

PLANNING COMMITTEE – 12TH MAY 2015

ITEM 1

APPLICATION NO.

2014/1620

WARD:

Llangyfelach

Location: Gwenslais Uchaf Farm Pontlliw Swansea SA4 9HB

Proposal: Construction of a 4MW solar farm comprising of 12,934 individual panels and associated structures and works

Applicant: Ms Anne Dugdale



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BACKGROUND INFORMATION

POLICIES

Policy Policy Description

- Policy EV1 New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
- Policy EV2 The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
- Policy EV12 The character of lanes and public paths that contribute to the amenity, natural and historical qualities of an area will be protected. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV21 In the countryside non-residential development will only be permitted where it can be demonstrated that it is beneficial for the rural economy, or it meets overriding social or economic local needs, or it is appropriate development associated with farm diversification, sustainable tourism or nature conservation, or it provides an acceptable economic use for brown field land or existing buildings, or it is essential for communications, other utility services, minerals or renewable energy generation. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV22 The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through:
i) The control of development, and
ii) Practical management and improvement measures.
(City & County of Swansea Unitary Development Plan 2008)
- Policy EV27 Development that significantly adversely affects the special interests of sites designated as SSSI's and NNR's will not be permitted unless the need for the development is of such significance that it outweighs the national importance of the designation. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV30 Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)

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Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)	
Policy R11	Proposals for the provision of renewable energy resources, including ancillary infrastructure and buildings, will be permitted provided: (i) The social, economic or environmental benefits of the scheme in meeting local, and national energy targets outweigh any adverse impacts, (ii) The scale, form, design, appearance and cumulative impacts of proposals can be satisfactorily incorporated into the landscape, seascape or built environment and would not significantly adversely affect the visual amenity, local environment or recreational/tourist use of these areas, (iii) There would be no significant adverse effect on local amenity, highways, aircraft operations or telecommunications, (iv) There would be no significant adverse effect on natural heritage and the historic environment, (v) The development would preserve or enhance any conservation areas and not adversely affect listed buildings or their settings, (vi) The development is accompanied by adequate information to indicate the extent of possible environmental effects and how they can be satisfactorily contained and/or mitigated, (vii) The development includes measures to secure the satisfactory removal of structures/related infrastructure and an acceptable after use which brings about a net gain where practically feasible for biodiversity following cessation of operation of the installation. Proposals for large-scale (over 25MW) onshore wind developments shall be directed to within the Strategic Search Area defined on the Proposals Map subject to consideration of the above criteria. (City & County of Swansea Unitary Development Plan 2008)	
SITE HISTORY		
App No.	Proposal	
2006/0103	Construction of dog kennels Decision: Grant Permission Conditional Decision Date: 23/03/2006	
2012/1034	Construction of agricultural building (application for Prior Notification of Agricultural Development) Decision: Prior Approval Is Not Required Decision Date: 14/08/2012	

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RESPONSE TO CONSULTATION

The application was advertised on site and in the local press.

FIFTY FIVE LETTERS OF OBJECTION have been received which are summarised as follows:

1. Concerns regarding the visual impact on the surrounding area, impact on views from Gower Way, other PRowWs and Bryn-Bach Road.
2. Concerns it is an attempt to industrialise the countryside.
3. The site is not designated for solar in UDP nor in TAN 8. Such schemes should be on brownfield land or commercial rooftops.
4. Concerns regarding proximity to neighbouring properties; including loss of views and effect on property prices;
5. Concerns that CCTV cameras will impact on privacy of neighbouring properties;
6. Concerns of noise from construction and maintenance;
7. Concerns that the local roads are not suitable for higher than normal traffic, impact on local school and road safety.
8. Concerns that glare from panels would distract road users leading to highway safety concerns;
9. Concerns that no plans are in place for the safe removal of the panels and re-instatement of the land.
10. Concerns there would be an impact on tourism in the area;
11. Concerns regarding the impact on ecology including protected species. SSSI is located adjacent to the site;
12. Concerns the proposal will result in the loss of farming land;
13. Concerns there are health and ecological risks associated with leakage from the panels;
14. Concerns the proposal will increase energy bills/lack of need for more energy generation in Wales;
15. Concerns the local community will not get any benefit from this project. Only the landowner and developer will benefit;
16. Concerns the proposal will have a negative impact on Grade II Listed Building;
17. Concerns there would be an increased risk of runoff onto Clordir Road and brook;
18. Concerns existing hedgerows and trees were removed as precursor to the application;
19. Concerns that the 'ghost montages' are misleading in respect of height of panels;
20. Concerns that there has been a lack of consultation.

In addition to the above THREE LETTERS OF SUPPORT have been received.

1. This project is in support of the UK's overarching policy on renewable energy provision which is extremely important to reduce our reliance on fossil fuel based energy sources.
2. The developers have been extremely diligent in designing the scheme to ensure any potential local issues arising from this project are minimised and acceptable.
3. Small farmers need to be able to manage their finances in order to continue the professional management of the land. Solar installations of this type benefit the small farmer by providing a guaranteed income which they cannot get from livestock and arable farming.

Pontlliw and Tircoed Community Council –

The Community Council is extremely concerned about the nature and extent of this proposed development. The Community Council considers it to be wholly inappropriate for such a location. The Community Council is also concerned that shortly before the application was submitted, but clearly in anticipation of it being submitted, hedgerows and mature trees were cut down and removed without the requisite consent being sought.

As regards the application itself the Community Council has the following observations upon the proposed development:

1. It is not appropriate to its local context, would not integrate effectively with adjacent spaces, would result in significant detrimental effect in terms of visual impact both for neighbours, the wider community of Pontlliw and visitors to the area, and fails to have regard to the desirability of preserving the setting of a Grade II listed building.
2. As one would expect based upon the above observations the site has not been designated as a possible location for solar energy in either the local authority's UDP or LDP.
3. It would be on a greenfield site and would represent an unnecessary and unsympathetic intrusion into open countryside which forms part of the Gower Way national footpath.
4. It would be in a rural area. As such the design of any works should be appropriate to the character of the area and should not detract from the landscape and suburbanise the area. This proposed development does not satisfy these requirements. It would have the opposite effect. It would detract from the landscape. It would suburbanise the area.
5. There is no evidence the proposed developer has considered alternative brownfield sites.
6. It would be brutal in appearance, detracting from the natural surroundings in which it would be placed. It would be totally out of keeping with the surrounding area. It is in essence a quasi-industrial development in open countryside. Consequently there would be a substantial detrimental visual impact on the amenity of the area.
7. As indicated above, the Gower Way footpath runs through the adjacent site. The development would clearly detract from the attractiveness of that path.
8. As outlined above, as a precursor to making this application, hedgerows and trees were removed. This has been referred to the City Council's enforcement officer for investigation. It would be contrary to public policy to allow applicants to benefit from what appears to have been unauthorised removal of hedgerows.
9. The report from SLR Consulting describes the site as covering approximately 9.7 hectares and acknowledges that it will have a visual influence on distinct areas of the local and wider landscape. The impact on neighbouring properties will be significant. There will be a negative effect on the wider area as well.
10. There is an apparent contradiction between the "Glint and Glare" Report, which suggests that reflectivity would be almost non-existent, whereas the SLR Consulting Report suggests that reflectivity will occur.
11. There are no section 106 agreements proposed to benefit the community and to offset the impact of the proposed development.
12. It appears there has been inadequate or no consideration of the harmful effect the proposed development would have on the habitat of a protected species (*Triturus Cristatus*). The protective species surveys appear to be incomplete.

