elevation of 54.5m AOD.



This view is representative of those obtained by users of the Gower Way long distance route and potentially by residents of the adjacent properties, although vegetation is likely to screen most views from garden areas and ground floor windows.

Views from this location are generally directed eastwards along the access road; the context of the existing view is generally rural and of rolling farmland inter-dispersed with woodland. From this location the track itself provides a vista into the application site; however the topography, mature trees and hedgerows means that views only extend out to the middle distance. Existing boundary hedgerows and woodland help screen the lower support structures and break up the massing of the array. The two field compartments immediately to the east of the properties on Bryn Bach road will remain undeveloped, and so the solar array would only appear on the periphery of easterly views from the properties themselves. This type of view is limited to a specific location, and is unlikely to be experienced by all receptors within the locality e.g. those passing along Bryn Bach road are unlikely to detect any change. It is acknowledged that there would be some impact from this location but the existing landscape provides a high level of inherent mitigation with any adverse effects being limited by the restricted nature of views.

Viewpoint D – Eastern edge of Pontlliw

This viewpoint is located on the Bryn Bach road adjacent to the most easterly properties within Pontlliw at an elevation of 49.4m AOD and is approximately 150m from the application boundary. This viewpoint has been included to represent the worst case views from the nearest settlement i.e. Pontlliw as well as users of the Bryn Bach Road and Gower Way which also follows this route.

This section of road is slightly elevated; this combined with the section of a marginally lower managed hedgerow on its eastern side mean that views towards the application site are more open than most others from this area. Views from this location are generally rural, only being disturbed in this instance by the presence of the small garage operation seen to the west of the application site. Views of the proposed development would be restricted from this location, with the belt of woodland to the south west of the application site screening off the majority of the solar array. Views of the proposed development would therefore only be obtained between the mature tree planting associated with the access road and aforementioned woodland; as such only solar arrays within the northerly and most elevated field compartments are likely to be seen. However given the transient nature of views and height of hedgerows the impact on road users is likely to be lessened.

Viewpoint E – Public Right of Way on the southern edge of Tywn

This viewpoint is located on a Public Right of Way that skirts the western boundary of the adjacent property as it turns southwards towards the application site. This viewpoint is approximately 1290m from the application site at an elevation of 153.7m AOD, and has been included to represent the views of those using the footpath and local residents within the small cluster of properties at Twyn.

Expansive views from this elevated location are possible. Whilst views are generally rural, in terms of context larger proliferations of built development can be seen within lower lying areas including some larger scale industrial/commercial activity. Pylons are also a dominant feature within the landscape with rows crossing the foreground of the view. Given the distance and low lying nature of the application site, the proposed development is only likely to constitute a small scale change being seen well below the skyline on the lower hill slopes.

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

Based upon the orientation of the solar arrays (i.e. south) and relative position of the viewpoint (to the north) it is likely that the array will appear as a dark banding. This darker horizontal banding would, it is considered be akin to existing field boundaries visible in this view. Only minor visual impacts are predicted at this location.

Viewpoint F – Public Right of Way near Gelli-wern Fawr

This viewpoint is located on the PRow which runs through the farmsteads at Gelli-wern Ganol and Gelli-wern Fawr approximately 1240m from the application site at an elevation of 99.5m AOD. It has been included to represent the views from recreational receptors i.e. those using the footpath and residential receptors associated with the working farms.

The elevated position offers expansive views. Whilst views are generally rural, large pylons are notable features in the landscape. Built development within lower lying areas is also visible.

It should be noted that an application for a solar farm on land south of Gelliwern Isaf Farm (application ref. 2014/0739 was approved at Planning Committee on the 12<sup>th</sup> November 2014. This development is currently under construction. This would appear within the intervening landscape covering quite a wide expanse of ground within the fields to the east of the current application site (i.e. appearing below it within the view). As such, and with regards cumulative effects, the solar array at Gwenlais–Uchaf would, it is considered, contribute little to the overall effect, and not add to the horizontal extent of PV development within the view.

The application site is positioned between the two pylons seen towards the centre of the view from this location. The only area of PV cells likely to be discernible will be those within the south-easterly fields as these roll over the crest of the landform. Distance and the fact that existing hedgerows already represent an arrangement of dark banding across the landscape means that the PV array would be difficult to distinguish from this location. The presence of built development including large scale industrial units and housing punctuate the rural landscape and only minor visual impact is predicted at this location.

Additional viewpoints (Viewpoints G, H, I and J) have also been considered as the extent of potential visual effects extends beyond the areas represented by the aforementioned viewpoints. However, in reality this is unlikely to be the case when taking into account the effect of both vegetation and existing built form.

Potential Range of Visual Impacts & Mitigation

The LVIA analysis of the viewpoints demonstrates that the nature of the visual effects of the scheme varies with the topography, built form and vegetation all having their own effects. Local residential properties are represented by viewpoints C, D, E and F. These viewpoints illustrate that the proposed development would only have a localised effect, with some close proximity glimpsed views and slightly more distant views only occurring where intervening vegetation allows. Whilst it is acknowledged that there is the opportunity for a major impact at Viewpoint C, this is reflective of views from the Gower Way rather than the adjacent properties, as peripheral vegetation is likely to help screen views from ground floors and gardens.

The impact on recreational users has also been an important consideration, most notably along the Gower Way long distance route which cuts through the application site along the internal access track. Viewpoints, A, B, C and D are all on this route with B being within the application boundary. The LVIA acknowledges that major effects on views within the application site are difficult to avoid, mostly due to the proximity of the proposed development to the footpath. However, it also has to be acknowledged that the key characteristics of the view i.e. the vista to the distant landscape would be retained (albeit narrowed slightly in horizontal extent) with existing and proposed vegetation providing effective screening of much of the apparatus proposed.

Mitigation, through the form of new hedgerows and strategic management of existing hedgerows (to reach height of 2.5m) as indicated on the updated Landscape Scheme is proposed to help aid screening of the solar arrays. It is considered this mitigation will help to reduce the potential for visual impact of the scheme in the wider landscape. It is in this context therefore that it is considered the overall impact of the scheme would not result in a significant and adverse impact upon the character and appearance of the open countryside on which it is sited. It is also of particular note that the site would remain in simultaneous use as agricultural land for sheep grazing, thus maintaining an agricultural presence. Upon decommission, the land can be reverted to full agricultural use.

It should be noted that the local planning authority has recently approved planning permission for the construction of a 6MW solar farm on land south of Gelli-wern Isaf farm application (ref: 2014/0739). This development is currently under construction and is located approximately 320m to the north east of the application site. The in-combination effect of having two solar farms in close proximity requires careful consideration. With regard to views from public vantage points close to the application sites, the fields within the two farms and the outer edges of the solar farms are bound by mature hedgerows. When viewed from the PRoW near Gelli-wern Fawr (Viewpoint F) the solar farm at Gelli-wern Isaf would appear within the intervening landscape covering quite a wide expanse of ground within the fields to the east of the current application site (i.e. appearing below it within the view). As such, and with regards cumulative effects, the solar array at Gwenlais-Uchaf would, it is considered, contribute little to the overall effect, and not add to the horizontal extent of PV development within the view.

It is therefore considered that given the retention and strategic management of existing hedgerows and due to the undulating landscape, there would not be any tangibly adverse in-combination effect as a result of this development being located in close proximity to the Gelli-wern Isaf development.

### **Residential Amenity**

Turning now to residential amenity, in general the site is well screened from the surrounding villages and residential properties due to intervening vegetation, buildings and landform. There are a handful of private dwellings in the vicinity of the site (Maesgwyn and Nantglais respectively) located on Bryn-Bach Road to the west of the site and the solar farm will be legible from private views of these properties at a distance of approximately 100m away. The LVIA considers the visual impact of the proposed development from these properties and concludes that whilst it will be visible from these properties, existing screening provided by hedgerows and proposed planting will mitigate these impacts. The impact of the proposed development on a localised level is therefore not considered to be of such significance that would warrant a refusal in this instance.

Furthermore the retention and addition of hedgerows within the site is considered to minimise the extent of the perceived change to the site when viewed from both private and public vantage points. The planting of additional vegetation would serve to enhance the landscape character which would also provide greater value for wildlife

In terms of the potential for glint and glare, particularly from private amenity spaces in properties in the wider surrounding area, a glint and glare assessment has been submitted. The reflectivity of solar panels has been compared to the reflectivity of other materials in a number of studies. The Federal Aviation Administration (United States) has produced technical guidance for evaluating solar technologies. On a scale of 0% (no reflectivity) to 100% (most light reflected) solar PV panels of the kind proposed in this development are near to 5% reflectively. Many of the surfaces found within 2km of the proposed development will reflect a greater percentage of sunlight than the panels.

With regards to potential noise and disturbance, again there are significant distances involved in terms of the application site and neighbouring residential properties. Whilst it is accepted that there would be a certain level of noise and disturbance during construction, particularly from deliveries and site works, given that the construction period is anticipated to be completed within three months and is not a continuous construction process, these impacts would be temporary. It is therefore considered that the proposed development would not create significant levels of noise and dust and any noise/dust created during operation would be short in duration.

### **Impact on the Listed Buildings**

#### Gwenlais-Uchaf Building Description

The farmstead dates to the early 19<sup>th</sup> century (or late 18<sup>th</sup> century). The building, with its south-facing frontage is divided into two sections; the eastern section is an L-shaped dwelling with associated lean-to ancillary structures, whilst the western section comprises a former byre; both sections are constructed of (local) quarried sandstone. This building, along with the accompanying byre is typical of the 18<sup>th</sup> and early 19<sup>th</sup> century regional agricultural vernacular. As such the listed designation is due to the building retaining its vernacular character.

Externally, the two-storey farmhouse and adjoining byre is constructed of rubble stone which was formerly whitewashed. The adjoining byre has a newly laid slate tile roof, whilst the farmhouse is covered with an asbestos sheet roof. Originally the roofing material for both buildings would have been straw thatch. Either side of the roofline are two stone end stacks which appear to have been rebuilt (re-pointed) during the later 20<sup>th</sup> century.

The south-facing frontage comprises an offset, slightly recessed window and door casement arrangement. The doorway is covered with a stone porch that is probably contemporary with the building. Three small squared window casements occupy the first floor, whilst two windows flank the door opening on the ground floor; several of these, including the door, have been replaced with UPvC glazed casements. The window occupying the eastern flank on the ground floor has been enlarged and therefore alters the original symmetry of the elevation.

To the rear of the building complex are several refurbished window openings and a door opening that leads directly into the byre. Attached to the original farmhouse building is a single storey outbuilding, probably a scullery or dairy, as well as the byre.

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

The cowshed, located to the rear of the byre and on the north-western side of the farmyard comprises a whitewashed rubble rectangular building that supported a slate roof. The southwest and northeast gables and northwest elevation house several openings including probably air vents in the northeast gable. The southwest gable has a 20<sup>th</sup> century window opening inserted. The southeast facing elevation contained two large openings, a recessed window and an associated doorway. It is more than likely that this historically refurbished building was the original dwelling.

Buildings listed as Grade II, such as Gwenlais-Uchaf are considered to be of special interest which warrants every effort being made to preserve them. Where development proposals affect a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses (PPW Edition 7 para 6.5.9)

#### Impact on the Setting of the Listed Buildings

The potential impact of the proposed solar farm on the listed buildings has been a prime consideration with this planning application. Gwenlais-Uchaf sits within a naturally-formed trough that provides screening between the proposed development and the listed buildings that form the farmstead.

The potential visibility between the proposed solar farm and farmhouse is considered limited, with only the upper section of the eastern gable end of the farmhouse and possibly the northern elevation exposed from certain vantage points. However, the majority of the house, the adjoining annex and nearby barn complex sit within a natural dip within a largely undulating landscape. General views of the farmhouse, including the south-facing frontage are restricted, with views from the access track and Gower Way to the south-east being the only vantage point where a large section of the house can be fully viewed.

Following a site visit, The Council's Conservation Officer requested additional mitigation measures in the form of reinforcing existing hedge boundaries to screen the visible sections of the buildings through selective hedgerow planting, using indigenous species appropriate to the local area.

In response to this request, and following further consideration of the impact on the setting of the listed building, the applicants have submitted an amended landscape scheme which identifies the existing hedgerows subject to a reduced management regime (i.e. less intensively managed and allowed to reach 2.5m in height to increase their screening function). Subject to this it is considered that the strategic hedgerow planting should adequately mitigate the issues of visibility impact on the listed buildings. Additional hedgerow planting will also, it is considered, enhance the overall heritage of the property.

Screening will be further supported by the area which has been excluded from development which is immediately west of the farm complex with its western extent delineated by a mature hedged boundary. No solar panels or associated development will be installed in this area.

In addition the applicant have also agreed to provide a financial contribution to be used by the land owner for the maintenance and improvement of the Grade II Listed buildings at Gwenlais Ucvhaf Farm to further mitigate any detrimental impact upon the setting of the listed building and assist in securing its

On the basis of the above, and subject to the mitigation measures proposed, it is considered that there will be negligible setting issues with no significant adverse effects on the heritage significance of Gwenlais-Uchaf or the field system in which it stands. All impacts to the landscape surrounding Gwenlais-Uchaf are relatively temporary and reversible.

### **Public Right Of Way**

As discussed in the Visual Impact section, the LVIA study considers in detail the effects of the proposed development on the Gower Way public footpath. The study concludes that the proposed development will be visible from the footpath although views will be screened somewhat by intervening hedgerows and trees. Further mitigation measures are proposed including active management of the existing hedgerows to ensure that their screening effects are maximised, whilst retaining their character. Other mitigation measures include new hedgerow planting along a short section of the Gower Way (southern boundary) as it passes the proposed solar array, in order to protect the character of the footpath and screen views into the proposed solar array. Other more distant views are possible from PRow to the north and east of the application site although from these locations the proposed development is only likely to give rise to a small scale effect on the view, if at all. The LVIA concludes that potential visual impacts on the wider area are not significant.

