

## APPENDIX B

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

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

### **BACKGROUND INFORMATION**

#### **POLICIES**

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

Policy EV40	Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)
Policy HC1	Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)
Policy HC18	New leisure facilities will be permitted at suitable locations within the urban area subject to compliance with a defined list of criteria including proven need, no harm being caused to vitality and viability of city centre and district shopping centres, passing the sequential test, acceptable access and car parking, and capacity of the local highway network. (City & County of Swansea Unitary Development Plan 2008)
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy HC24	Provision of public open space within new residential developments. (City & County of Swansea Unitary Development Plan 2008)

## **SITE HISTORY**

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

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

## **RESPONSE TO CONSULTATIONS**

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

### Original Plans

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

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

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

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

**Llwchwr Town Council – No Objection**

### **Amended Plans**

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

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

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

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

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

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

#### **Natural Resources Wales (NRW)**

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

### Foul Drainage

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

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

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

### Surface Water Drainage

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

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

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

### Ecology

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

### Pollution Prevention

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

### Dwr Cymru / Welsh Water (DCWW)

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

Dwr Cymru has no objection to the proposed development

### Coal Authority

#### Initial Comments

The Coal Authority Response: **Substantive Concern**

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

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

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

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

#### Additional Comments

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

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



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

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

#### Final Comments

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

The Coal Authority Recommendation to the LPA:

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

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

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

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

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

#### Glamorgan Gwent Archaeological Trust

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

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

Consequently, whilst we do not object to the granting of planning permission for this development, in our role as the archaeological advisors to your Members we strongly recommend that a condition be attached to any consent that is granted ensuring that a programme of archaeological investigation be implemented during the construction work. We envisage that this programme of work would include the assessment and recording of any historic hedgerows on the property, and a watching brief during the initial topsoil stripping/ground work required for the development. The programme would also specify detailed contingency arrangements to ensure that sufficient time and resources are available to ensure that any archaeological features encountered during the development are properly excavated, recorded and analysed. In addition, the programme would require that a written report of the results of the programme is submitted to the planning authority. We recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular 60/96, Section 23 - *No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.*

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

### **Highway Observations**

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

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

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

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

### **Drainage Observations**

#### **Initial Comments**

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

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

### Final Comments

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

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

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

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

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

### **Pollution Control Observations**

No Objection subject to conditions regarding:

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

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

### **Ecology**

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

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

### Support Comments

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

### Petition (449 signatures)

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

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

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

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

### **APPRAISAL**

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

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

### **Site and Surrounding Area**

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

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

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

## The Proposal

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Main issues**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Visual Amenity**

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

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

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



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

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

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

### **Residential Amenity**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Highway Impacts**

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

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

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

### **Ecological Issues**

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

### **Trees**

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

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

### **Coal Mining Issues**

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

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

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

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

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

### **Archaeological Issues**

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

### **Water Quality Issues**

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

## Burry Inlet Habitat Regulations Assessment

### Introduction

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

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

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

### Water Quality

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

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

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

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

### Other Possible Effects on CBEEMS features

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

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

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

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

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

In 2011 Dwr Cymru Welsh Water adopted the findings of a study commissioned to investigate the problems and solutions relating to foul drainage in this drainage catchment area. 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 the proposed changing rooms on this site can easily be accommodated by potential surface water removal schemes or compensatory water savings already made from other brownfield developments in the area.

Dwr Cymru Welsh Water has not objected to this scheme

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

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

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

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

### **Other Material Considerations**

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

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

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

### **Conclusion**

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

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

### **RECOMMENDATION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

- 13 Prior to the commencement of demolition/construction works on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) should be submitted to and approved in writing by the LPA. The CPMP is to include the following:
- a) Demolition/Construction programme and timetable
  - b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
  - c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
  - d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
  - e) Proposed working hours;
  - f) Principal Contractor details, which will include a nominated contact for complaints;
  - g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
  - h) Details of on site dust mitigation measures having regard to BPM;
  - i) Details of on site noise mitigation measures having regard to BPM;
  - j) Details of waste management arrangements (including any proposed crushing/screening operations); and
  - k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.
- note: items g – j inclusive need to take particular account of the potential for statutory nuisance from site related activities [see Informatives].
- Reason: To ensure minimal nuisance impact on local residents/ businesses from construction activities.
- 14 Prior to the commencement of development on site full detail of an intrusive site investigation works identifying all coal mining legacy issues on the site shall be submitted to and approved in writing by the Local Planning Authority. Should the site investigation work reveal the need for remedial works to treat any mine entries or other legacy features, all the remedial works shall undertaken and completed prior to the construction of the development and shall be completed in accordance with the details thereby approved.
- Reason: In order to establish the exact situation regarding coal mining legacy issues on the site
- 15 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority
- Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource

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

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

## INFORMATIVES

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

/ intentionally to disturb such an animal.

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

5      **INFORMATIVE NOTE:**

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

6      It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

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

You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.

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

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

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

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

11     **INFORMATIVE NOTE:**

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

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

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

## PLANS

Floodlighting specification  
Dated 27th February

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

Dated 4th March 2014

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

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