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The Gower Society –

1. We note the scale of this proposal that is large by any standard.
2. The Gower Way long distance path passes straight through the centre of the proposal.
3. The SSSI is impacted upon to the South.
4. The farm is Grade 2 listed and will be surrounded by solar panels.
5. We are concerned about the Glint and Glare Report that appears to us to be rather superficial. This aspect should be seriously looked at from all angles.
6. The solar panels will lead to a more rapid run off from the area into the Afan Lliw and could give rise to local flooding.
7. We wonder where all of these solar panel applications are leading to and at what stage do we have enough.?
8. This is within the area that was included in the proposed AONB extension that is still an active proposal.

We regret that in the circumstances we have no alternative but to **object** to this application.

Swansea Ramblers – This development will have a significant effect on the enjoyment of the Gower Way as a long distance walking route both within the site and close by. It will be partly visible from the edge of Pontlliw and also from several other rights of way in the vicinity. We use the Gower Way for guided walks as part of our annual programme.

Glamorgan Gwent Archaeological Trust – The desk based assessment undertaken by SLR (Ref 404/05027/00001, October 2014) meets current professional standards. The assessment has taken into account the nature of known sites within a study area and the likelihood of further remains within the development area, also the impact on the heritage receptors within the study area and particularly the farmhouse. The assessment concludes that due to the topography and layout design there will be no adverse impact. No further archaeological features were identified during the walkover or research.

It is our opinion that the works undertaken thus far provide suitable mitigation for the development; further archaeological work would not be necessary, and it is unlikely given the evidence, that features of significance would be encountered during the development work.

Natural Resources Wales - We would offer **no objection** to the above application, providing appropriately worded conditions are attached to any planning permission your authority is minded to grant.

Surface Water Disposal

We note that the proposal is for a solar farm and ancillary development, which totals approximately 9.7 hectares in size and can therefore be classed as less vulnerable development according to TAN15. From the details provided with the application we note that surface water will be managed through a number of swales located across the site. We would be supportive of this approach, utilising sustainable urban drainage systems as advocated in TAN15. Ultimately the drainage system design is a matter for the local authority engineers. However the surface water drainage system must be designed to ensure no increased run-off from the site during and post development in all events up to the 1:100 year storm with an allowance for climate change.

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We acknowledge that the panels will allow rainwater to runoff and infiltrate into the ground, however we would advise that this runoff will concentrate infiltration to a smaller area and depending upon the topography of the site this may lead to the creation of rivets or small channels which could speed up the flow of the runoff down the slope.

Ecology and Protected Species

We welcome the submission of the document entitled; '*Proposed Solar Farm, Gwenlais Uchaf Farm, Pontlliw, Extended Phase 1 Ecological and Badger Survey Report*' dated October 2014 by SLR Consulting Limited. We note that the initial survey was carried out on the 5 June 2014, with a further survey on the 24 June 2014, both of which are within the optimum period for surveying habitats. The report identifies several subsidiary and outlier badger setts and foraging areas. Section 6.4.1 also recognises that construction work with 30m of a sett has the potential to cause disturbance and/or risk of damaging the sett itself. Therefore, we are pleased to note that the typical method of installing arrays and security fencing will be revised where the solar farm footprint enters within 30m of any badger sett. We advise that these proposals are discussed and agreed with your Authority's Planning Ecologist and made an enforceable condition, should you be minded to grant planning permission.

We encourage the use of the local planning Policy EV30 and the achievement of its policy objectives: '*The proposed development will not affect any areas of ancient woodland*', '*The proposed development will involve some limited areas of new hedgerow planting*' and '*The proposed development will not involve any commercial felling or replanting*'.

We note that; '*a distance of at least 3m will be left between the proposed fencing and existing or proposed hedgerows and a further 3m between the fencing and the solar array to allow sufficient space for access and maintenance*'.

It is also our understanding that the existing farm access track leading from Bryn-Bach Road will be used for all construction traffic. The report mentions that all materials should be stored at least 50m away from the SSSI boundary and that care should be taken to prevent any construction materials from spilling onto the SSSI. We also note that the report states that '*permanent impacts to the SINC will be minimal*'.

We are supportive of the recommendations, mitigation and avoidance measures laid down in Section 6 for the report. In particular the proposals to ensure no detrimental effects on the features of interest of the SSSI and recommendations to improve habitat management through use of species rich seed-mixes. However, it is important that any seed mixes should be of local provenance.

In addition, we would be supportive of a sensitive grazing or mowing regime, but wish to highlight the importance that where cutting of vegetation is required all grass cuttings should be removed. NRW recommend that these proposals are discussed and agreed with your Authority's Planning Ecologist and implemented via appropriate planning conditions; should you be minded to grant planning permission.

Nant y Crimp SSSI

Nant y Crimp SSSI is adjacent to the south eastern boundary of the proposed site. In terms of the SSSI, we do not anticipate any direct impacts on the site as a result of the proposal; providing that best practice techniques to protect water quality are employed and adhered to during construction.

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During the works it is expected that water quality of the '*drainage ditch which flows north to south through the aforementioned central wetland area and discharges to the SSSI*' will be protected.

We would recommend that the SSSI features are protected by a condition of planning which states that the water quality and water quantity of the ditch running into the SSSI (north to south) are protected from any significant effects, through appropriate pollution prevention measures.

Landscape

We note the provision of the document entitled; 'Proposed Solar Farm Gwenlais Uchaf Farm Pontlliw: Landscape and Visual (SLR Ref: 404-05027-00001), dated October 2014 by SLR Consulting Limited. Part of the site lies within a Historic Landscape aspect area classed as Outstanding by LANDMAP (SWNSHL398 H27 Gower Supraboscus Agricultural). The area includes very rare, irregular fieldscapes and a number of listed buildings and scheduled monuments. The listed farmhouse, byre and cowshed at Gwenlais Uchaf are in the adjacent area and are important historic features in the locality. There would be some adverse effect on the historic landscape, however, with suitable mitigation provided, this is not considered significant.

Therefore, we advise that management plan for existing and new hedgerows should be provided, along with new hedgerow planting to strengthen boundaries and screen views of the development. **We recommend that this should be delivered by means of an appropriate and enforceable condition, should your Authority be minded to grant planning permission.**

In considering the application, we also recommend the local authority take account of the following:

- The site is within the Geological Landscape aspect areas SWNSGL035 Pontarddulais and SWNSGL032 Loughor, both classed as Moderate by LANDMAP.
- In terms of Landscape Habitats, the site is within aspect area SWNSLH349 North of Gorseinon & Swansea, classed as Moderate by LANDMAP.
- The site is within Visual & Sensory aspect areas SWNSVS322 Upper Lliw Valley and SWNSVS738 Rhyd-y-Pandy, classed as Low and Moderate respectively by LANDMAP.
- In terms of Historic Landscape, the site is within aspect area SWNSHL571 H22 Lower Loughor & Lliw Valleys (unassessed overall but very rare) and SWNSHL398 H27 Gower Supraboscus Agricultural, classed as Outstanding by LANDMAP.
- In terms of Cultural Landscape, the site is within aspect area SWNSCL029 The Mawr, classed as High by LANDMAP.
- The visual impact on the Gower Way public footpath, which passes through the site and the setting of the historic farmstead at Gwenlais Uchaf.
- The cumulative impacts on the Lliw Valley and views from public footpaths crossing the valley e.g. viewpoint F, in combination with the proposed (in planning) solar farm at Gelli-Wern-Isaf.