### **Hedgerow Planting, Management and Aftercare**

The species mix proposed (for new hedgerows) is based on the species identified by the ecological survey to ensure species appropriate to the locality are used. A relatively high proportion of holly has been used to increase the 'evergreen' element of the screening function.

In order to achieve a more instantaneous effect, plants would be introduced as bare root 'feathered' stock. These are taller than standard transplants and would be between 1-1.5m tall and have a branched form. Whilst it is acknowledged this planting will need several seasons of growth to establish what would be recognised as a hedge, the taller, bushier form will provide a degree of structure and height from an early stage.

Hedgerows would be planted into a 600mm wide cultivated trench as a double staggered row at 500mm intervals; all stock would be pit planted between the end of November and the start of March. All planting areas would be fenced to offer protection from grazing stock, if required, and transparent rabbit spirals (or shrub shelters for holly), supported by 450mm stout bamboo canes.

It is not expected that any significant hedgerow maintenance would be required in the first 5 years, as the trees and shrubs will need time to establish. In the longer term the sensitive management of hedgerows would be compatible with the safeguarding of wildlife.

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

All hedgerows would be allowed to reach 2.5m in height, and be side-trimmed to a triangular shape, leaving the peak as high as possible. This prevents self-shading, allowing light to the base. Stems would be cut a little above the last cut, leaving approx. 0.5cm of new growth. Mature trees and samplings, including thorns would be left at irregular intervals. Healthy dense growth at the base of the hedgerow would be retained to improve effectiveness as a stock-proof barrier (if required). Routine trimming would be carried out to retain a dense base and prevent hedgerow shrubs growing into mature trees. The hedgerows would be assessed for suitability before any trimming works take place.

Cutting of hedges should be avoided between March and August as this is the main breeding season for nesting birds (an informative note is proposed to be included to this effect).

### **Access and Highway Safety**

In terms of impact on access and highway safety, access to the site will be via the existing access track to Gwenlais-Uchaf Farm via Bryn-Bach road. No works are proposed to the existing access track. An outline Construction Traffic Management Plan has been submitted with the planning application and the Head of Highways and Transportation has raised no objection to the proposal subject to the submission of a finalised Construction Traffic Management Plan, the provision of suitable provision of suitable facilities on site to ensure vehicles leaving the site do not deposit mud or debris on the adjacent highway. This can be controlled via condition. Additionally it is understood that dilapidation surveys will be undertaken before and after completion and the methodology will need to be agreed with CCS prior to commencement. Again this can be secured via condition.

### **Other Issues**

The ecological assessment found evidence of a protected species within the study area. A more detailed study was undertaken of this species and mitigation measures are included in this scheme. Notwithstanding this it is proposed to include an informative advising the developer to contact NRW to confirm if a 'licence to disturb' application is required.

It should be noted that the site is located near a gas pipe line. There is also an Overhead power line that crosses the site. The Health and Safety Executive has raised no objection to the proposal on safety grounds. The developer will need to enter into agreements with National Grid to put in place arrangements for safe working prior to construction commencing in accordance with industry safe working practice and easement requirements. An informative is proposed to be included advising the developer of the need to contact National Grid prior to works commencing on site.

### **Response to consultations**

Turning now to the letters of representations received a number of different concerns have been raised which are addressed in turn.

Concerns have been raised regarding the visual impacts from the proposed solar array, including visual impact on the Gower Way, other PRoWS and the view from the road. The LVIA concludes that whilst there would be a significant impact on the Gower Way where it passes through the site itself, this would be mitigated by planting a new hedgerow along the southern side of the footpath, and active hedgerow management along other boundaries. Other more distant views are possible although it is likely to give a small scale effect on the view. With regards the view from Bryn-Bach road this view has been assessed in the LVIA taking a representative viewpoint (viewpoint D) to represent the worst case views from the nearest settlement i.e. Pontlliw. Although the road is slightly elevated at this point, views are largely obscured by existing trees and hedges, and a commercial garage is in the foreground which means that the context is not entirely rural. A second viewpoint (viewpoint B) close to the entrance to Gwenlais-Uchaf farm was also considered and at this location the LVIA concludes that as a result of distance and intervening vegetation those passing along Bryn Bach road are unlikely to detect any change at all.

It is noted the Gower Society have indicated that they would like to see the Gower AONB extended in the future. The AONB is some 10km distant from the proposed site and it is not considered the proposal would have any material impact on any future decision to extend the Gower AONB.

Concerns have been raised that this is quasi-industrial development in the countryside and the site is not designated for such use in the UDP nor TAN8. Renewable energy development in the countryside is supported in TAN6 and UDP Policy EV21, subject to environmental safeguards. Neither the UDP nor TAN 8 allocate specific sites for solar development. Brownfield sites are subject to competition for many other forms of development and generally find it difficult to compete financially with other uses. The choice of a greenfield locations allows the proposed solar farm to contribute to farming diversification, whilst allowing no loss of farming productivity, and provides an important additional source of income.

Concerns have been raised regarding proximity to neighbouring properties. The scheme as originally proposed at screening stage included the two fields immediately east of the two closest properties on Bryn Bach road. It is understood following consultation the developer undertook with the residents of these properties prior to submitting this application these two fields were removed resulting in no part of the solar farm being within 100m of the houses, and views of the solar panels being screened partly by existing vegetation and buildings e.g. commercial garage. The LVIA assesses the visual impact from a representative point taken adjacent to Nantlais (Viewpoint B) and comments that in respect of the residential properties 'vegetation is likely to screen most views from garden areas and ground floor windows'. With regards effect on property prices there is no evidence that solar farms have any significant effect on property prices.

Concerns have been raised that CCTV cameras will impact on privacy of neighbouring properties. The intention of the CCTV cameras is to focus on protection of equipment within the solar site. Subject to retaining this key objective, it would be possible to set up the cameras with a restricted arc of movement such that no cameras could be directed towards nearby properties. It is therefore recommended to include a planning condition requiring further details of the CCTV cameras to be submitted and agreed prior to construction works commencing.



## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

Concerns have been raised regarding noise from construction and maintenance. It is unlikely that any noise would be experienced from maintenance once the solar farm is constructed, as activities within the site would be limited. During construction it is acknowledged that some noise disturbance due to onsite operations and traffic may be experienced for a limited period, but this is anticipated to take no more than twelve weeks.

Concerns have been raised regarding additional traffic on local roads, and impact on road safety. During construction, which is anticipated to last up to twelve weeks, there will be a maximum of 10HGV deliveries per day. Section 6.0 of the Outline Construction Management Plan makes proposals for ensuring that construction traffic has due regard for safety and local residents. It is proposed to include a planning condition requiring a detailed Construction Traffic Management Plan is submitted and agreed prior to construction commencing. During operation of the solar farm, traffic levels would be negligible.

Concerns have been raised that glare from panels would be a distraction for road users. Potential glare from panels is assessed in the Glint and Glare Assessment. The assessment is based on experience from around the world, including solar farms located close to airports. A combination of limited receptors to the south of the proposed panels and the inherent low reflectivity of the PV panels means that the Assessment concludes there would be no significant effect.

Concerns have been raised that there are no plans in place for the removal of the panels and re-instatement of the land. The solar farm will be decommissioned and all equipment removed from the site at the end of its commercial life which is expected to be 25 years. It is proposed to include a condition requiring the submission of a scheme for the decommissioning and subsequent restoration of the site.

Concerns have been raised that there would be an impact on tourism. The site was selected as being appropriate for a solar farm development because the topography of the farm and its surroundings have a feeling of 'containment' within a slight 'bowl' and therefore any development within the farm does not have a significant impact over a wider area. It is proposed to retain and where necessary enhance the existing strong hedgerow boundaries to ensure that the character of the landscape is reinforced. There is no evidence to suggest the proposal would have a negative effect on tourism in the area.

Concerns have been raised in regard to the impact of the solar farm on ecology and protected species. The planning application is accompanied by a comprehensive ecological assessment of the site in accordance with industry best practice. It included an assessment of protected species such as Great Crested Newts (GCNs) and certain other species of interests such as breeding birds. With regard to GCNs, which are referred to by several local residents, both the data search and the site walkover showed no evidence of any GCNs or suitable habitat within the study area. Evidence was found of one protected species during the walkover and as a result a more detailed study was undertaken and proposed protection measures are included.

The retention of all hedgerows within the site will ensure that there would be no substantial change to wildlife corridors within the site, and the proposed additional mitigation proposed could be considered to provide enhancement. Traditional grazing practices will be retained and measures put in place to prevent surface water run-off affecting the adjacent SSSI.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

Concerns have been raised that the proposal would result in the loss of farming land. The proposals provide specifically for the grazing of the site by sheep throughout the operation of the solar farm, thus ensuring that the land retains a productive farming use. To this end, the panels are designed to be no lower than 0.8m at the bottom edge so that sheep can pass underneath, and for the framework to be compatible with grazing use of the sheep.

Concerns have been raised regarding health and ecological risks associated with leakage from the panels. There is no known evidence to show this is a risk to human health or the ecological environment. Following decommissioning of the site all panels will be removed from the site.

Concerns have been raised that the proposal will increase energy bills. The proposal is made in direct response to government policy which seeks to substantially increase the supply of energy from renewable sources. Solar energy is an important part of the range of energy sources that will help secure power suppliers going forward.

Concerns have been raised that the local community will not get any benefit from this development, only the landowner and developer will benefit. In addition to supporting energy policy, the proposed development will help to support the continuation of traditional farming practices through providing a secure additional income stream for the farmer to help her manage her land, part of which is a SSSI and therefore requires the adoption of more sensitive farming methods. In addition, the listed buildings within the farm bring obligations in respect of their continued maintenance, which could also be considered to be in the public interest.

Concerns have been raised the proposal would have a negative impact on the Grade II listed buildings. The potential impact of the proposed solar farm on the listed buildings has been a prime consideration. The Heritage Assessment concluded that the changes to the setting of the buildings are likely to be negligible with no significant adverse effects on the heritage significance of Gwenlais-Uchaf or the field system in which it stands. Further consideration of the detailed impact on the setting of the listed buildings has been considered and additional mitigation in the form of works to the existing Grade II Listed buildings and reinforcing existing hedge boundaries has been proposed (i.e. less intensively managed and allowed to reach 2.5m in height to increase their screening function).

Concerns have been raised that the proposal would result in an increased risk of runoff onto Clordir Road. A surface water drainage plan has been submitted which is based on the principle that there should be no increase in downstream flood risk as a result of the solar farm.

Concerns have been raised that existing hedgerows and trees were removed as precursor to the application. One hedgerow on the northern boundary of the westernmost field was the subject of coppicing work undertaken by the landowner approximately 1 year ago. Although it is understood this was done with all good intentions in line with hedgerow management elsewhere on the farm, in practice the hedgerow was too straggly and overgrown to respond well to coppicing. Introducing new planning to reinforce the existing hedgerow is considered the best way to ensure that regrowth of the hedge is successful, which is also important in aiding to screen the solar farm.

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

Concerns have been raised that the 'ghost montages' are misleading in respect of the height of the panels. The LVIA and 'ghost montages' have been prepared by a qualified Landscape Architect in accordance with best industry practice. Each photographic image has been scaled to accurately represent an existing view. The 'ghost montage' (computer model view) has been scaled to match the photograph and is based on a combination of Ordnance Survey digital height data, surveyed site data and 3 dimensional models of the proposed site.

Concerns have been raised that there has been a lack of consultation. In accordance with statutory requirements the application has been advertised by way of a site notice and in the local press. It is also understood the applicant undertook consultation with residents of neighbouring properties prior to the submission of the planning application.

Concerns have been raised regarding health and ecological risks associated with leakage from the panels. There is no known evidence to show this is a risk to human health or the ecological environment. Following decommissioning of the site all panels will be removed from site.

### **Conclusion**

Solar Farms present opportunity for the provision of renewable energy in the UK and are encouraged by the Government's feed-in tariffs for schemes producing 5MW or more. There is wide scale commitment to expand the deployment of renewable energy to secure the future energy demand within the UK and protect the end users of the sector from the instability of fossil fuels. Such schemes also provide investment, jobs and contribute to the UK's drive towards carbon reduction. UK Government Policy on renewable energy is set out in the Energy White Paper 'Our Energy Future - Creating a low carbon economy (2003) and this document establishes a national target of achieving 20% of electricity needs from renewable energy by 2020. This target is broadly reflected in Welsh Assembly document TAN 8. This compulsion drives the financial mechanism for Government incentives for the development of large scale renewable energy generation. Certain Areas of the UK have been identified as being optimum areas for solar energy generation. The South West and South Wales are classed as optimum areas ([uksolarenergy.co.uk](http://uksolarenergy.co.uk)).

In essence, the scheme assessment and decision outcome is essentially a balance between the national and international will for a future with renewable energy, supported by regional and local policy in principle, against the impact of such schemes on the landscape and environment in which they are sited.

This application is considered appropriate in terms of its scale and design and would not cause unacceptable loss of amenity to neighbouring properties or surrounding land. There would not be significantly adverse visual impact on landscapes, and the general locality from the site and there would be no significantly adverse or detrimental impact on the ecology, habitats, highway safety or land drainage in the area. An additional prime consideration has been the impact on the setting of the Grade II listed buildings. However it is considered the mitigation measures proposed, including a reduced management regime for those hedgerows where visible impacts might occur, to enable them to reach 2.5m in height and a contribution to fund improvements to the Grade II listed buildings at Gwenlais Uchaf Farm should adequately mitigate any detrimental impact on the Listed Building and its setting.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

On balance therefore the scheme is considered acceptable and is in accordance with the criteria laid out in Policies EV1, EV2, EV21, EV22 and R11 of the City and County of Swansea Unitary Development Plan 2008. Approval is recommended.

