

Report of the Head of Economic Regeneration & Planning

To Development Management & Control Committee – 14 August 2014

Referral of Planning Application Ref: 2014/0306

From Area 2 Development Control Committee on 29th July 2014

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

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

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

1.0 Background

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

2.0 Planning History

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

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

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

3.0 Planning Policy Issues

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

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

4.0 Financial Implications

- 4.1 There are no financial implications associated with this report.

5.0 Legal Implications

- 5.1 There are no legal implications associated with this report.

6.0 Recommendation

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

BACKGROUND PAPERS

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

The following documents were used in the preparation of this report:
Application file, together with the files and documents referred to in the background information section of the appended Development Control committee report.

Appendices:

Appendix A – Location Plan

Appendix B – Committee Report

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