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Nevertheless, we consider that the effects on the nationally important historic landscape would not be significant, provided suitable mitigation is included. We leave to the discretion of your Authority the wording of any condition to secure appropriate mitigation; should you be minded to grant planning permission.

Pollution Prevention

The planning statement notes that the land is generally sloping to the south towards the valley of the Afon Lliw. The main river itself is located approximately 200 metres to the south of the site. As your Authority will be aware there can be no deterioration of water bodies under the Water Framework Directive. It is therefore vital that all appropriate pollution control measures are adopted on site to ensure that the integrity of controlled waters (surface and ground) is assured. As best practice, we would advise the developer to produce a site specific construction management / pollution prevention plan with particular reference given to the protection of the surrounding land & water environments. If planning permission is granted, we would ask that the following conditions are included.

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

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

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

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

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

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Waste Management

Given the nature and location of this development, we would recommend that a site waste management plan (SWMP) for the project is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. Guidance for SWMPs are available from the DEFRA website (www.defra.gov.uk).

We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission. The following condition is suggested, but could be amended as you see fit.

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

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

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

In addition to the above, we would ask that the attached planning advice note is provided to the applicant/developer. This provides further information and advice on matters such as SUDS, pollution prevention and waste management.

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

Dwr Cymru Welsh Water – Recommend the inclusion of standard conditions and advisory notes.

The Coal Authority – The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development.

Health and Safety Executive – Does not advise against the granting of planning permission in this instance.

Council's Drainage Section – Recommend the inclusion of a surface water condition to any permission granted.

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

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Council's Planning Ecologist - The site has been subject to an ecological survey which has identified a number of ecologically important features. The Nant y Crimp SSSI lies to the south of the site. It consists largely of habitats that rely on high levels of water in the soil much of this water drains from Gwenlais Uchaf farm it is vital that the drainage is not impeded.

A number of badger setts have been identified; I recommend the inclusion of an informative to advise the developer to contact NRW to confirm if a 'licence to disturb' application is required.

As part of the ecological mitigation the hedge separating the two western fields that has been coppiced should be fenced to protect it from stock and allowed to grow back.

The marshy grass land described in target note 5 should be protected. Any reseeded of this area must be done using seed appropriate to the site.

The suggested method of protecting breeding birds detailed in section 6.4.2 of the ecological survey should be followed. Reptile mitigation suggested in section 6.4.3 of the ecological survey should be followed.

Council's Conservation Officer - The proposed site wraps around Gwenlais-Uchaf Farm. The farm sits at the base of fairly low, undulating hills and as such, the existing landscape forms the setting for the listed property and related structures.

The proposal for the solar farm is a substantial one and covers all of the immediately adjacent fields. Whilst there is an existing hedgerow, it is relatively low and requires management to increase its density and height. By doing so, it will alter the visual character of the existing landscape. The visual impact of the solar panels, deer fencing, substations and CCTV structures whilst individually, are relatively minimal, they are collectively, considerable in their impact.

Possible mitigation measures:

If fields C and H (as shown in drawing GF L/LS Oct 2011) could be removed from the scheme and substantial native species be planted around all of the remaining fields in a revised scheme then the visual impact on the setting of this listed building could be reduced. A revised scheme, as suggested, purely in terms of the visual impact on the historic fabric and its setting, could be supported for approval.

The scheme is provisionally assessed against The City and County Unitary Development Plan (adopted November 2008) Policy EV7, Extensions/Alterations to Listed Buildings, also the Planning (Listed building and Conservation Areas) Act 1990 and Welsh Office Circular 61/96, Planning and the Historic Environment.

Recommendation: The application is supported for approval subject to amendments as cited previously.

Additional Comments - 26th February 2015

Provided the applicant can provide satisfactory hedge screening of all the proposed fields to the top height of the solar panels, using native species of hedging, then support of the scheme in terms of the setting of the listing building would be more acceptable and supported in respect of building conservation.

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The two fields I previously requested to be removed from the scheme could be retained in the scheme and additionally, if the support of the solar energy farm in this location allows the continued and sustained use of the Gwenlais-Uchaf itself, it is felt that this outweighs the potentially harmful visual impact that the solar panels may have.

Additional Comments – 23rd March 2015

I am satisfied with the approach taken to mitigate the visual impact of the proposed solar farm. The list of native species for hedging is welcomed. In addition, the positive impact of such species increases native flora and fauna and therefore, also beneficial for the wider environment

Council's Highways Observations –

The application site is located on land north-east of Pontlliw and north-west of Penllergaer forest. The development proposals involve the construction of a Solar PV array, a number of ground mounted solar PV panels, mounted on frames. The panels are to be connected to the electrical distribution grid. The application site is accessed from an the existing farm track leading from Bryn-Bach Road. The application site is entirely bounded by agricultural fields.

An indicative construction schedule has been submitted indicating that weeks 1-2 will be given to site preparation and mobilisation, weeks 3-10 for the solar PV construction and weeks 11-12 for removal of site services and the temporary site compound. A draft Construction Traffic Management Plan has also been submitted with the application.

The majority of delivery vehicles are anticipated to use the M4 J 47, the A48 from the south and turn right into Bryn Bach Road at Pontlliw. The route in is divided into three sections 1. M4 J 47-A48, 2. Clordir Road -Bryn Bach Road and 3,. Gwenlais-Uchaf Farm Access.

Traffic movements will be their highest during the construction phase. It is estimated that there will be up to 34 daily two way movements for staff and this is based on an average of 50 personnel with a car occupancy of 1.5. In terms of deliveries HGV's will be used to deliver all equipment and materials and there is no requirement for abnormal load movements. It is expected that deliveries will be limited to 8-10 two-way movements per day based up[on a 5 day working week. This is not a high volume of movements. The temporary site compound will include parking for upto 40 vehicles and will include a HGV manoeuvring, loading and unloading areas. Construction workers are expected to arrive by car/small light goods vehicles and at some occasions a minibus.. Car parking spaces are being provided and a maximum of 34 two way trips associated with staff movements is expected. Deliveries will be made using small rigid goods lorry or similar and large commercial vehicles such as 16.5m articulated lorries are not intended to be used due to the narrow nature of the adopted roads from Felindre. No abnormal indivisible load vehicles are required to be used.

There are a number of traffic management measures proposed within the Construction Traffic Management Plan to help reduce the impact of the proposed development.

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Examples of these measures include the proviso that no abnormal or wide loads to enter the site, 'No right hand turn' signage for HGV's leaving the farm access, issuing of route road safety considerations, travel plan, temporary warning signs along Clordir/Bryn Bach Road, controlled delivery departure of HGV's, Wheel cleaning at Gwenlais-Uchaf Farm access, placement of regular warning signs for Gower Way walkers, HGV's not to exceed 5 mph along Gower Way section, review of

Following completion of the scheme, operational traffic will be the occasional service vehicle visit only and therefore will have no adverse impact on local highway safety conditions.