### RECOMMENDATION

**APPROVE, subject to the following conditions; and the applicant entering into Sections 106 Planning Obligation to fund improvements to the Grade II Listed Buildings at Gwenlais Uchaf Farm**

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

- 2 The development shall be carried out in accordance with the following approved plans and documents: [Site Location Plan Figure 1; Site Layout Plan Figure 2; Solar Panel Elevation Figure 3; Site Fence & Maintenance Access Details Figure 4; Met Mast & CCTV details Figure 5; Client Substation Plans & Elevations Figure 6A; WPD 33kv Substation Plans & Elevations Figure 6B; Indicative Surface Water Drainage Strategy Plan Drawing No. 2 received 28th October 2014; Landscape Scheme GF L/LS (updated) received 3rd March 2015.]

Reason: To define the extent of the permission granted.

- 3 No later than 12 months from the first generation of electricity, the following schemes shall be submitted in writing for the written approval of the Local Planning Authority:

(i) A scheme detailing the removal of all surface elements of the photo voltaic solar farm and any foundations or anchor systems to a depth of 300mm below ground level;

(ii) A scheme detailing the restoration and aftercare, following consultation with such other parties as the Local Planning Authority considers appropriate.

These schemes shall be implemented in accordance with such details as may be approved by the Local Planning Authority within 12 months from the date of the last electricity generated should the site no longer be utilised for the permission hereby granted.

Reason: In the interest of visual amenity and to ensure the land is restored in an acceptable manner.

- 4 No development approved by this permission shall take place until details of a management plan relating to the mitigation measures as outlined in Section 9 of the Landscape and Visual Report (SLR Ref: 404-05027-00001 and the Updated Landscape Scheme received 3rd March 2015 have been submitted to and approved in writing by the Local Planning Authority. These details shall include a programme of the enhancement and management of existing hedgerows and the planting and provision of new hedgerows using native planting of local distribution to filter the views of the scheme from nearby locations and between gaps. These measures shall be implemented and maintained in accordance with the approved details.

Reason: In the interest of visual amenity and biodiversity.

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

- 5 No development approved by this permission shall take place until a method statement detailing the provision of suitable facilities on site to ensure vehicles leaving the site do not deposit mud or debris on the adjacent highway has been submitted to and approved in writing by the local planning authority. The method statement shall be implemented in accordance with the approved details.  
Reason: In the interest of highway safety.
- 6 No development approved by this permission shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Traffic Management Plan shall be undertaken in accordance with the approved details.  
Reason: In the interests of highway safety.
- 7 No development approved by this permission shall take place until details of the methodology for the scope and nature of the dilapidation surveys on the adopted highway have been submitted to and approved in writing by the Local Planning Authority. The dilapidation surveys shall be undertaken in accordance with the approved details.  
Reason: In the interests of highway safety.
- 8 No development approved by this permission shall take place until details of the implementation, maintenance and management of a sustainable drainage system (SUDS) for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Such a 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. The surface water drainage system must be designed to ensure no increased run-off from the site during and post development in all events up to the 1:100 year storm with an allowance for climate change.  
Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- 9 No development approved by this permission shall take place until a Construction Environmental Management Plan (CEMP), which sets out all pollution prevention measures and environmental management requirements for the construction phase, has been submitted to and approved in writing by the local planning authority. The plan shall make particular reference to the protection of surrounding land and water environments. The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately. See Informative Note 3.  
Reason: In the interests of biodiversity and to prevent pollution of controlled waters and the wider environment.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

- 10 No development approved by this permission shall take place until a Site Waste Management Plan has been produced and submitted in writing for approval by the Local Planning Authority. The scheme shall be implemented in accordance with such details as may be approved.  
Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.
- 11 No development approved by this permission shall take place until further details of the positioning of the CCTV cameras shall be submitted to and agreed by the Local Planning Authority. The scheme shall be undertaken in accordance with the approved details.  
Reason: In the interests of residential amenity.
- 12 The recommendations, mitigation and avoidance measures outlined in Section 6 of the submitted Extended Phase 1 Ecological Survey Report (SLR Ref: 404.05026.00001) must be adhered to. To improve habitat management any seed mixes should be of local provenance.  
Reason: In the interests of biodiversity and habitat management.

### INFORMATIVES

- 1 The recommendations, mitigation and avoidance measures outlined in Sections 6 of the submitted Extended Phase 1 Ecological Survey Report (SLR Ref: 404.05026.00001) must be adhered to. To improve habitat management any seed mixes should be of local provenance.
- 2 Due to the presence of National Grid apparatus and other infrastructure in proximity to the application site, the developer is advised to contact National Grid and other network operators before any works are carried out to ensure apparatus is not affected by any of the proposed works.
- 3 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).

**PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015**

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

- 4 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.

It is recommended that the proposed development work (and any pollarding work) is not undertaken during the bird breeding season (March-August inclusive). Should this not be possible further survey work for breeding birds should be undertaken and the results submitted to the local planning authority.

- 5 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, EV12, EV21, EV22, EV27, EV30, EV35, R11).

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

- 7 The Construction Environment Management Plan identified in Condition 8 shall include the following:

- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- How each of those watercourses and pathways will be protected from site run off during construction.
- How the water quality of the watercourses will be monitored and recorded.
- How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- storage facilities for all fuels, oils and chemicals.
- construction compounds, car parks, offices, etc.
- details of the nature, type and quantity of materials to be imported on to the site.
- measures for dealing with any contaminated material (demolition waste or excavated waste).
- identification of any buried services, such as foul sewers, so that they are protected.
- details of emergency contacts, for example Natural Resources Wales hotline 0800 807 060.

The Plan shall make specific reference to ensure that the water quality of the ditch running into the SSSI (north to south) is protected from any significant effects through appropriate pollution prevention measures.

It should also include:

- 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;

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1620

- 7 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 c
- 8 **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.
- 9 **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.
- 10 **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.
- 11 **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.
- 12 Prior to the commencement of any work on site, the developer is advised to contact NRW to clarify if a 'licence to disturb' application is required due to the presence of protected species within the vicinity of the application site.

### PLANS

Site location plan, block plan, solar panel elevations, typical fence and access detail, typical met mast and cctv details, substation plans figure A, substation plans figure B dated 28th October 2014



PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 12

APPLICATION NO.

2014/1544

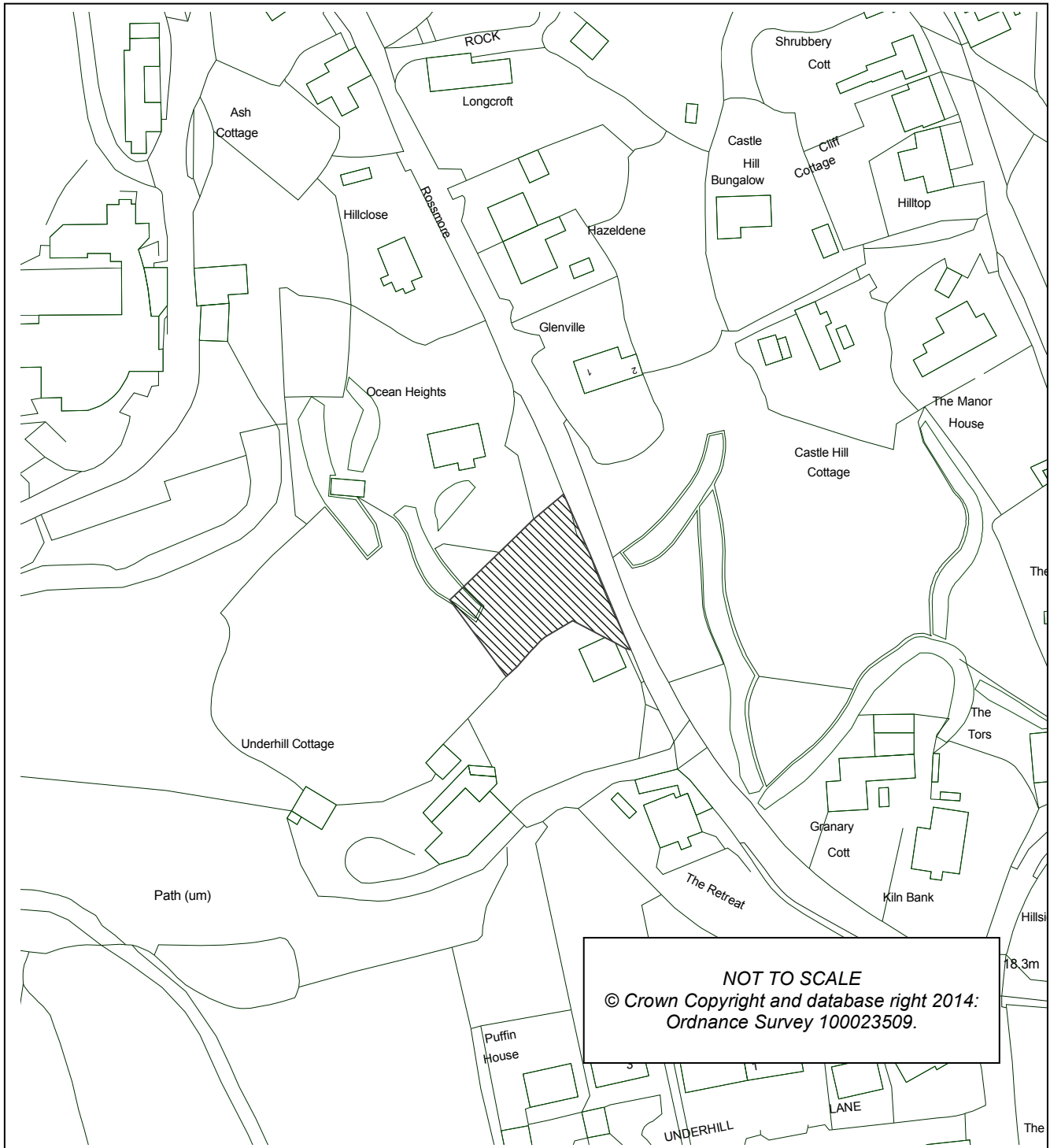
WARD:

Gower

**Location:** Ocean Heights, Horton, Swansea, SA3 1LQ

**Proposal:** Detached dwelling

**Applicant:** Mr Colin Davies



## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 12 (CONT'D)

APPLICATION NO.

2014/1544

### **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 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 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 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) |

#### **SITE HISTORY**

| <b>App No.</b> | <b>Proposal</b>                                                                           |
|----------------|-------------------------------------------------------------------------------------------|
| 2013/0107      | Construction of one detached dwelling<br>Decision: Withdrawn<br>Decision Date: 18/02/2013 |
| 2012/0366      | Construction of one detached dwelling<br>Decision: Refuse<br>Decision Date: 25/07/2012    |
| 2007/1989      | Construction of one detached dwelling<br>Decision: Refuse<br>Decision Date: 06/08/2008    |
| 2004/1197      | Construction of one detached dwelling<br>Decision: Refuse<br>Decision Date: 05/10/2004    |

ITEM 12 (CONT'D)

APPLICATION NO.

2014/1544

99/0637

Erection of a detached single storey double garage

Decision: Appeal Dismissed

Decision Date: 13/04/2000

## **RESPONSE TO CONSULTATIONS**

Seven neighbouring properties were directly consulted and the application was advertised on site and in the press as a development within the Horton Conservation Area. NO OBJECTIONS have been received from neighbours.

### **Gower Society**

We have inspected the application and documents relating to the above and we have the following comments to make:

- We note that the design is now more sympathetic to its surroundings
- The design guide appears to have been followed. However since the first applications 2013/0107 the proposed development in the quarry has been approved.
- The impact upon the adjacent dwellings must be taken into account.

### **Dwr Cymru / Welsh Water**

No Objection - We have re-evaluated the situation in the light of historic incidents and have come to the view that we would not, at this point in time, be able to present sufficient evidence, at appeal, to demonstrate hydraulic overloading would result directly from the addition of a single dwelling on this site

### **Natural Resources Wales (NRW)**

No Objection

### **Highway Observations**

A dwelling has been proposed on this site previously and I reiterate my report which is still applicable for the latest proposal. Proposals are for the construction of one, two bedroom detached dwelling in the garden of Ocean Heights. The site is to be accessed via a gateway directly from the main road through Horton. The gate is set back and boundaries splayed to provide the standard 'Gower Set Back' for visibility purposes. The access leads to a parking and turning area which will accommodate the two vehicles required under adopted guidelines. There are no highway objections on condition that the applicant provides full details and calculations for the retaining revetment prior to the commencement of any works.

### **Drainage Observations**

We have reviewed the submitted information and while no information has been submitted to demonstrate that soakaways will work the site does lie in an area where catchment soil maps indicate infiltration should work, accordingly we recommend that the following two conditions are appended to any permissions given to secure an appropriate means of surface water drainage for the site.

1. The results of soakaway tests carried out in strict accordance with BRE Digest 365 or the equivalent CIRIA document must be submitted prior to the commencement of development and any surface water drainage system must be designed to accommodate the 1 in100 year critical storm including an appropriate allowance for climate change.

ITEM 12 (CONT'D)

APPLICATION NO.

2014/1544

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.

2. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority. Reason :To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

## **APPRAISAL**

This application is reported to Committee for decision at the request of Councillor Richard Lewis in order to assess the visual impact on the character and appearance of the Horton Conservation Area and on the AONB.

Full planning permission is sought for the construction of one detached dwelling at Ocean Heights, Horton. The site currently comprises a large established dwelling set in spacious grounds on the western edge of Horton. The land slopes north to south towards the coast line with the prevailing landform and forms part of the lower slopes of a steep scarp that runs through Horton. The application site is situated within the Horton Conservation Area and Gower Area of Outstanding Natural Beauty. The site was previously registered Common Land CL6, but has now been de-registered.