The project intends to undertake dilapidation surveys before and after completion and the methodology will need to be agreed with CCS prior to commencement.

The development is expected to have minimal impact on traffic and highways safety and as such I do not consider that there are any highway safety issues arising.

I recommend no highway objection to the proposal subject to:

1. No development approved by this permission shall take place until a method statement detailing the provisions of suitable facilities on site to ensure vehicles leaving the site do not deposit mud or debris on the adjacent highway has been submitted to and approved in writing by the LPA. The method statement shall be implemented in accordance with the approved details.
2. . No development approved by this permission shall take place until details of the methodology for the scope and nature of the dilapidation surveys on the adopted highway have been submitted to and approved in writing by the LPA. The dilapidation surveys shall be undertaken in accordance with the approved details.
3. Construction Traffic Management Plan shall be submitted for approval prior to any works commencing on site. This should include details of any access alterations that may require a section 278 agreement with the Highway Authority and /or any TRO's that may be required.

APPRAISAL

This application was reported to the Planning Committee meeting held on 14th April 2015 when it was **DEFERRED** to allow members to undertake a site inspection.

Description

Full planning permission is sought for the installation of a solar photovoltaic (PV) array on land at Gwenlais Uchaf Farm, Pontlliw, Swansea, SA4 9HB. The array would comprise approximately 12,900 individual panels and associated works and structures over a site area of approximately 9.7 hectares and will have a total installed capacity of 4MW. Ancillary development would include a small number of inverters and a transformer station placed amongst the solar panels, a small substation building, security fencing up to 2.4 m in height and associated security features (including CCTV cameras), and a temporary construction compound.

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A Grade II listed building named Gwenlais-Uchaf Farm stands within the landholding. The listed building description includes a farmhouse, an attached offset byre and a neighbouring cowshed. The building complex probably dates to the 18th Century (or earlier).

The central area of the farm, which comprises an area of wetland and the farm buildings of the Gwenlais-Uchaf farm has been excluded from the proposed development. The farm buildings comprise (as noted above) a farmhouse with adjacent byre, a cowshed and a farm building which is of more modern construction, all of which are owned and managed by the owners of the application site.

Site Location and Use

The site lies within an area of open countryside to the north east of the village of Pontlliw. The application site forms part of a family owned farm located on land mainly in permanent pasture with some occasional fodder crops. The site consists of a series of individual fields surrounded by a mixture of hedges and traditional clawdd walls (banks) which will remain intact. It is intended to maintain the land in agricultural use during the life of the solar farm.

Access to the site will be gained via the existing farm access route onto Bryn-Bach road on the western edge of the application site. This access route forms part of a public right of way which crosses through the application site. The footpath is part of the 'Gower Way' long distance footpath. A permissive diversion to the right of way is currently in place for a short section of the footpath as it passes to the north of the Gwenlais-Uchaf farm buildings.

The wider surrounding area is predominantly rural in character although there is a significant amount of utilities' infrastructure in the locality, e.g. gas pipelines, electricity pylons and cables. A 33kV overhead electricity line runs across the northern side of the application site. The layout of the site has taken this infrastructure constraint into consideration. Further afield lies a water treatment plant, electricity substation and gas compressor station.

The Nant Y Crimp Site of Special Scientific Interest (SSSI) lies to the south of the application site, part of which lies within the Gwenlais-Uchaf farm holding, although not within the application site. The SSSI extends along the Nant Y Crimp and Afon Lliw valley floors and the woodland to the south. It is designated for wet pastures, species-rich neutral grasslands and semi-natural woodland as well as associated scrub.

Approximately 2.3ha of the 86ha Middle Lliw Site of Importance for Nature Conservation (SINC) falls inside the application site. The SINC includes a variety of habitats, although the designated area within and adjacent to the application site is identified as 'relatively species-rich neutral grassland' and 'woodland containing an assemblage of ancient woodland and indicator species'.

The nearest residential properties to the site include two properties approximately 100m to the west of the application site on Bryn-Bach Road.

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Screening Opinion

In February 2014, prior to the submission of the application, the local planning authority was approached for a Screening Opinion for a 5M capacity solar farm at the site. Following the submission and having regard to the provisions of the Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 1999 the Local Planning Authority determined that an Environmental Impact Assessment (EIA) was not required for this proposed development. The current application differs from the screening opinion submission in that two fields that lie immediately to the east of properties on Bryn-Bach Road close to the entrance to the Gwenlais-Uchaf farm have been excluded. This has resulted in the generation capacity of the scheme being lower than envisaged at the screening stage.

Consultation prior to submission of planning application

It is understood the agents undertook consultation with residents of the two neighbouring properties that potentially could be affected by the proposed development (on Bryn-Bach road). The scheme was amended to exclude the two fields that lie immediately to the east of the properties from this submission.

Supporting Documents

The planning application is accompanied by a number of supporting documents.

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application including several photomontages of views of the site from a number of locations in the surrounding area, both nearby and from distance. Overall it concludes that the characteristics of the landscape mean that the proposed development would only have a localised effect, with some close proximity glimpsed views from local road, footpaths and properties; more distant views occur where elevation and intervening vegetation allows.

Visual effects on receptors moving along the Gower Way are limited to a short section. In order to reduce the residual effects the planting of a new hedgerow is proposed along the southern edge of the Gower Way as it crosses through the eastern side of the application site together with active hedgerow management to maximise its screening effects. The closer proximity glimpsed views mostly relate to individual properties or recreational receptors using the local footpaths. Other more distant views are possible from public rights of way to the north and east of the application site although from these locations the LVIA concludes that the proposed development is only likely to give rise to a small scale effect on the view.

A Heritage Statement has been submitted which assesses the impact on the setting of the Grade II listed Gwenlais-Uchaf farmstead (which includes the farmhouse, an attached off-set byre and a neighbouring cowshed). The report concludes that the changes to the setting are likely to be negligible with no significant adverse effects on the heritage significance of Gwenlais-Uchaf or the field system in which it stands. All impacts to the landscape surrounding Gwenlais-Uchaf are relatively temporary and reversible. Notwithstanding the above, the Council's Conservation Officer requested additional mitigation measures in the form of reinforcing existing hedge boundaries to screen the visible sections of the buildings.

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The applicants have submitted an amended landscape scheme which identifies the existing hedgerows subject to a reduced management regime (i.e. less intensively managed and allowed to reach 2.5m in height to increase their screening function). Subject to this it is considered that the strategic hedgerow planting should adequately mitigate the issues of visuality impact on the listed buildings.

In addition the applicants have agreed to provide a contribution towards the maintenance and improvement of the listed buildings on site to further mitigate any detrimental impact upon the setting of these buildings.

An Extended Phase I Habitat Survey and Protected Species Survey Report has been submitted which assesses the ecological value of the site, recording any protected or otherwise important habitats and any evidence for notable or protected species within and adjacent to the survey area and provides recommendations on mitigation and enhancement where appropriate. The solar arrays and access tracks are to be set back from the field boundaries and existing hedgerows will be retained to minimise impacts. Overall the survey concludes that the proposal does not harm features or habitats that are of demonstrable importance to wildlife or nature conservation or that it would cause demonstrable harm to the interests of sites designated as SSSI's (in particular the Nant Y Crimp SSSI adjacent to the southern boundary of the site). The presence of badgers has been confirmed. No setts will be directly lost although a sensitive approach to works has been advised to ensure the setts are not damaged during installation works. However it is considered prudent to attach a planning informative in the event of planning permission being granted advising the applicant to contact NRW to confirm if a 'licence to disturb' application is required.