The site lies below the two storey house and driveway of 'Ocean Heights' which are located on higher terraced land to the north, and abuts the northern residential curtilage of 'Underhill Cottage' and 'Rockwell' which are located on the lower ground to the south. The application site area comprises 555 sq. metres of land that currently forms part of the garden of 'Ocean Heights' and is bounded by the adjacent highway to the east.

The application site has been the subject of a number of previous planning applications which have been refused and dismissed on appeal. Most recently, planning application (2012/0366) for a detached dwelling was refused planning permission by this Authority on 25<sup>th</sup> July 2012 for the following reasons:

1. The proposed development, by virtue of its siting, scale, design, and form would introduce a visually intrusive form of development in a natural and attractive landscaped area which contributes significantly to the rural character of Horton Village Conservation Area and natural beauty of the Gower Area of Outstanding Natural Beauty. As such it fails to preserve or enhance the character and appearance of the Conservation Area and would detract from the visual amenity of this part of the Gower AONB, contrary to the provisions of Policies EV1, EV2, EV3, EV9, EV16 and EV26 of the City & County of Swansea Unitary Development Plan 2008 and the Gower Design Guide 2011.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 12 (CONT'D)

APPLICATION NO.

2014/1544

2. Approval of this application would set an unacceptable precedent for the consideration of applications of a similar nature, the cumulative effect of which would result in a serious erosion in the natural beauty of the Gower AONB
3. It is considered that the proposed development would overload the existing public sewerage system. No improvements are planned within Dwr Cymru / Welsh Water Investment Programme. Any development prior to improvements being undertaken would be premature and would result in the hydraulic overloading of the public sewerage system, to the detriment of the health and safety of existing residents and the environment contrary to the provisions of Policy EV33 of the City & County of Swansea Unitary Development Plan 2008.

Planning permission (Ref: 2007/1989) for a new dwelling at this location was refused by this Authority on 6<sup>th</sup> August 2008 for the following reasons:-

1. The proposed development, by virtue of its siting, scale, design, and form would introduce an incongruous and visually intrusive form of development into an open, natural and attractive landscaped area which contributes significantly to the rural character of Horton Village Conservation Area and the natural beauty of the Gower Area of Outstanding Natural Beauty. As such it fails to preserve or enhance the character and appearance of the Conservation Area and would detract from the visual amenity of this part of the Gower AONB, contrary to Policies C1 and C8 of the West Glamorgan Structure Plan Review No. 2 and Policies V3, CL1, CL3, CL6, BE1, BE2 and BE17 of Swansea Local Plan Review No. 1.
2. Approval of this application would set an unacceptable precedent for the consideration of applications of a similar nature, the cumulative effect of which would result in a serious erosion in the natural beauty of the Gower AONB.

Planning application (Ref: 2004/1197) for a new dwelling at this location was refused by this Authority on 5<sup>th</sup> October 2004 for the following reasons:-

1. The proposed development, by virtue of its siting, scale, design, and form would introduce a visually intrusive form of development in a natural and attractive landscaped area which contributes significantly to the rural character of Horton Village Conservation Area and natural beauty of the Gower Area of Outstanding Natural Beauty. As such it fails to preserve or enhance the character and appearance of the Conservation Area and would detract from the visual amenity of this part of the Gower AONB, contrary to Policies C1 and C8 of the West Glamorgan Structure Plan Review No. 2 and Policies V3, CL1, CL3, CL6, BE1 and BE17 of Swansea Local Plan Review No. 1.
1. Approval of this application would set an unacceptable precedent for the consideration of applications of a similar nature, the cumulative effect of which would result in a serious erosion in the natural beauty of the Gower AONB.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 12 (CONT'D)

APPLICATION NO.

2014/1544

In addition to the previous refusals, the applicant sought pre-application advice from officers in 2011. Officers responded (without prejudice) explaining that the submitted proposal did not address the previous reasons for refusal would be unacceptable in terms of its harmful impact on the character and appearance of the Horton Conservation Area and on the AONB, and would be contrary to the provisions of policies EV9 and EV26 of the City & County of Swansea Unitary Development Plan 2008, and as such would not attract a favourable recommendation if a planning application was received.

A further application 2013/0107 for a detached dwelling was 'withdrawn' by the applicant following discussions with Officers.

The application proposes a split level two storey, two bedroomed dwelling sited near to the eastern boundary of the site and orientated to face southwards towards the sea. The gable end of the dwelling would front the highway and would be set back by 4.8m. Although the house is two storeys, the gable end facing the highway would appear as single storey due to the slope of the land. The overall footprint would be 55sq.m, which is the same size as the previously refused scheme (2012/0366). The proposed dwelling would be 9.6m in length and 5.8m wide, the same as the previous refused application. The proposed dwelling has been designed both externally and internally to take into account the steep topography of the land, and has a more traditional design approach than the previously refused application.

The previously refused application was a modern vernacular design with a corrugated fibre cement roof and walls with floor to ceiling glazing within the top floor of the rear (south) elevation and was set a lesser distance from the road (2.7m).

Due to the split level nature of the proposed dwelling, it would be an 'up-side-down' house in terms of its layout, with the entrance, kitchen / living / dining room being on the top level and the two bedrooms and bathrooms on the lower level.

Planning permission was granted on 23/07/2014 on the former quarry site located to the east and south of the application site on the opposite side of the road. The development approved was for the construction of 5 no. holiday lets with undercroft garages, storage and laundry facility (2012/0876). This permission has not yet been implemented.

The main issues for consideration in this instance are the impact of the proposed development on the visual amenity of the area, upon the character and appearance of the Horton Conservation Area, and the Gower Area of Outstanding Natural Beauty, impacts upon residential amenity and impacts upon highway safety and parking with regard to policies EV1, EV2, EV3, EV9, EV16 and EV26 of the City & County of Swansea Unitary Development Plan 2008 and the Gower Design Guide 2011. There are considered to be no additional issues arising from the provisions of the human rights Act.

Within the Gower AONB the primary objective of this designation is the preservation of the natural beauty of this area. This is further reinforced by national planning policy - Planning Policy Wales 2014, which emphasises that development control decisions affecting the AONB should respect this primary objective and favour the conservation of natural beauty. In line with this guidance, UDP policy EV26 seeks to protect the countryside of the Gower AONB for its own sake and to preserve it for future generations, with particular emphasis on preserving its natural beauty.

This is further reinforced by policy EV9 which seeks to protect and enhance the character and appearance of the Horton Conservation Area, which was designated to protect the special form of this sensitive seaside settlement from any unacceptable development.

Policy EV16 - Small Villages (including Horton), gives prescriptive criteria to assess infill development, and seeks to prevent inappropriate small scale development by ensuring that the scale, density and layout is compatible with the size and form of the settlement; that the design form, elevational treatment, detailing, use of materials is sympathetic to the architectural character of the area; and would have an acceptable relationship with adjacent buildings, spaces, landscape including coastal features.

The Gower Design Guide (2011) describes the settlement development of Horton as follows: *“The original settlement was built in the higher land to the north of the east/west aligned common. Buildings were set in irregular plots which clustered around the two north/south roads. The development of the village form has been the direct result of its topography. It is situated in a shallow hollow on a hillside which rises sharply northwards from the shore to the south.”* The Gower Design Guide map of Horton identifies that a key viewpoint within the village is located immediately to the north of the application site. The proposed house would be situated in the middle of this key viewpoint.

The Horton Conservation Area is characterised by the sporadic siting of buildings, which cascade down the steep slopes towards the sea, and are interspersed and softened by fingers of countryside and green extending into the village. Not only do these spaces act as important visual breaks in the overall form of the settlement but they represent an intrinsic part of the special character and appearance of the Horton Conservation Area. As such these green spaces are not only important elements in their own right as part of the environment capita, but make up part of the wider panoply of the special landscape and natural beauty of this part of the Gower AONB, which is visible from public vantage points on land and from the sea.

In this respect, it is considered that the following appeal decisions are material considerations relevant to the current application. These include the refusal and subsequent dismissal at appeal in 1992 and 2000 respectively for a proposed split level detached house and detached garage for Ocean Heights (Refs. 92/0211 and 99/0637). The appeal decision in 2000 regarding the refusal of the detached single storey garage (Ref. 99/0637), the Planning Inspector opined that *“the attractive setting of Horton is largely attributable to the inter relationship between the buildings, with the milieu of green in which they are set. Due to its effect upon a narrow verdant area of land, .the (development) would have a harmful effect upon the delicate visual relationship between the village and its setting which contributes positively to the quality of the Gower AONB”*. The Planning Inspectors in both these appeal cases concluded that the proposals were contrary to the approved policies of both the Structure Plan and Local Plan for the area (now the UDP), and would seriously erode the natural beauty of the Gower AONB.

With regard to the impact of the proposal on visual amenity, having regard to the elevated setting and the overall design and scale of the proposed dwelling, it is considered that the proposal for a traditional split level house will appear visually dominant and obtrusive in the landscape scene, and unsympathetic to the character and appearance of this part of the Conservation Area, which is to a large extent typified by modest cottage style properties.

## PLANNING COMMITTEE – 14<sup>TH</sup> APRIL 2015

ITEM 12 (CONT'D)

APPLICATION NO.

2014/1544

Whilst the design of the house within the current application is different from the modern vernacular design of the most recent refused application, the design shown is not considered appropriate – in particular, the Design and Access statement states that the development has sought reference from the quarry site opposite through the introduction of a gable half dormer in the south elevation and gable fronted porch in the northern elevation. However, the window proposed within the proposed half gable dormer only nominally extends above the eaves level of the main roof, contrary to the guidance with the AONB Design Guide, which states that *“the inclusion of ‘false’ dormers is not an appropriate design response in any situation”*. In addition, the design of the porch and half gable dormer show a parapet feature which is not shown within the Quarry development and is a feature which is not characteristic of the Horton Conservation Area or the wider locality. Therefore this aspect of the design is not considered to be acceptable in this location.

As such, the proposed dwelling would introduce a form of development which would appear visually obtrusive when viewed from the wider public vantage points from the car park, beach and beyond and would fail to preserve or enhance the character and appearance of the Horton Conservation Area.

In addition, although the proposed split level dwelling would be set into the slope of the land, and that the eastern elevation is set further away from the road way than the previously refused application, given the siting closer to the roadway and its scale and design, it would be visible from the roadside in this particularly sensitive area and would appear as an incongruous feature within the street scene. As mentioned above the siting is right in the middle of a key viewpoint within the village as identified within the Gower Design Guide, and as such any structure in this location would have a harmful impact upon this key viewpoint.

The application site is covered with extensive foliage. It is noted that in the previous appeal decisions reference was made to the character of the appeal site. The Inspector (Ref: 99/0637) noted *“It is situated in a lightly wooded area...”* and *“the trees within the appeal site and its immediate surrounds are seen as an attractive natural area of vegetation, which undoubtedly contributes to the character of the village by providing a welcome break along the road leading to and from the beach. From more distant viewpoints in the vicinity of the beach car park to the south, the appeal site is seen as part of a narrow leafy area between Ocean Heights and the neighbouring dwelling to the south which joins with open land on the opposite side of the road, to create a green corridor extending the singularly beautiful landscape of the steeply sloping common land to the west of Horton into the heart of the settlement”*.

Similarly, the Appeal Inspector (Ref: 92/0211) noted *“Horton is a small village whose character is one where the surrounding countryside extends into the settlement, so that the whole village is visually integrated with the surrounding landscape. The open spaces within it and the fingers of countryside extending into it are therefore important elements in its appearance and are essential features of the character and appearance of the conservation area”*. The Inspector went on to note that *“The appeal site is an area of trees and dense scrub fronting onto a narrow road and extends westwards into the countryside... In my opinion, although there are dwellings to the north and south, the site itself is a significant area of open space important to the overall character of the area as I have described it above. I consider that it is not an infill site in the normal planning sense, and has been properly excluded from the village study area”*.



ITEM 12 (CONT'D)

APPLICATION NO.

2014/1544

As such, it is considered that the proposal would have a harmful effect on the visual appearance of the area, would fail to preserve or enhance the character and appearance of the Horton Conservation Area and would significantly detract from the natural beauty of the AONB contrary to the provisions of policies EV1, EV2, EV9, EV16 and EV26 of the City & County of Swansea Unitary Development Plan 2008 and the Gower Design Guide 2011.

It is noted that planning permission has been granted for the construction of 5 no. holiday lets with undercroft garages, storage and laundry facility (2014/0876) on the former quarry site located to the east and south of the application site on the opposite side of the road. This permission has not yet been implemented. However, it is considered that this site is significantly different to the application site in that it is within a hollow set below a larger cliff face and is not as prominent within the overall setting of the village, Conservation Area and AONB, and as such should not be used as a precedent to allow this current scheme. In addition, it is considered that should the quarry development be built, the combination of that development and the current application site could further erode "*the fingers of countryside*" which extend into, and are important elements in the appearance of, and are essential features of the character and appearance of the conservation area.

It is considered that in terms of residential amenity, the proposal would not have direct physical massing/overshadowing impact on neighbouring dwellings given that the nearest residential dwelling "The Retreat" is over 40m to the south of the application site. A new dwelling has been recently constructed (Rockwell) to the south of the site adjacent to Underhill Cottage (ref: 2008/0447). The new dwelling is not sited immediately in front of the proposed house, and due to the proposed house elevated position above it is considered that there would not be an overlooking/loss of privacy impact. In this regard, it is considered that a new dwelling can be sited in this location without harming the residential amenity of nearby occupiers. As such the application complies with the provisions of policy EV1 of the City & County of Swansea Unitary Development plan 2008 in this instance.

In terms of highway safety and access the Head of Transportation and Engineering raises no highway objection to the proposal. As such the application complies with the provisions of policy EV3 of the City & County of Swansea Unitary Development plan 2008 in this instance.

With regard to drainage, the previous application was refused on grounds that it would overload the public sewerage system. Since then Welsh Water have confirmed that they have re-evaluated the situation in the light of historic incidents and have come to the view that we would not, at this point in time, be able to present sufficient evidence, at appeal, to demonstrate hydraulic overloading would result directly from the addition of a single dwelling on this site. As such the reason for refusal regarding drainage on application 2012/0366 is no longer relevant, and that in this regard, the current application would not have a detrimental impact on the local public sewerage system.

### **Conclusion**

There has been no significant change in material circumstances since the previous planning decisions on this site, and the Development Plan policy considerations remain the primary material consideration as required by Section 54A of the Town and Country Act 1990.

ITEM 12 (CONT'D)

APPLICATION NO.

2014/1544

It is considered therefore that the proposal has not overcome the previous reasons for refusal with regard to the impacts of the development on the Conservation Area. Accordingly, it is considered that the development of this site would effectively capture a significant visual element and natural green space within the village, thus harming the visual amenity of the area, and would seriously erode a special and intrinsic part of the character and appearance of the Horton Conservation Area, thus significantly detracting from the natural beauty of this part of the Gower AONB. On this basis, the infill development of this land would fail to comply with the provisions of Policies EV1, EV2, EV9, EV16 and EV26 of the City & County of Swansea Unitary Development Plan 2008 and the Gower Design Guide 2011.

## **RECOMMENDATION**

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

- 1 The proposed development, by virtue of its siting, scale, design, and form would introduce a visually intrusive form of development in a natural and attractive landscaped area which contributes significantly to the rural character of Horton Village Conservation Area and natural beauty of the Gower Area of Outstanding Natural Beauty. As such it fails to preserve or enhance the character and appearance of the Conservation Area and would detract from the visual amenity of this part of the Gower AONB, contrary to the provisions of Policies EV1, EV2, EV3, EV9, EV16 and EV26 of the City & County of Swansea Unitary Development Plan 2008 and the Gower Design Guide 2011.
- 2 Approval of this application would set an unacceptable precedent for the consideration of applications of a similar nature, the cumulative effect of which would result in a serious erosion in the natural beauty of the Gower AONB.

## **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, EV9, EV16, EV26 and EV33.

## **PLANS**

Site location plan, floor plans and section, elevations dated 14th October, 2014

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

**To Planning Committee : 14<sup>th</sup> April 2015**

**Referral of Planning Application Ref 2014/0773  
from the Planning Committee on 20<sup>th</sup> January 2015**

**Land south of Beauchamp Walk (off Loughor Road) Gorseinon Swansea**

**Construction of 25 residential dwellings and associated works including  
underground pumping station and surface water attenuation pond.**

### **1.0 Background**

- 1.1 This application was reported to the Planning Committee on the 20<sup>th</sup> January 2015, with the recommendation that planning permission be granted subject to the developer entering a Section 106 Obligation and conditions.
- 1.2 The Committee resolved to accept the recommendation for approval and granted planning permission subject to a Section 106 Agreement and conditions. A copy of my report to the Planning Committee on the 20<sup>th</sup> January 2015 is attached as appendix A.
- 1.3 A number of the planning conditions attached to the report required the submission & approval of the details PRIOR to the commencement of development.

### **2.0 Main Issues**

- 2.1 Following the committee resolution referred to above, the Section 106 Agreement took some time to be completed due to legal matters, and as such, the formal planning permission has not yet been issued.
- 2.2 During this time, a complaint has been received from a local resident that works have commenced on the site. Enforcement Officers have visited the site and have confirmed that the works being undertaken on the site are works that 'constitute development' and are not 'enabling site works'.
- 2.3 As works have started on site, the planning permission cannot be issued due to the inclusion of a number of 'pre-commencement' conditions.
- 2.4 Therefore the description of development requires to be re-worded to the following "Retention and completion of 25 residential dwellings and associated works including underground pumping station and surface water attenuation pond", and a number of conditions require re-wording prior to the issuing of the permission, specifically the following conditions are required to be re-worded:

\* Condition number in brackets ( ) refers to original condition number  
4 (5), 5 (6), 6 (7), 8 (9), 9 (10), 10 (11), 11 (12), 13 (14), 14 (15), 17 (19), 19 (21), 20 (22), 21 (23), 22 (24), 23 (27), 24 (28), and 25 (30)

- 2.5 The following conditions can be removed as they no longer considered to be necessary.
- Condition 1 – commencement within 5 years – the development has already commenced
  - Condition 16 - porous drive ways - this will be covered by the surface water drainage system required under condition 6
  - Condition 25 – replacement tree planting – this is now covered under condition 21
  - Condition 26 – replacement tree replacements – this is now covered under condition 21
  - Condition 29 – Japanese Knotweed – no longer required as it has been confirmed that there is no knotweed on the site
- 2.6 The applicant has submitted technical details in relation to condition
- 11 (12) – Construction Pollution Management Plan (CPMP),
- Response on the technical detail is currently pending from Pollution Control Officers.
- 2.7 A full set of the amended conditions are attached at Appendix B to this report

### **3.0 Recommendation**

3.1 It is recommended that the Committee :

(i) Approve the rewording of the description of development to “Retention and completion of 25 residential dwellings and associated works including underground pumping station and surface water attenuation pond” and the rewording of conditions 4 (5), 5 (6), 6 (7), 8 (9), 9 (10), 10 (11), 11 (12), 13 (14), 14 (15), 17 (19), 19 (21), 20 (22), 21 (23), 22 (24), 23 (27), 24 (28), and 25 (30) as shown in the revised schedule of conditions at Appendix B.

(ii) Agree to the removal of conditions 1, 16, 25, 26, and 29 as per paragraph 2.5 above

(ii) Grant delegated authority to the Head of Economic Regeneration and Planning to amend the wording of condition 11 (12) pending confirmation from the Pollution Control Officers that the technical details are acceptable.

### **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 Planning Committee report

#### **Appendices**

Appendix A – Committee Report

Appendix B – Full set of amended conditions.

ITEM APPLICATION NO. 2014/0773  
 WARD: Kingsbridge

**Location:** Land south of Beauchamp Walk (off Loughor Road) Gorseinon Swansea

**Proposal:** Construction of 25 residential dwellings and associated works including underground pumping station and surface water attenuation pond.

**Applicant:** Persimmon Homes West Wales

**BACKGROUND INFORMATION**

**POLICIES**

| <b>Policy</b> | <b>Policy Description</b>                                                                                                                                                                                                                                                                          |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policy AS1    | Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)                                                                                                                                                                       |
| Policy AS2    | Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)                                                                                                                                                              |
| Policy AS6    | Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)                                                                                                                                                                            |
| Policy EV1    | New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).                                                                                                                                                              |
| Policy EV2    | The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).                                                   |
| Policy EV3    | Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)                                                                                            |
| Policy EV30   | Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)                                    |
| Policy EV33   | Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008) |

|             |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policy EV34 | Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)                                                                                                                                                                                |
| Policy EV35 | Development that would have an adverse impact on the water environment due to:<br>i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,<br>ii) A reduction in the quality of surface water run-off.<br>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 HC1  | Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)                                                                                                                                                                                                                                                                                                                                                |
| Policy HC3  | Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)                                                                                                                                                                                                                                                                                                     |
| Policy HC17 | The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)                                                                                        |

## SITE HISTORY

| App No.   | Proposal                                                                                                                                                        |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2012/0044 | Residential development comprising 86 dwellings, access off Loughor Road and associated works<br>Decision: Perm Subj to S106 Agree<br>Decision Date: 17/05/2013 |

## RESPONSE TO CONSULTATIONS

Twenty five neighbouring properties were directly consulted and four site notices were placed close to the site. The application was also advertised in the press.

FOUR LETTERS OF OBJECTION have been received. The concerns raised are as follows:

- The development will bring further disruption on a regular and permanent basis to the residents of Loughor Road
- Further traffic pollution in the area
- By increasing the housing in this locality, it will have a detrimental bearing on local schools and medical facilities.
- The pumping station will not enhance the already over capacity of the present sewerage farm on Victoria Road.

- The traffic is already horrendous – the school traffic and buses going back and fore to the collage, plus vehicles using Loughor Road.
- Persimmon narrowly received approval for 86 homes in March 2013 for Kingsbridge Fields. Now they want another 25 for which no mention was made in the previous application.
- No account is taken of the wider picture – sites are approved here and there and the area becomes swamped with new developments. Please consider the knock on effect if this application can any other large scale developments on the whole of the area.
- The area is becoming overpopulated.

## **Loughor Town Council - No Objection**

### **Natural Resources Wales (NRW)**

Natural Resources Wales has no objection in principle to the proposed development, but would like to make the following comments.

#### Foul Drainage Proposals

Report received: '*Flood Consequence Assessment*', produced by QuadConsult Limited, dated April 2014 and plan received: '*Kingsbridge Fields – Phase 2, Preliminary Site Levels and Drainage Strategy Layout for Planning*', produced by Persimmon dated May 2014.

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, which is resulting in additional pollution and nutrient loading spilling to the Burry Inlet (Carmarthen Bay and Estuaries) Special Area of Conservation (SAC) during wet weather/storm events. 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 to accommodate the flows generated without causing pollution. It should be noted that we would object to any proposals for a private treatment system at this location. We understand that the sewerage network in this area is only able to accommodate additional foul flows if surface water is removed from within the drainage catchment. In order to free up additional hydraulic capacity, we would 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.

#### Foul Drainage Pumping Station

We note that the developer intends to utilise a Pumping Station as part of the foul drainage disposal system, and therefore an Environmental Permit may be required from NRW. In this respect we would refer the developer to our Customer Contact Centre (Tel. 03000 653000) to discuss.

### Surface Water Drainage Proposals

With regard to 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 note that following site investigation field work it is considered unlikely that an infiltration type system to dispose of surface water is to be an option. The proposal is therefore to attenuate the surface water generated by the new development and discharge through a hydro brake to the manmade drainage channel along the northern boundary. Surface water will be discharged to the adjacent drainage channel via a hydro brake at a rate of 5l/s, as detailed in the accompanying drainage strategy layout drawing, PL01, dated April 2014. This is considered suitable for the development site of 0.77ha. We note that this pond has been designed to accommodate a 100 year rainfall event with a 30% allowance for climate change included which is acceptable. The attenuation pond is located offsite; therefore we advise that it is ensured that the land is within the applicant's ownership or that an agreement has been reached with the landowner. In addition, we advise your authority to agree on the proposed maintenance of the offsite attenuation and surface water features to ensure that their capacity is maintained in the future.

### Ecology

We welcome that the majority of the trees on site are to be retained and note that the submitted survey report '*Extended Phase 1 Habitat Survey – Land at Loughor Road, Gorseinon*', dated March 2014, produced by Hawkeswood Ecology identified 3 trees with the potential to support roosting bats. We welcome that these will also be retained. We note that some trees and parts of the hedgerow will be removed as part of the development as outlined in the submitted '*Planting Plan – Loughor Road Extension*', dated May 2014. We also note the proposal for supplementary planting on site and advise the use of native plants, local to the area for these measures. Where possible, we encourage the translocation of the removed trees and hedgerows on site to be used in other areas of the site. We welcome the recommendations made in section 8 of the above report and advise that these are followed. As vegetation is proposed to be removed, the applicant should be aware that all wild nesting birds are protected by The Wildlife & Countryside Act 1981 (as amended). If any vegetation clearance is required for works to commence, we advise this should be avoided during the bird breeding season (March to August inclusive). Should any vegetation clearance be required to be carried out during this time, we advise that the areas to be cleared are checked thoroughly for any evidence of breeding birds prior to any clearance. Should any evidence be found, no works should continue and NRW contacted for advice.

### **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 no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

### Sewerage Condition

This proposed development is located in an area which has the potential to discharge into national and international designated waters. The Loughor Estuary forms part of the Carmarthen Bay & Estuaries European Marine Site which is the collective name for three European 'Natura 2000' designated areas, namely Carmarthen Bay & Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area and Burry Inlet Special Protection Area. A key fundamental issue associated with any proposed development(s) located on both the Carmarthenshire and Swansea side of the Estuary is the potential impact of any revised or additional water discharges, either foul or surface water, will have



on the local drainage systems and ultimately the designated waters. Dwr Cymru Welsh Water is contributing towards improving the water quality in the Estuary by undertaking key infrastructure improvements at its Northumberland Avenue and Llanant Waste Water Treatment Works which are designed to improve arrangements for dealing with surface water, provide ultra violet treatment and phosphate removal . Equally developers too, can also play a significant part in mitigation measures by incorporating sustainable drainage facilities within their proposals. It is essential therefore, that as a pre-requisite of any development being considered for approval that such matters are effectively controlled through planning conditions.

Therefore, we seek your Authority's co-operation in imposing the following condition to any grant of planning.

- No development shall take place until full details of a scheme for the foul and surface water sewerage disposal (incorporating sustainable drainage principles) of the whole site has been submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details. Surface water shall not be connected to the foul sewerage system.  
Reason: To ensure the integrity of the public sewerage system [and designated waters]is protected through the implementation of sustainable practices.
- 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 the environment.

#### Advisory Notes

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652. Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any

authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

## **Coal Authority**

### Initial Comments 25 June 2014

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically likely historic unrecorded underground coal mining at shallow depth and the zone of influence of three recorded mine entries extends into the site. The Coal Authority **objects** to this planning application, as the required Coal Mining Risk Assessment Report, or equivalent, has not been submitted as part of the application.