The Council's Planning Ecologist has advised that relevant conditions should be appended to any planning permission to ensure the mitigation recommendations proposed in the survey report are followed and implemented.

An outline Construction Traffic Management Plan has been submitted which sets out details of the anticipated construction programme, anticipated activity and site parking and manoeuvring arrangements and the proposed access route. Construction works will involve the delivery of equipment and material to and from the site, an indicative timetable for which is:

Site preparation/mobilisation – 2 weeks,
Construction – 8 weeks,
Commissioning – 2 weeks.

During the construction phases it is anticipated there will be up to 34 daily two-way light vehicle movements associated with construction works and supervisors. HGVs will be used to deliver all equipment and materials to and from the application site. The potential number of HGVs in any one day will vary between the phases. It is expected that deliveries of materials to the site during the construction phase will be limited to 8-10 two-way movements per day, based on a 5 day working week. A condition is proposed to be included requiring the submission of a detailed Construction Traffic Management Plan prior to any works commencing on site.

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A Glint and Glare Assessment has been submitted defining 'glint and glare' and investigating potential effects on potential visual receptors within the vicinity of the site. Visual receptors that could potentially be impacted by the proposed development are limited to:

- The Gower Way within Gwenlais Uchaf Farm – views of the front face of the panels would be partially screened by hedgebanks and topography.
- Properties on Bryn-Bach Road to the west of the site – views of the panels would be limited due to the fields to the east of the properties being excluded from the scheme. Views towards the panels would be mainly sideways on or from the north.
- Penlleger Forest – these views are more distant and intermittent due to dense vegetation. There is no public access.

A Coal Mining Risk Assessment has been submitted. This establishes that the application site has been subjected to previous underground coal mining. However, the seams that have been extracted beneath the site are at depths which will not impact the proposed development which will have limited or shallow foundations, with only shallow piling used on the site. The Coal Authority has considered the report and is satisfied that the application site is, or can be made, safe and stable for the proposed development.

A Surface Water Drainage Plan has been submitted which sets out SUDS measures to capture excess run off from the site. Surface water will be managed through a number of swales located across the site.

ISSUES

The main issues for consideration are the impacts of the proposed solar farm on the visual amenity of the area, upon residential amenity, highway safety, ecology & habitats and the impact on the setting of the Grade II listed buildings with regard to policies EV1, EV2, EV3, EV21, EV22, EV30 and R11 of the City & County of Swansea Unitary Development Plan 2008. There are no overriding issues with regard to the Human Rights Act.

In policy terms TAN6 is relevant and makes reference to diversification schemes. Para. 3.7 states that many economic activities can be sustainable on farms and includes renewable energy schemes as one of the options that are likely to be appropriate.

Policy EV1 is a general design policy and states that new development shall accord with the objectives of good design, including, *inter alia*:

- (i) Be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;
- (iii) Not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements;
- (iv) Incorporate a good standard of landscape design;
- (v) Sensitively relate to existing development patterns and seek to protect natural heritage, the historic and cultural environment not only on-site, but in terms of potential impact on neighbouring areas of importance;
- (xi) Having regard to the desirability of preserving the setting of any listed building.

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Policy R11 supports the provision of renewable energy resources including ancillary buildings and infrastructure subject to:

- (i) The social, economic or environmental benefits of the scheme in meeting local, and national energy targets outweigh any adverse impacts;
- (ii) The scale, form, design, appearance and cumulative impacts of proposals can be satisfactorily incorporated into the landscape, seascape or built environment and would not significantly adversely affect the visual amenity, local environment or recreational/tourist use of these areas;
- (iii) There would be no significant adverse effect on local amenity, highways, aircraft operations or telecommunications;
- (iv) There would be no significant adverse effect on natural heritage and the historic environment;
- (v) The development would preserve or enhance any conservation areas and not adversely affect listed buildings or their settings;
- (vi) The development is accompanied by adequate information to indicate the extent of possible environmental effects and how they can be satisfactorily contained and/or mitigated;
- (vii) The development includes measures to secure the satisfactory removal of structures/related infrastructure and an acceptable after use which brings about a net gain where practically feasible for biodiversity following cessation of operation of the installation.

Amount, Scale and Layout

The proposed development comprises the construction of photovoltaic (PV) solar panels in a series of arrays running west-east across the application site. The panels will be angled so as to maximise the capture of solar energy, facing south, with the top edge up to a maximum of 2.5m above ground. The rows will be placed approximately 5-7m apart.

The solar panels will be bolt anchored to a metal frame (table) mounted on steel posts drive or screwed into the ground, to a depth of 1-2m depending on the ground conditions. No substantial areas of concrete construction will be required, with the possible exception of foundations for the substation building, met mast, CCTV cameras and inverters.

The panels will be connected by cable via inverters to a small on-site sub-station that will subsequently connect with the electricity grid.

The application site will be secured using a 2.4m stock-proof fence (deer fence) that will protect the equipment from theft, vandalism or damage. A distance of at least 3m will be left between the proposed fencing and existing or proposed hedgerows and a further 3m between the fencing and the solar array to allow sufficient spaces for access and maintenance.

The ground surface below the PV panels will remain vegetated. Any bare areas of ground left after construction works will be planted with a species rich mix of grass seed in order to improve the biodiversity of the application site.

The operational life of the solar farm will be approximately 25 years.

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Construction Phase & Access

The existing farm access track leading from Bryn-Bach Road will be used for all construction and maintenance traffic. On site activity will be at a minimum once the site is operational with routine service and maintenance undertaken periodically.

The anticipated construction period for the proposed solar farm will be approximately three months (twelve weeks) and will consist of the following operations, listed here in the approximate order of implementation:

- installation of sustainable drainage systems (SuDS);
- preparation of the construction compound;
- laying of construction phase proposed access tracks;
- digging of cable trenches;
- erection of fence and gates to define the site boundaries;
- delivery of panels, frames, inverters and substations, concrete for building foundations if required;
- installation of frames and panels;
- cable laying;
- commissioning of the panels and installation of inverter and substation enclosures and connection to grid; and
- reinstatement works primarily to the construction compound, if required.

SuDS will be installed in the form of shallow swales along key sections of the application site prior to construction works commencing. The SuDS will be designed to accommodate surplus run off which may arise in the future (although it should be noted that there would be no material increase in surface water runoff, when compared to existing pre-development conditions).

During construction works hedgerows and ditches will be avoided and hedgerows will be allowed to reach a height of 2.5m to increase their screening function. New hedgerows will be planted within parts of the site to provide further screening of the proposed apparatus.

During the construction phase there is anticipated to be up to 34 daily two-way light vehicle movements associated with construction workers and supervisors.

HGV's will be used to deliver all equipment and materials to and from the site. The potential number of HGVs in any one day will vary between the phases of the construction works. It is anticipated that deliveries of materials to the site during the construction phase will be between 8-10 two-way movements per day.

Delivery vehicles to the site will use the A48 from the south (approx. 2.5km) and turn right into Bryn-Bach Road at Pontlliw (approx. 0.5km) entering the application site via the existing farm access. Any local contractors or site works based locally may however approach from the A48 to the north, turning left into Bryn-Bach Road at the same junction in Pontlliw, although no deliveries of materials are expected from this direction.