### Additional Comments 2<sup>nd</sup> October 2014

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically likely historic unrecorded underground coal mining at shallow depth and the zone of influence of one recorded mine entry extends into the site. The Coal Authority previously objected to this planning application in a letter to the LPA dated 25 June 2014. The objection was raised on the grounds that a Coal Mining Risk Assessment had not been submitted as part of the application. The Coal Authority is therefore pleased to note the submitted Phase 2 Site Investigation Report (September 2014, prepared by Integral Geotechnique (Wales) Limited). The Report has been informed by appropriate and up-to-date coal mining information for the proposed development site; including a Coal Mining Report, BGS geological mapping and information from a recent site investigation, permission of which was obtained from us. Based on this review of existing sources of geological and mining information and the intrusive investigations, the Report concludes, that whilst the mine entry is remote and has been treated to an appropriate standard, confirmed shallow workings beneath the site where competent rock cover is insufficient to safeguard the development pose a significant risk to the stability of the development. Accordingly, appropriate recommendations are included in Section 11.2 for measures to remediate this mining hazard.

The Coal Authority is satisfied that the remedial measures proposed by the applicant following intrusive site investigation works set out in the submitted Phase 2 Site Investigation Report are appropriate to address the mining legacy issues present on the application site. The Coal Authority therefore has **no objection** to the proposed development. The Coal Authority recommends that the LPA impose a planning condition should planning permission be granted for the proposed development to ensure that these works are undertaken on site prior to commencement of development.

## **Highway Observations**

This proposal is for the erection of an additional 25 dwellings on land south of Kingsbridge Fields development that was recently granted consent under application number 2012/0044. The Kingsbridge Fields development did not develop fully the land allocated for housing.

Access and Traffic Impact : A transport statement has been submitted in support of the application which considers the transportation impact of the development. Access is to be gained from the road serving the previously approved development and is known as

Beauchamp Walk. The road is of a sufficient standard to accommodate the additional development. In terms of traffic generation, it is estimated that the additional dwellings will generate 16 and 17 further traffic movements in the am and pm peaks respectively. This is unlikely to have any significant detrimental impact when added to the main site traffic generation. The impact of the main site traffic was considered previously and the level of impact considered acceptable. Access from Loughor Road has already been improved as part of the main site development and this additional 25 dwellings will have little impact on its operation. Therefore no additional improvements are considered necessary.

In considering the main site, the current congestion with school traffic was taken into consideration and the developer, along with all other significant developments in the area, was required to contribute towards local highway safety enhancements. This included for a scheme to reduce the impact of the school traffic on Loughor Road immediately outside the site. As this development will also generate additional traffic movements, albeit significantly less than the main site, a similar contribution should be made and to that end I would recommend a contribution of £17,425 which is commensurate with the level of impact the development traffic will have.

Accessibility Considerations : The accessibility of the main site was considered acceptable and therefore as this is part of the larger site the same conclusions must be drawn.

General Safety and Construction Issues : During the early part of construction of the main site, technical issues prevented the expedient completion of the site access and this resulted in some delay and congestion issues affecting local residents. Construction traffic was unable to access the main site as intended and so caused disruption on Loughor Road. Now that the site access is in place, there is no reason that a similar issue should arise however to further minimise construction traffic impact, a construction traffic management plan needs to be conditioned.

Conclusions and Recommendation: The likely traffic generated by this additional 25 dwellings has been quantified and considered not to have any significant detrimental impact. Access into this site extension is in place and suitable for the level of traffic likely to be generated. I recommend no highway objection subject to the following;

- i. Prior to any works commencing on site, a contribution towards local highway safety improvements shall be made by depositing the sum of £17,425 with the Council.
- ii. 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.
- iii. No building works 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].

Note : The applicant is advised that to discharge this condition that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

**Drainage Observations** - No Objection subject to conditions relating to surface water drainage.

**Pollution Control Observations** -The ground investigation report refers to basic radon protection measures to be used, with which I agree. Elevated concentrations of arsenic, chromium and lead have been discovered in the made ground which it states shall be quarantined prior to being 'placed under hard standings or buildings' should this occur the developer must ensure that the pathway has been removed. The ground investigation report also makes reference to additional Arsenic testing will be carried out.

Unforeseen Contamination -

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

Provision of Company details

Prior to the commencement of demolition/construction works on the application site (including all access roads) the applicant shall provide the details, with regard to the Company Secretary and the registered company address, for the Company ultimately responsible for the application site. Reason: To ensure service of documentation upon appropriate persons.

Demolition/Construction Site Management Plan

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

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

*Note: items g – j inclusive need to take particular account of the potential for statutory nuisance arising from site related activities [see Informatives]. Note: If, during the writing of the CPM, any specific issue needs to be discussed/clarified the applicant should contact the*

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

### Informatives

**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.

**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

### **Ecology Observations**

The development site has been subject to an ecological survey. The grassland area is presently of low ecological value mainly due to the existing management regime. The surrounding hedges with trees are of value and should be retained. There are three trees growing in the southern hedge that have been identified as having bat roost potential (described in target note 5 of the survey) if any work is intended to be carried out on these they must be subject to a bat survey prior to any work starting. In order to mitigate against loss of habitats on the site please could we add a condition requiring the remaining hedges are to be planted up using suitable native species, they are at the moment gappy. The surveyor listed a series of recommendations in section 8 of their report please could we add a condition requiring these to be followed.

### **Housing Enabling Observations**

The land south of Beauchamp Walk (off Loughor Road) Gorseinon falls within the Greater North West Swansea area. The Local Housing Market Assessment indicates a need for affordable housing within the area. The Housing Service would be seeking 30% affordable housing units on this site. We would ask for a range of unit types, 2 & 3 bedroom houses being the preferred property type, built to DQR standard. The design and specification of these units should be equivalent quality to those used in the open market units, to include social rent, intermediate rent and sale such as Low Cost Home Ownership (to be determined/negotiated).

## Education Observations

In accordance with the provisions of the SPG, 25 dwellings proposed equates to: 7.7 places for primary schools and 5.5 places for secondary schools. The Schools in the catchment area for the site are:

Primary : Pontybrennin Primary (English) and YGG Pontybrennin (Welsh).

Secondary : Penyrheol Comprehensive (English) and Ysgol Gyfun Gwyr (Welsh).

At present there is spare capacity at all the 4 schools (2 Welsh & 2 English) for 2012 and 2013. With regard to future capacity (2021) both of the English schools have capacity as shown in the following table:

| School              | January 2014 | January 2021 |
|---------------------|--------------|--------------|
| Pontybrenin Primary | 30           | 70           |
|                     |              |              |
| Penyrheol Secondary | 47           | 114          |

As such it is not necessary to ask for contributions for the English schools. With regard to the years 2014-2021 the table below shows the projected surplus capacity in both the Welsh medium schools. (based on the 2014 updated figures)

| School          | January 2014 | January 2021 |
|-----------------|--------------|--------------|
| YGG Pontybrenin | 55           | -40          |
|                 |              |              |
| YG Y Gwyr       | 182          | -197         |

The projected capacities above suggests that there will be a deficiency in Welsh school places. It is calculated that approx 14% of total school places are Welsh places. Applying this 14% figure to the school places required by this development equates to 1.0 place for primary (14% of 7.7 places) and 0.7 place for secondary (14% of 5.5 places). The S106 contribution for the Welsh school places therefore would equate to: £10,372 for primary (£10,372 x 1.0) and £11,093 for secondary (£15,848 x 0.7) : Total £21,465.

## Arboricultural Observations

The site for proposed development is an agricultural site consisting of a small field bordered on the north by an outgrown hedgerow which is protected under Area Order TPO 562:A001. The site is bordered on the south and east by small woods and on the west by an outgrown hedgerow and public footpath. (Measurements given have been taken from the barbed wire field boundary and not the board fence).

- It is important that the trees are looked at not only individually but in the context of their groupings as woods or hedgerows and their contribution visually and ecologically to the surrounding landscape.
- I have classified the majority of the trees bordering this site as Class B2 according to BS5837:2012 [trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals] and the remainder of the trees as A2, C2 or U category. Many of the trees have damage from fence wire and animal grazing which is to be expected and the amount of deadwood present is to be expected from trees which have been unmanaged.

- Trees along north boundary (TPO 562). The proposed extent of cutting back is too excessive. T27 has a crown spread of 10m to the south – to reduce this to 4m is too much (see attached photo).
- There is scope for limited reductions or crownlifts on these trees and trees that have collapsed into the field can be removed.
- The trees here are already under pressure from the buildings on the north side of the fence.
- It has been noted that a large root has been severed on T26 to place the board fence in situ and that the site office is directly under the canopies of T26 and T27 damaging a branch on T26.
- I would like to avoid the trees becoming placed in a ‘no-mans land’ between two high fences. This strip of trees should form the garden boundaries or there should be a low fence on the south side to allow for maintenance.
- There are access paths marked to the rear of properties 21, 2 and 3. These paths are within 0.5m of the field boundary and if the paths are constructed they will encroach into the bases of the trees along this line. These paths will need to be moved.
- East boundary – the trees along here form part of a small woodland which is on the tithe map dated 1839 and successive Ordnance Survey maps. T22 and T21 are mature trees in fair condition and should be preserved as part of the woodland.
- The development is encroaching into the woodland edge by at least 5m losing all of the trees along the woodland edge and also the strip of hedge running from the woodland to the hedge and copse at the southern end of the site.
- The pumping station is proposed to be placed in the south-west corner of the woodland which would mean losing a number of trees here.

Southern boundary – these trees border a small copse and have mainly been classified as B2 in terms of their contribution to the landscape as a group.

Western boundary – these trees have mainly been classed as B2 trees. It is important to retain the hedgerows as opposed to singling out individual trees. This means encouraging regrowth of hedgerow species such as hazel, hawthorn and holly.

## **APPRAISAL**

This application is reported to Committee for decision at the request of Councillor Will Evans to assess the impact of the development on local residents.

Full planning permission is sought for the construction of 25 residential units and associated works, including underground pumping station and surface water attenuation pond.

## **Site and Surroundings**

The site comprises an area of greenfield grazing land measuring approximately 0.73ha which is set behind the recently constructed houses within Beauchamp Walk which is accessed from the new roundabout on Loughor Road. The site is bound to the north by the new dwellings, to the south and east by open fields and to the west by a public footpath (Llwchwr 37) and dwellings in Maes Dafydd. The fields to the east are within the ‘Green Wedge’

The site slopes gently from west to east and comprises one large field bounded by mature hedging. The trees within the northern hedgerow are protected by a group Tree Preservation Order (TPO 562).

The site is allocated within the wider housing allocation HC1 (103). The first phase of this development was granted permission for 86 houses under planning permission 2012/0044 on 17/05/2013.

## **The Proposal**

The application consists of 25 residential units with the following dwelling mix:

- 4no. three bedroom (2 storey) detached houses
- 3no. four bedroom houses (2.5 storey) detached houses
- 10no. three bedroom houses (2.5 storey) semi-detached & terraced houses
- 6no. three bedroom houses (2 storey) semi-detached & terraced houses
- 2no. two bedroom (2 storey) semi-detached houses

Four dwellings are proposed to be 'affordable housing' which equates to 16% provision across the site. It will comprise of 4 low cost ownership houses (2no. three bedroom houses and 2no. two bed houses). The percentage of affordable housing in the original consented scheme was 17%.

Car parking is provided in the form of private drives and small parking courts.

The new access will lead off an existing spur in Beauchamp Drive which in turn is accessed from the new mini roundabout is proposed on Loughor Road. The access and estate road will be private roads and will not be offered for adoption. The applicant has stated that the new roads will be maintained by a private management company.

A public footpath is proposed linking the application site to the existing public right of way (Llwchwr 37).

A surface water attenuation pond and a pumping station would be located to the east of the development site within the 'green wedge' area. The future maintenance of the ponds is also proposed to be managed by a private management company.

A number of TPO trees within the TPO hedgerow on the northern boundary are proposed pruned as part of the application and part of the existing hedgerow adjacent to Beauchamp Walk would need to be removed to accommodate the new access road. The hedgerows and trees forming the western and southern boundary would be retained.

An Environmental Impact Assessment (EIA) was not required.

## **Main Issues**

The main issues for consideration with regard to this application relate to the acceptability of residential development at this greenfield site in terms of the impacts of the development on the character and appearance of the area, residential amenity impacts on neighbouring occupiers, impact of the development on access, parking, highway safety and impacts 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. The SPG – Places to Live : Residential Design Guide is also relevant to this proposal.



There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

### **Principle of Development**

The site forms part of an allocated housing site within the current UDP under Policy HC1 (Housing Sites) (103) 'Land South of Loughor Road' where the potential for 110 homes is indicated. This site represents approximately 0.73ha of the wider allocation – 86 homes have already been constructed as part of phase 1 (2012/0044).

The site allocated within the Greater North West Swansea housing policy zone. The amplification to the policy confirms that it is not necessary to phase the release of greenfield land given the relatively low levels of release proposed. These greenfield sites (including this site) are all within this housing policy zone where there would otherwise be a housing land shortage due to the lack of available alternative sites within existing settlements. Having regard to Policy HC1, the principle of residential development on this greenfield site is acceptable in accordance with the UDP housing strategy.

It is noted however that the scheme does not include the whole of the housing allocation site HC1 (103) as it excludes the land to the south. However it is noted that within the proposed layout, provision is made for future access to this land.

### **Visual Amenity and Urban Design**

The character of the built form in the area is mixed and there is no specific architectural style or development pattern that the proposal would need to adhere to. The site sits immediately adjacent to the new Persimmon Homes site which has recently been constructed. Policy EV1 requires developments to be appropriate to their local context in terms of scale, height, massing, elevational treatment, materials, detailing, layout, form, mix and density.

The layout and design of the development was subject to pre-application discussions and further amendments have been made during the course of the planning application to improve the overall layout and address officer concerns in respect of the design of the parking areas, the design of corner plots, impacts upon the retained trees, and front and rear boundary treatments.