Public access along the public right of way footpath 'the Gower Way' will be maintained throughout the lifetime of the project. The developers will erect signage along the route to warn any construction vehicles using the route that walkers using the Gower Way may be present.

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Decommissioning

When the panels reach the end of their lifetime (approximately 25 years), the solar farm would be decommissioned, all equipment would be dismantled and removed from the site and the site restored to its previous use.

Visual Amenity

In terms of the impact of the scheme upon the character and appearance of the open countryside, the LVIA has investigated a number of viewpoints to analyse the existing baseline conditions and assess the likelihood for potential visual effects caused by the proposed development. These are considered in turn.

Viewpoint A – Gower Way; east of the application site.

This viewpoint is on the Gower Way long distance walking route, it is approximately 140m from the application site boundary at an elevation of 60.4m AOD.

This viewpoint has been included as it represents one of the first glimpses of the application site when approaching from the northeast, with views further to the northeast at Gelli-wern Isaf (where a solar farm is currently under construction, ref 2014/0739) and Crwca being constrained by vegetation associated with the lower reaches of the Lliw.

From this location the proposed development would appear along the skyline, broken up by intervening vegetation in the middle distance. The development is contained within existing field compartments with each existing hedgerow having a standoff; as a result the solar array would not appear as a continuous band of development, but is broken up with lower parts of the structures being hidden behind existing hedgerows. The development would appear on the skyline and would follow the natural landform.

Viewpoint B – Gower Way; within the application site

This viewpoint is on the Gower Way long distance route as it enters the site from the east; it is at an elevation of approximately 69.4m AOD.

The distant horizon is formed by the hills and ridges beyond the Loughor Valley, broken by woodland seen in the middle distance (within the application site). Small scale industrial activity and larger clusters of housing is visible on the northern edge of Pontlliw and to the south of Pontarddulais; the rooflines of the house and modern barn structure at Gwenlais-Uchaf farm is visible below the skyline within the intermediate landscape.

The proposed development would be seen in the foreground of the view. The presence of the array would channel views along the track. The PV cells in the field compartment to the north would be partially screened by the intervening mature and dense hedgerow. The solar arrays within field compartments to the west of this location would become visible when travelling westwards along the track; these would be seen beyond the property and mostly below the skyline. It is acknowledged that there is the potential for major visual impacts for receptors at this location; however it is considered that some of the key characteristics of the view would be retained and that the mitigation measures proposed (planting of new hedgerow and strategic management of existing hedgerows) would go some way to reducing any adverse effects.

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Viewpoint C – Gower Way; within the application site near to junction with Bryn-Bach Road.

This viewpoint is located at the entrance to Gwenlais-Uchaf farm looking eastwards from the junction with Bryn-Bach road; it is approximately 100m away from the application site boundary at an elevation of 54.5m AOD. This view is representative of those obtained by users of the Gower Way long distance route and potentially by residents of the adjacent properties, although vegetation is likely to screen most views from garden areas and ground floor windows.

Views from this location are generally directed eastwards along the access road; the context of the existing view is generally rural and of rolling farmland inter-dispersed with woodland. From this location the track itself provides a vista into the application site; however the topography, mature trees and hedgerows means that views only extend out to the middle distance. Existing boundary hedgerows and woodland help screen the lower support structures and break up the massing of the array. The two field compartments immediately to the east of the properties on Bryn Bach road will remain undeveloped, and so the solar array would only appear on the periphery of easterly views from the properties themselves. This type of view is limited to a specific location, and is unlikely to be experienced by all receptors within the locality e.g. those passing along Bryn Bach road are unlikely to detect any change. It is acknowledged that there would be some impact from this location but the existing landscape provides a high level of inherent mitigation with any adverse effects being limited by the restricted nature of views.

Viewpoint D – Eastern edge of Pontlliw

This viewpoint is located on the Bryn Bach road adjacent to the most easterly properties within Pontlliw at an elevation of 49.4m AOD and is approximately 150m from the application boundary. This viewpoint has been included to represent the worst case views from the nearest settlement i.e. Pontlliw as well as users of the Bryn Bach Road and Gower Way which also follows this route.

This section of road is slightly elevated; this, combined with the section of a marginally lower managed hedgerow on its eastern side mean that views towards the application site are more open than most others from this area. Views from this location are generally rural, only being disturbed in this instance by the presence of the small garage operation seen to the west of the application site. Views of the proposed development would be restricted from this location, with the belt of woodland to the south west of the application site screening off the majority of the solar array. Views of the proposed development would therefore only be obtained between the mature tree planting associated with the access road and aforementioned woodland; as such only solar arrays within the northerly and most elevated field compartments are likely to be seen. However given the transient nature of views and height of hedgerows the impact on road users is likely to be lessened.

Viewpoint E – Public Right of Way on the southern edge of Tywn

This viewpoint is located on a Public Right of Way that skirts the western boundary of the adjacent property as it turns southwards towards the application site. This viewpoint is approximately 1290m from the application site at an elevation of 153.7m AOD, and has been included to represent the views of those using the footpath and local residents within the small cluster of properties at Twyn.

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Expansive views from this elevated location are possible. Whilst views are generally rural, in terms of context, larger proliferations of built development can be seen within lower lying areas including some larger scale industrial/commercial activity. Pylons are also a dominant feature within the landscape with rows crossing the foreground of the view. Given the distance and low lying nature of the application site, the proposed development is only likely to constitute a small scale change being seen well below the skyline on the lower hill slopes. Based upon the orientation of the solar arrays (i.e. south) and relative position of the viewpoint (to the north) it is likely that the array will appear as a dark banding. This darker horizontal banding would, it is considered be akin to existing field boundaries visible in this view. Only minor visual impacts are predicted at this location.

Viewpoint F – Public Right of Way near Gelli-wern Fawr

This viewpoint is located on the PRow which runs through the farmsteads at Gelli-wern Ganol and Gelli-wern Fawr approximately 1240m from the application site at an elevation of 99.5m AOD. It has been included to represent the views from recreational receptors i.e. those using the footpath and residential receptors associated with the working farms.

The elevated position offers expansive views. Whilst views are generally rural, large pylons are notable features in the landscape. Built development within lower lying areas is also visible.

It should be noted that an application for a solar farm on land south of Gelliwern Isaf Farm (application ref. 2014/0739) was approved the Area 1 Committee on the 11th November 2014. This development is currently under construction. This would appear within the intervening landscape covering quite a wide expanse of ground within the fields to the east of the current application site (i.e. appearing below it within the view). As such, and with regards cumulative effects, the solar array at Gwenlais–Uchaf would, it is considered, contribute little to the overall effect, and not add to the horizontal extent of PV development within the view.

The application site is positioned between the two pylons seen towards the centre of the view from this location. The only area of PV cells likely to be discernible will be those within the south-easterly fields as these roll over the crest of the landform. Distance and the fact that existing hedgerows already represent an arrangement of dark banding across the landscape means that the PV array would be difficult to distinguish from this location. The presence of built development including large scale industrial units and housing punctuate the rural landscape and only minor visual impact is predicted at this location.