The scheme comprises of a short access road running from the north east to south west which terminates at a dead end for possible future access to the south to the remainder of the housing allocation area. Running orthogonally off either side of this road in a staggered manner is a short cul-de-sac to the west, which provides for a pedestrian link through to an existing north-south footpath running down the western side of the site, and a short section of road to the east which also terminates at a dead end. Also coming off the eastern side of the main access road is access to a rear parking court area. All dwellings front onto one of these roads or the parking court area. A mixture of parking arrangements are proposed including rows of frontage parking, side drives, and a small rear parking court area. All dwellings have rear gardens except for the 2 dwellings at the site entrance (plots 1 & 25) which have side gardens. It is proposed to retain much of the existing hedgerow vegetation around the northern, southern and western site boundaries.

Focal buildings have been used to terminate important vistas within the site and amendments have been made to two of the corner plots to provide windows in their side elevations to improve the relationship of these buildings to the street.

The development would consist of twelve, two storey dwellings and thirteen, two storey with loft room dwellings (2.5 storey) in a mix of detached, semi-detached and terraced houses facing the street. It is considered that the houses would have a positive relationship with the public realm and would create an attractive traditional streetscene that maximises natural surveillance; and that layout and design would provide a good mix of houses within the development with a traditional appearance in respect of their detailing and roof forms. The materials consist of a mix of brick, render, reconstituted stone and smooth grey roof tiles. Prominent boundaries are proposed to be brick screen walls which would provide a quality and robust boundary treatment.

The development of part of this wider allocated site is welcomed. The proposed layout is legible and the homes would have a positive relationship to the street.

Notwithstanding the above paragraphs, concern has been raised by the Tree Officer with regard to the proximity of plots 19, 20, 21, 22 and 23 and the protected trees along the northern boundary. The applicant has shown a line of pruning / crown lifting of these trees which is considered to be too severe and would harm the longevity of the trees. As such the applicant has agreed to amend the layout to ensure that the above numbered plots are positioned so that the works to the trees would be within acceptable parameters. In addition, the rear foot paths to plots 3, 4, 20 and the car parking spaces for plot 25 are within 0.5m of the field boundary which would encroach on the base of the trees along this line. Therefore these paths and car parking spaces will need to be carefully constructed and/or amended to prevent them harming the bases and roots of these trees. This and the layout amendments can be secured by way of a condition to the permission.

An area of land between the curtilages houses at plots 19, 18, 12, 11, 10 and 9 and the boundary of the site (western & southern boundary) which contains hedgerows and trees is to be managed and maintained by the Management Company which will be secured via the S106.

As such it is considered that the proposed design and layout of the estate is acceptable and complies with the provisions of Policy EV1 and EV2 of the UDP and the SPG – Places to Live: Residential Design Guide.

### **Residential Amenity**

With regard to the amenity of existing residents in Beauchamp Walk which back on to the application site, sufficient separation distances would be maintained to ensure that existing privacy levels would not be compromised by the proposed development. Each of the dwellings which would abut the northern boundary would have a garden length of 10m to ensure that privacy levels are not detrimentally impacted upon. In terms of overbearance and overshadowing, sufficient distance would be maintained to ensure that none of the properties within Beauchamp Walk would be adversely affected by the new development. As such the application is considered to be acceptable in this regard.

The existing houses to the west within Maes Daffydd are located approximately 21m from the site and are separated by the existing public footpath and as such would not be adversely affected by this development.

In terms of the residential amenities of the future occupiers of the development, the site layout has been amended to ensure a minimum separation distance of 21m from rear to rear elevations of all the dwellings. In addition the vast majority of the proposed plots would

have rear gardens of a length of 10m. On this basis, it is considered that the proposed layout would not give rise to any harmful impacts on the residential amenities of the future occupiers.

Having regard to the above, it is considered that the proposed development would not result in any significant impacts on the amenities of existing residents in Beauchamp Walk or Maes Dafydd and would not raise adverse impacts in respect of the residential amenities of the proposed development. The proposal would therefore be in accordance with Policy EV1 of the UDP.

### **Highway Impacts**

The Head of Transport and Engineering considers that the likely traffic generated by this additional 25 dwellings has been quantified and considered not to have any significant detrimental impact, as detailed in the Highway Observations section of this report. The applicant has agreed to pay £17,425 towards local highway safety improvements. Access into this site extension is in place and is considered to be suitable for the level of traffic likely to be generated by this development. As such, no highway objections have been raised subject to conditions.

### **Affordable Housing**

UDP Policy HC3 (Affordable Housing) highlights that where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on suitable sites. The evidence base for this need is the Local Housing Market Assessment which assessed the dynamics of the housing market in around Swansea and underpins the Council's Housing Strategy. The affordable housing provisions has been subject to negotiations which has resulted in a total of 4 affordable housing units (2no. three bedroom houses and 2no. two bed houses) being agreed, comprising of low cost home ownership units, which equates to 16% provision across the site which is considered to be an appropriate level in this instance. The percentage of affordable housing in the original consented scheme was 17%. These units have been identified on the submitted plans and have been sited throughout the site. The provision of the agreed level of affordable housing can be secured by a S106 planning obligation.

### **Education**

The Director of Education has requested a financial contribution for local the following schools within the catchment of the application site:

Primary : Pontybrennin Primary (English) and YGG Pontybrennin (Welsh).

Secondary : Penyrheol Comprehensive (English) and Ysgol Gyfun Gwyr (Welsh)

At present there is spare capacity at all the 4 schools (2 Welsh & 2 English) for 2012 and 2013. With regard to future capacity (2021) both of the English schools have capacity. As such it is not considered reasonable to require contributions for the English schools. The projected capacities suggest that there will be a deficiency in Welsh school places. The S106 contribution for the Welsh school places therefore would equate to: £10,372 for primary (£10,372 x 1.0) and £11,093 for secondary (£15,848 x 0.7) : Total £21,465.

### **Ecological Issues**

The development site has been subject to an ecological survey. The grassland area is presently of low ecological value mainly due to the existing management regime. The

surrounding hedges with trees are of value and should be retained. The Council's Ecologist has noted that there are three trees growing in the southern hedge that have been identified as having bat roost potential (described in target note 5 of the survey) and has asked that if any work is intended to be carried out on these they must be subject to a bat survey prior to any work starting – these trees are shown to be retained. No objections are raised, therefore, subject to conditions.

## **Trees**

The site contains a number of trees – the trees within the northern boundary are subject to Tree Preservation Orders (TPO). A Tree Survey report, and a planting plan which includes works to the TPO trees was submitted which provides details regarding the quality, condition and constraints of the trees and hedgerows on this site.

The Council's Tree Officer considers that the details submitted provide adequate space for many of the retained trees and hedgerows on this site. Some trees and hedgerows as identified have been highlighted to be removed and some branch pruning work will be required to many of the boundary trees/hedgerows on this site. It is considered that the proposal is acceptable in arboricultural terms subject to the inclusion of the planning conditions and informatives.

Notwithstanding the above paragraphs, concern has been raised by the Tree Officer with regard to the proximity of plots 19, 20, 21, 22 and 23 and the protected trees along the northern boundary. The applicant has shown a line of pruning / crown lifting of these trees which is considered to be too severe and would harm the longevity of the trees. As such the applicant has agreed to amend the layout to ensure that the above numbered plots are positioned so that the works to the trees would be within acceptable parameters. In addition, the rear foot paths to plots 3, 4, 20 and the car parking spaces for plot 25 are within 0.5m of the field boundary which would encroach on the base of the trees along this line. Therefore these paths and car parking spaces will need to be carefully constructed and/or amended to prevent them harming the bases and roots of these trees. This and the layout amendments can be secured by way of a condition to the permission.

## **Coal Mining Issues**

The Coal Authority considers that the content and conclusions of the Site Investigation Report 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. As such, the Coal Authority has no objection to the proposed development.

## **Water Quality Issues**

This application is located within the area where 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. They 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 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. Whilst Natural Resources Wales raised concerns last autumn regarding the impact of new residential development on the water quality of the estuary, there is no conclusive evidence that supports this view, and the Agency has since agreed to the Council's adopted Habitats Regulation Assessment. The HRA conclusions are based on objective information available through the 2010 Environment Agency's own Review of Consents of Gowerton WwTW.

The current application if approved will be subject to planning conditions controlling drainage, including the use of SUDs, on this basis, there is no known evidence to justify refusal on drainage grounds. Subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and can meet the overarching aims of sustainable development in this area, and satisfy the provisions of Policies EV33, EV34, and EV35 of the UDP.

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

The arrangements for surface water drainage have been submitted and have been considered by the Council's Drainage Officer and NRW. Surface water from the roofs, hard surfaces and roads will be discharged via an attenuation pond at greenfield rates.

The details provided are considered to be satisfactory in principle, but it is considered necessary to secure further details of the drainage arrangements via conditions, prior to the commencement of development on site, to ensure there is no potential future harm to the water environment of the estuary or the amenities of existing and future residents. On the basis of the information submitted to date, it is considered that there are no overriding reasons to warrant a refusal of permission on drainage grounds alone.

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.

### **Section 106 Contributions**

Education : The S106 contribution for the welsh school places therefore would equate to: £10,372 for primary (£10,372 x 1.0) and £11,093 for secondary (£15,848 x 0.7) : Total £21,465.

Affordable Housing : Four units (16%) low cost home ownership houses (2 x 3 bed and 2 x 2bed)

Highways : a contribution of £17,425 towards local highway safety improvements

Management plans for future maintenance and management of the:

- attenuation pond & pumping station,
- the footpath between the site and the existing public right of way (LLwchwr 37),
- the land between the curtilages of houses at plots 19, 18, 12 11, 10 and 9 and the boundary of the site (western & southern boundary)

Management and monitoring fee for the S106 – this will be based on either 20% of the planning application fee (£1,650) or 2% of the value of the obligations of the S106 agreement (which ever is the greater and subject to a minimum charge of £150).

### **Other Material Considerations**

The concerns raised by third parties are summarised above and have been addressed within the above appraisal. This includes reference to UDP policy considerations, the current status of this greenfield site, its acceptability for development and impacts upon schools and local services The highway access and public safety concerns relating to traffic (including during the course of construction) are considered in the Highways section above. The design and layout considerations have been carefully assessed and amendments have been made to ensure that the design and layout would be acceptable. The impact on trees, local wildlife and ecology has been properly assessed by NRW, the Council's Ecologist and the Council's Arboricultural Officer and subject to conditions is considered to be satisfactory in this respect.

Concerns have been raised with regard to air quality from car fumes – the site is not located in a specified area of concern with regard to air quality and the Pollution Control Team have raised no objections to this development.

The management of the attenuation pond & pumping station will be secured under the Section 106 Planning Obligation Agreement.

### **Conclusion**

Having regard to all material planning considerations, including the provisions of the Human Rights Act, the proposal for residential development of 25 dwellings on a site allocated for housing in the UDP is considered to be acceptable in terms of its impacts on the character and appearance of the area, impacts on residential amenity and impacts on access, parking and highway safety. The layout and design of the development will create a distinctive

development that has had regard to the hedgerows bounding the site and, and will provide connections to the wider sections of the allocated housing site.

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.

As such the application is considered to comply with the provisions of policies AS1, AS2, AS6, EV1, EV2, EV3, EV30, EV33, EV34, EV35, HC1, HC3, HC17 of the City & County of Swansea Unitary Development Plan 2008 and the SPG – Places to Live: Residential Design Guide.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions and the applicant entering into a S106 Planning Obligation to provide:**

- **4 units of affordable housing on the site;**
- **an education contribution of £21,465,**
- **a highways contribution of £17,425**
- **management plans for future maintenance and management of the:**
  - **attenuation pond & pumping station,**
  - **the footpath between the site and the existing public right of way (Llwchwr 37),**
  - **the land between the curtilages of houses at plots 19, 18, 12 11, 10 and 9 and the boundary of the site (western & southern boundary)**
- **Management and monitoring fee for the S106 – this will be based on either 20% of the planning application fee (£1,650) or 2% of the value of the obligations of the S106 agreement (which ever is the greater and subject to a minimum charge of £150).**

### 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 No dwelling hereby approved shall be occupied until the surface water removal strategy as indicated on drawing C/110 Rev 4 (Engineering Layout) dated 20th January 2015 has been implemented in accordance with details to 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 provide satisfactory surface water removal for 6 dwellings to prevent hydraulic overloading of the public sewerage system and pollution of the environment.
- 3 Prior to the commencement of the construction of the 7th dwelling hereby approved either,



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

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

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

4 Unless otherwise agreed in writing with the Local Planning Authority, foul water and surface water discharges must be drained separately from the site and no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public foul sewerage system.

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

5 Surface water from the site shall discharge at no greater than 5 l/s as stated using an approved flow control device as per drawing no. C/110 Rev 4 (Engineering Layout) dated 20th January 2015.

Reason : To reduce surface water loading to the watercourse network and reduce surface water flood risk downstream.

6 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

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

7 Prior to the commencement of any development, a scheme for the ownership and maintenance of the surface water system shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans / specification at such time(s) as may be specified in the approved scheme.

Reason: To ensure the satisfactory long-term operation of the surface water management scheme to prevent the increased risk of flooding to the development itself and surrounding third parties.

8 The development shall be completed in accordance with the recommendations in section 8 (Recommendations) of the approved Extended Phase 1 Habitat Survey by Hawkswood Ecology dated 31 May 2014 .

Reason :In the interests of protecting the ecology of the site and surrounding area.

9 Prior to any works being carried out to the three trees growing in the southern hedge that have been identified as having bat roost potential (described in target note 5 - para 6.10 of the approved Extended Phase 1 Habitat Survey by Hawkswood Ecology date 31 May

2014) a full bat survey shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in strict accordance with the details thereby approved.