Additional viewpoints (Viewpoints G, H, I and J) have also been considered as the extent of potential visual effects extends beyond the areas represented by the aforementioned viewpoints. However, in reality this is unlikely to be the case when taking into account the effect of both vegetation and existing built form.

Potential Range of Visual Impacts & Mitigation

The LVIA analysis of the viewpoints demonstrates that the nature of the visual effects of the scheme varies, with the topography, built form and vegetation all having their own effects. Local residential properties are represented by viewpoints C, D, E and F. These viewpoints illustrate that the proposed development would only have a localised effect, with some close proximity glimpsed views and slightly more distant views only occurring where intervening vegetation allows.

Whilst it is acknowledged that there is the opportunity for a major impact at Viewpoint C, this is reflective of views from the Gower Way rather than the adjacent properties, as peripheral vegetation is likely to help screen views from ground floors and gardens.

The impact on recreational users has also been an important consideration, most notably along the Gower Way long distance route which cuts through the application site along the internal access track. Viewpoints, A, B, C and D are all on this route with B being within the application boundary. The LVIA acknowledges that major effects on views within the application site are difficult to avoid, mostly due to the proximity of the proposed development to the footpath. However, it also has to be acknowledged that the key characteristics of the view i.e. the vista to the distant landscape would be retained (albeit narrowed slightly in horizontal extent) with existing and proposed vegetation providing effective screening of much of the apparatus proposed.

Mitigation, through the form of new hedgerows and strategic management of existing hedgerows (to reach height of 2.5m) as indicated on the updated Landscape Scheme, is proposed to help aid screening of the solar arrays. It is considered this mitigation will help to reduce the potential for visual impact of the scheme in the wider landscape. It is in this context therefore that it is considered the overall impact of the scheme would not result in a significant and adverse impact upon the character and appearance of the open countryside on which it is sited. It is also of particular note that the site would remain in simultaneous use as agricultural land for sheep grazing, thus maintaining an agricultural presence. Upon decommission, the land can be reverted to full agricultural use.

It should be noted that the local planning authority has recently approved planning permission for the construction of a 6MW solar farm on land south of Gelli-wern Isaf farm application (ref: 2014/0739). This development is currently under construction and is located approximately 320m to the north east of the application site. The in- combination effect of having two solar farms in close proximity requires careful consideration. With regard to views from public vantage points close to the application sites, the fields within the two farms and the outer edges of the solar farms are bound by mature hedgerows. When viewed from the PRoW near Gelli-wern Fawr (Viewpoint F) the solar farm at Gelli-wern Isaf would appear within the intervening landscape covering quite a wide expanse of ground within the fields to the east of the current application site (i.e. appearing below it within the view). As such, and with regards to cumulative effects, the solar array at Gwenlais-Uchaf would, it is considered, contribute little to the overall effect, and not add to the horizontal extent of PV development within the view.

It is therefore considered that given the retention and strategic management of existing hedgerows and due to the undulating landscape, there would not be any tangibly adverse in-combination effect as a result of this development being located in close proximity to the Gelli-wern Isaf development.

Residential Amenity

Turning now to residential amenity, in general the site is well screened from the surrounding villages and residential properties due to intervening vegetation, buildings and landform. There are a handful of private dwellings in the vicinity of the site (Maesgwyn and Nantglais respectively) located on Bryn-Bach Road to the west of the site, and the solar farm will be legible from private views from these properties at a distance of approximately 100m.

The LVIA considers the visual impact of the proposed development from these properties and concludes that whilst it will be visible from these properties, existing screening provided by hedgerows and proposed planting will mitigate these impacts. The impact of the proposed development on a localised level is therefore not considered to be of such significance that would warrant a refusal in this instance. Furthermore the retention and addition of hedgerows within the site is considered to minimise the extent of the perceived change to the site when viewed from both private and public vantage points. The planting of additional vegetation would serve to enhance the landscape character which would also provide greater value for wildlife

In terms of the potential for glint and glare, particularly from private amenity spaces in properties in the wider surrounding area, a glint and glare assessment has been submitted. The reflectivity of solar panels has been compared to the reflectivity of other materials in a number of studies. The Federal Aviation Administration (United States) has produced technical guidance for evaluating solar technologies. On a scale of 0% (no reflectivity) to 100% (most light reflected) solar PV panels of the kind proposed in this development are near to 5% reflectively. Many of the surfaces found within 2km of the proposed development will reflect a greater percentage of sunlight than the panels.

With regards to potential noise and disturbance, again there are significant distances involved in terms of the application site and neighbouring residential properties. Whilst it is accepted that there would be a certain level of noise and disturbance during construction, particularly from deliveries and site works, given that the construction period is anticipated to be completed within three months and is not a continuous construction process, these impacts would be temporary. It is therefore considered that the proposed development would not create significant levels of noise and dust and any noise/dust created during operation would be short in duration.

Impact on the Listed Buildings

Gwenlais–Uchaf Building Description

The farmstead dates to the early 19th century (or late 18th century). The building, with its south-facing frontage is divided into two sections; the eastern section is an L-shaped dwelling with associated lean-to ancillary structures, whilst the western section comprises a former byre; both sections are constructed of (local) quarried sandstone. This building, along with the accompanying byre is typical of the 18th and early 19th century regional agricultural vernacular. As such the listed designation is due to the building retaining its vernacular character.

Externally, the two-storey farmhouse and adjoining byre is constructed of rubble stone which was formerly whitewashed. The adjoining byre has a newly laid slate tile roof, whilst the farmhouse is covered with an asbestos sheet roof. Originally the roofing material for both buildings would have been straw thatch. Either side of the roofline are two stone end stacks which appear to have been rebuilt (re-pointed) during the later 20th century.

The south-facing frontage comprises an offset, slightly recessed window and door casement arrangement. The doorway is covered with a stone porch that is probably contemporary with the building. Three small squared window casements occupy the first floor, whilst two windows flank the door opening on the ground floor; several of these, including the door, have been replaced with UPVC glazed casements.

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The window occupying the eastern flank on the ground floor has been enlarged and therefore alters the original symmetry of the elevation.

To the rear of the building complex are several refurbished window openings and a door opening that leads directly into the byre. Attached to the original farmhouse building is a single storey outbuilding, probably a scullery or dairy, as well as the byre.

The cowshed, located to the rear of the byre and on the north-western side of the farmyard comprises a whitewashed rubble rectangular building that supported a slate roof. The southwest and northeast gables and northwest elevation house several openings including probably air vents in the northeast gable. The southwest gable has a 20th century window opening inserted. The southeast facing elevation contained two large openings, a recessed window and an associated doorway. It is more than likely that this historically refurbished building was the original dwelling.

Buildings listed as Grade II, such as Gwenlais-Uchaf, are considered to be of special interest which warrants every effort being made to preserve them. Where development proposals affect a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses (PPW Edition 7 para 6.5.9)

Impact on the Setting of the Listed Buildings

The potential impact of the proposed solar farm on the listed buildings has been a prime consideration with this planning application. Gwenlais-Uchaf sits within a naturally-formed trough that provides screening between the proposed development and the listed buildings that form the farmstead.

The potential visibility between the proposed solar farm and farmhouse is considered limited, with only the upper section of the eastern gable end of the farmhouse and possibly the northern elevation exposed from certain vantage points. However, the majority of the house, the adjoining annex and nearby barn complex sit within a natural dip within a largely undulating landscape. General views of the farmhouse, including the south-facing frontage are restricted, with views from the access track and Gower Way to the south-east being the only vantage point where a large section of the house can be fully viewed.