Reason :In order to ensure the protection of a European Protected Species.

- 10 Prior to any works commencing on the site, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CTMP shall be implemented and adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.

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

- 11 Prior to the commencement of development on site full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.

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

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

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

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.

- 13 If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously agreed in writing with

the Local Planning Authority] shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination.

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

- 14 Prior to the commencement of development on site full details of the remediation works as set out in Section 11.2 of the approved Site Investigation Report by Integral Geotechnique dated 26th September 2014 shall be submitted to and approved in writing by the Local Planning Authority. The remedial works to treat any mine entries or other coal mining legacy features, 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 Prior to the commencement of development full details of the pumping station, including the means of enclosure and access point, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the details thereby approved.

Reason: To ensure a satisfactory means of drainage.

- 16 Unless otherwise agreed in writing by the Local Planning Authority, the proposed parking area 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 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason: To ensure that the overall open plan housing layout is not prejudiced by uncontrolled development.

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

Reason: 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.

- 19 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

- 20 No part of the development hereby permitted shall be occupied until street lighting has been installed in accordance with a detailed scheme to be agreed with the Local Planning Authority.

Reason: To ensure a convenient and safe form of development.

- 21 Notwithstanding the details shown on the approved plans, no development shall take place without the prior written approval of the Local Planning Authority of a scheme for the landscaping of the site. The landscaping scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

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

- 22 Notwithstanding the details shown on the approved plans, 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.

- 23 The tree works to which this permission relates must be completed in their entirety no later than 2 years from the date of this consent, after which time the consent is no longer valid.

Reason: In the interests of visual amenity and safety, and the continued health of the tree.

- 24 The Local Planning Authority shall be notified a minimum of 7 days in advance of the date and time when tree the works are to be carried out.

Reason: To give the Local Authority the opportunity to inspect the work being carried out.

- 25 The replacement trees must be planted during the first planting season (October-March) immediately following the felling of the trees authorised by this consent. The planting shall be carried out in accordance with the Code of Practice for General Landscape Operations BS4428:1989 Section 7.

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

- 26 Should any of the replacement trees be removed, die or become severely damaged or seriously diseased all within 5 years of planting, it shall be replaced by a tree 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.

- 27 Prior to any tree works commencing on site, the precise details of the works to be undertaken to the tree(s) shall be agreed and clearly identified on site by the Local Planning Authority in consultation with the contractor commissioned to undertake the

works. The works shall then be undertaken in accordance with the details thereby agreed.

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

28 Prior to the commencement of work on site, full details of the proposed footpath link in front of plot 19 from the application site to the existing public footpath Llwhwr 37 including a cross section showing its gradient, the surface treatment and its relationship to all existing trees and their root protection areas shall be submitted to and approved in writing by the Local Planning Authority. The path shall be completed in accordance with the details thereby approved prior to the construction of the last dwelling.

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

29 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.

30 Notwithstanding the details shown on the approved plans, the paths to plots 3, 4 and 20 and the car parking spaces for plot 25 shall be relocated / redesigned to ensure that do not harm the base of the trees and root protection area. Full details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. The development shall then be implemented in accordance with the details thereby approved.

Reason: To ensure that the trees along the northern boundary are adequately protected

## **INFORMATIVES**

1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: AS1, AS2, AS6, EV1, EV2, EV3, EV30, EV33, EV34, EV35, HC1, HC3, HC17

2 Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting a watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues.

3 The applicant is advised that to discharge condition 11 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

4 The applicant is advised to provide the LPA with details of the Company Secretary and the registered company address for the Company ultimately responsible for the application site to ensure serving of documentation upon appropriate persons.

5 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.

#### 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

- 6 The developer is advised to contact Dwr Cymru (Welsh Water) Telephone Swansea 772200 Ext. 2562 with regard to adequacy of water supply and position of water distribution mains in the area.
- 7 To protect the integrity of the Public Sewerage System, foul water and surface water discharges shall be drained separately from the site.
- 8 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment, no 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.
- 9 To prevent hydraulic overload of the public sewerage system and pollution of the environment, land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
- 10 If 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.
- 11 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).

- 12 The developer is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's (DCWW) maps or 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. DCWW advise that the applicant contacts their 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.
- 13 Natural Resources Wales (NRW) note that the developer intends to utilise a Pumping Station as part of the foul drainage disposal system, and therefore an Environmental Permit may be required from NRW. In this respect NRW would refer the developer to the NRW Customer Contact Centre (Tel. 03000 653000) to discuss
- 14 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.
- 15 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).
- 16 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.
- 17 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 18 The Council is responsible for the naming and numbering of streets within the administrative area. All new property addresses or changes to existing addresses arising from development for which planning consent is sought must be cleared through the Council's Street Naming and Numbering Officer as soon as building work commences. Street naming and numbering proposals must be agreed with

the Council prior to addresses being created or revised. Please note that there is a charge for the provision of some street naming and numbering services.

For further information please visit [www.swansea.gov.uk/snn](http://www.swansea.gov.uk/snn) or contact the Council's Street Naming and Numbering Officer, City & County of Swansea, Room 2.4.2F, Civic Centre, Swansea, SA1 3SN. Tel: 01792 637127; email [snn@swansea.gov.uk](mailto:snn@swansea.gov.uk)

- 19 The applicant or his contractor should contact the Council's Tree Officer (Tel. No. 01792 635724) with regard to the discharging of any of the conditions of this consent.
- 20 The applicant or his contractor should follow the advice given in BS 3998 (2010) 'Recommendations for Tree Work'.
- 21 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.

## **PLANS**

BK-WD16 Rev ? Bickleigh (village) plans & elevations,  
HB-WD16 Rev I, Hanbury (village) plans & elevations  
LY-WD16 Rev J Lumley (village) plans & elevations  
MR-WD16 Rev F Morden (village) plans & elevations  
received 31 May 2014.

CA-WD16 Rev B - Clayton (village) plans and elevations;  
CCA-WD16 Rev E - Clayton Corner (village) plans and elevations  
received 26th September 2014

LOUGH-15-04-01 Rev E Site location plan  
LOUGH-15-04-02 Rev F Proposed planning layout  
LOUGH-15-04-03 Rec D Materials / Enclosures Plan  
received 19 January 2015,

14079 C/110 Rev 4 - Engineering Layout  
830.01 Rev F - Planting Plan  
received 20th January 2015



\* Condition number in brackets ( ) refers to original condition number

#### New Condition number

- 1 (2) No dwelling hereby approved shall be occupied until the surface water removal strategy as indicated on drawing 14079 C/110 Rev 4 (Engineering Layout) dated 20th January 2015 has been implemented in accordance with details to 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 provide satisfactory surface water removal for 6 dwellings to prevent hydraulic overloading of the public sewerage system and pollution of the environment.
- 2 (3) Prior to the commencement of the construction of the 7th dwelling hereby approved either,  
a) a surface water removal strategy delivering sufficient compensation for the foul flows from the development shall have been implemented in accordance with details which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, or,  
b) Works to upgrade the sewage infrastructure at Gowerton WwTW have been implemented in full and written confirmation of this has been issued by the Local Planning Authority.  
Reason: To prevent hydraulic overloading of the public sewage system and pollution of the water environment.
- 3 (4) Unless otherwise agreed in writing with the Local Planning Authority, foul water and surface water discharges must be drained separately from the site and no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public foul sewerage system.  
Reason : To prevent hydraulic overloading of the public sewerage system and pollution of the environment.
- 4 (5) Surface water from the site shall discharge at no greater than 5 l/s using an approved flow control device as per drawing no. 14079 C/110 Rev 4 (Engineering Layout) received on 20<sup>th</sup> January 2015 February 2015.  
Reason : To reduce surface water loading to the watercourse network and reduce surface water flood risk downstream
- 5 (6) No drainage works shall commence on site until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water runoff.

- 6 (7) Prior to the commencement of any drainage works on site a scheme for the ownership and maintenance of the surface water system shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans / specification at such time(s) as may be specified in the approved scheme.  
To ensure the satisfactory long-term operation of the surface water management scheme to prevent the increased risk of flooding to the development itself and surrounding third parties.
- 7 (8) The development shall be completed in accordance with the recommendations in section 8 (Recommendations) of the approved Extended Phase 1 Habitat Survey by Hawkwood Ecology dated 31 May 2014 .  
Reason : In the interests of protecting the ecology of the site and surrounding area.
- 8 (9) No works are to be carried out to the three trees growing in the southern hedge that have been identified as having bat roost potential described in target note 5 – para 6.10 of the approved Extended Phase 1 Habitat Survey by Hawkeswood Ecology date 31 May 2014) without a full bat survey being submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in strict accordance with the details thereby approved  
Reason : In order to ensure the protection of a European Protected Species
- 9 (10) The Construction Traffic Management Plan (CTMP) submitted to the Local Planning Authority on 12th March 2015 shall be implemented and adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.  
Reason : To ensure minimal nuisance impact on local residents/ businesses from construction traffic activities.
- 10 (11) No part of the development hereby permitted shall be occupied until full details of the proposed arrangements for the future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with  
the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.  
Reason : To ensure that the development is provided with satisfactory vehicular access in the interests of public safety
- 11 (12) Prior to any further works being undertaken on site (including all access roads) a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the LPA. The CPMP shall to include the following:
- a) Demolition/Construction programme and timetable
  - b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
  - c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
  - d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
  - e) Proposed working hours;
  - f) Principal Contractor details, which will include a nominated contact for complaints;

- g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
- h) Details of on site dust mitigation measures having regard to BPM;
- i) Details of on site noise mitigation measures having regard to BPM;
- j) Details of waste management arrangements (including any proposed crushing/screening operations); and
- k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.

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

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.

- 12 (13) If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously agreed in writing with the Local Planning Authority] shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination.  
Reason: To ensure that the safety of future occupiers is not prejudiced
- 13 (14) The remediation works as set out in Section 11.2 of the approved Site Investigation Report by Integral Geotechnique dated 26th September 2014 and the information submitted on 12th March 2015 comprising the Integral Geotechnique Letter and Plan dated 05/02/15; Integral Geotechnique Report No. 11392/DPD/14 – Phase 2 Loughor Road, Gorseinon: Ground Stabilisation of Shallow Mineworkings Specification; and Quad Consult Dwg No. 14079/207 Rev 1 – Mine Shaft Cap shall be undertaken and completed before the commencement of construction of the first dwelling.  
Reason : To ensure that the coal mining legacy issues on the site are adequately addressed.
- 14 (15) No part of the development hereby permitted shall be occupied until full details of the pumping station, including the means of enclosure and access point, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the details thereby approved.  
Reason : To ensure a satisfactory means of drainage.
- (16) (condition not necessary and has been removed)
- 15 (17) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.  
Reason : To ensure that the overall open plan housing layout is not prejudiced by uncontrolled development.
- 16 (18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Classes A, B, C, D and E of Schedule 2, Part 1 shall not apply.

Reason : 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

- 17 (19) Samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before construction commences above damp proof course. The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority

Reason : In the interests of visual amenity.

- 18 (20) No part of the development hereby permitted shall be occupied until street lighting has been installed in accordance with a detailed scheme to be agreed with the Local Planning Authority.

Reason : To ensure a convenient and safe form of development

- 19 (21) The landscaping scheme shall be completed in accordance with Dwg No. 830.01 Rev F received on the 20<sup>th</sup> January 2015. 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.

- 20 (22) 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 shown on Dwg No 830.01 Rev F received on 20<sup>th</sup> January 2015 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 during the first planting season (October-March) immediately following the felling of the trees, shrubs or hedges authorised by this consent. The planting shall be carried out in accordance with the Code of Practice for General Landscape Operations BS4428:1989 Section 7 and should any of the replacement trees be removed, die or become severely damaged or seriously diseased all within 5 years of planting, it shall be replaced by a tree of similar size and species to that originally planted.

- 21 (23) The tree works to which this permission relates must be completed in their entirety no later than 2 years from the date of this consent, after which time the consent is no longer valid unless otherwise agreed with the Local Planning Authority

Reason : In the interests of visual amenity and safety, and the continued health of the tree.

- 22 (24) The Local Planning Authority shall be notified a minimum of 7 days in advance of the date and time when tree works are to be carried out to any trees covered by a Tree Preservation Order.

Reason : To give the Local Authority the opportunity to inspect the work being carried out.

- (25) condition removed as wording has been included in condition 21 (22)

- (26) condition removed as wording has been included in condition 21 (22)

23 (27) The contractor commissioned to undertake the works to the trees on site as agreed with the Local Planning Authority on site on Wednesday 25th February and as set out in the Treescene Tree Survey Report dated 15th December 2014 and the Tree Works Schedule dated 5th February 2015 shall be undertaken in accordance with the details thereby agreed unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interests of visual amenity, and to accord with Section 197 of the Town and Country Planning Act 1990

24 (28) Prior to the construction of Plot 19, full details of the proposed footpath link in front of plot 19 from the application site to the existing public footpath Llwhwr 37 including a cross section showing its gradient, the surface treatment and its relationship to all existing trees and their root protection areas shall be submitted to and approved in

writing by the Local Planning Authority. The path shall be completed in accordance with the details thereby approved prior to the construction of the last dwelling.

Reason : In the interests of the amenity of the area,

(29) Condition removed as it is not necessary

25 (30) Notwithstanding the details shown on the approved plans, the paths to plots 3, 4 and 20 and the car parking spaces for plot 25 shall use no-dig methods to ensure that they do not harm the base of the trees and root protection area. Full details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on plots 3, 4 and 20 and the car parking spaces for plot 25. The development shall then be implemented in accordance with the details thereby approved.

Reason : To ensure that the trees along the northern boundary are adequately protected