Following a site visit, The Council's Conservation Officer requested additional mitigation measures in the form of reinforcing existing hedge boundaries to screen the visible sections of the buildings through selective hedgerow planting, using indigenous species appropriate to the local area.

In response to this request, and following further consideration of the impact on the setting of the listed building, the applicants have submitted an amended landscape scheme which identifies the existing hedgerows subject to a reduced management regime (i.e. less intensively managed and allowed to reach 2.5m in height to increase their screening function). Subject to this it is considered that the strategic hedgerow planting should adequately mitigate the issues of visibility impact on the listed buildings. Additional hedgerow planting will also, it is considered, enhance the overall heritage of the property.

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Screening will be further supported by the area which has been excluded from development which is immediately west of the farm complex with its western extent delineated by a mature hedged boundary. No solar panels or associated development will be installed in this area.

In addition the applicant has also agreed to provide a financial contribution to be used by the land owner for the maintenance and improvement of the Grade II Listed buildings at Gwenlais Uchaf Farm to carry out improvements to the building by replacing unsympathetic alterations with more appropriate works. This will further mitigate against any detrimental impact upon the setting of the listed building from the solar farm as well as improving the appearance of this building of national importance.

On the basis of the above, and subject to the mitigation measures proposed, it is considered that there will be negligible setting issues with no significant adverse effects on the heritage significance of Gwenlais-Uchaf or the field system in which it stands. All impacts to the landscape surrounding Gwenlais-Uchaf are relatively temporary and reversible.

Public Right Of Way

As discussed in the Visual Impact section, the LVIA study considers in detail the effects of the proposed development on the Gower Way public footpath. The study concludes that the proposed development will be visible from the footpath although views will be screened somewhat by intervening hedgerows and trees. Further mitigation measures are proposed including active management of the existing hedgerows to ensure that their screening effects are maximised, whilst retaining their character. Other mitigation measures include new hedgerow planting along a short section of the Gower Way (southern boundary) as it passes the proposed solar array in order to protect the character of the footpath and screen views into the site. Other more distant views are possible from PRowS to the north and east of the application site although from these locations the proposed development is only likely to give rise to a small scale effect on the view, if at all. The LVIA concludes that potential visual impacts on the wider area are not significant.

Hedgerow Planting, Management and Aftercare

The species mix proposed (for new hedgerows) is based on the species identified by the ecological survey to ensure species appropriate to the locality are used. A relatively high proportion of holly has been used to increase the 'evergreen' element of the screening function.

In order to achieve a more instantaneous effect, plants would be introduced as bare root 'feathered' stock. These are taller than standard transplants and would be between 1-1.5m tall and have a branched form. Whilst it is acknowledged this planting will need several seasons of growth to establish what would be recognised as a hedge, the taller, bushier form will provide a degree of structure and height from an early stage.

Hedgerows would be planted into a 600mm wide cultivated trench as a double staggered row at 500mm intervals; all stock would be pit planted between the end of November and the start of March. All planting areas would be fenced to offer protection from grazing stock, if required, and transparent rabbit spirals (or shrub shelters for holly), supported by 450mm stout bamboo canes.

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It is not expected that any significant hedgerow maintenance would be required in the first 5 years, as the trees and shrubs will need time to establish. In the longer term the sensitive management of hedgerows would be compatible with the safeguarding of wildlife.

All hedgerows would be allowed to reach 2.5m in height, and be side-trimmed to a triangular shape, leaving the peak as high as possible. This prevents self-shading, allowing light to the base. Stems would be cut a little above the last cut, leaving approx. 0.5cm of new growth. Mature trees and samplings, including thorns would be left at irregular intervals. Healthy dense growth at the base of the hedgerow would be retained to improve effectiveness as a stock-proof barrier (if required). Routine trimming would be carried out to retain a dense base and prevent hedgerow shrubs growing into mature trees. The hedgerows would be assessed for suitability before any trimming works take place.

Cutting of hedges should be avoided between March and August as this is the main breeding season for nesting birds (an informative note is proposed to be included to this effect).

Access and Highway Safety

In terms of impact on access and highway safety, access to the site will be via the existing access track to Gwenlais-Uchaf Farm via Bryn-Bach road. No works are proposed to the existing access track. An outline Construction Traffic Management Plan has been submitted with the planning application and the Head of Highways and Transportation has raised no objection to the proposal subject to the submission of a finalised Construction Traffic Management Plan and the provision of suitable facilities on site to ensure vehicles leaving the site do not deposit mud or debris on the adjacent highway. This can be controlled via condition. Additionally it is understood that dilapidation surveys will be undertaken before and after completion and the methodology will need to be agreed with CCS prior to commencement. Again this can be secured via condition.

Other Issues

The ecological assessment found evidence of a protected species within the study area. A more detailed study was undertaken of this species and mitigation measures are included in this scheme. Notwithstanding this it is proposed to include an informative advising the developer to contact NRW to confirm if a 'licence to disturb' application is required.

It should be noted that the site is located near a gas pipe line. There is also an Overhead power line that crosses the site. The Health and Safety Executive has raised no objection to the proposal on safety grounds. The developer will need to enter into agreements with National Grid to put in place arrangements for safe working prior to construction commencing in accordance with industry safe working practice and easement requirements. An informative is proposed to be included advising the developer of the need to contact National Grid prior to works commencing on site.

Response to consultations

Turning now to the letters of representations received, a number of different concerns have been raised which are addressed in turn.

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Concerns have been raised regarding the visual impacts from the proposed solar array, including visual impact on the Gower Way, other PRoWS and the view from the road. The LVIA concludes that whilst there would be a significant impact on the Gower Way where it passes through the site itself, this would be mitigated by planting a new hedgerow along the southern side of the footpath, and active hedgerow management along other boundaries. Other more distant views are possible although the proposed development is likely to have a small scale effect on the view. With regards the view from Bryn-Bach Road, this view has been assessed in the LVIA taking a representative viewpoint (viewpoint D) to represent the worst case views from the nearest settlement i.e. Pontlliw. Although the road is slightly elevated at this point, views are largely obscured by existing trees and hedges, and a commercial garage is in the foreground which means that the context is not entirely rural. A second viewpoint (viewpoint B) close to the entrance to Gwenlais-Uchaf farm was also considered and at this location the LVIA concludes that as a result of distance and intervening vegetation those passing along Bryn Bach road are unlikely to detect any change at all.

It is noted that the Gower Society has indicated that they would like to see the Gower AONB extended in the future. The AONB is some 10km distant from the proposed site and the application has to be considered in the light of the current designation of the land.

Concerns have been raised that this is quasi-industrial development in the countryside and the site is not designated for such use in the UDP nor TAN8. Renewable energy development in the countryside is supported in TAN6 and UDP Policy EV21, subject to environmental safeguards. Neither the UDP nor TAN 8 allocate specific sites for solar development. Brownfield sites are subject to competition for many other forms of development and generally find it difficult to compete financially with other uses. The choice of a greenfield location allows the proposed solar farm to contribute to farming diversification, whilst allowing no loss of farming productivity, and provides an important additional source of income.

Concerns have been raised regarding proximity to neighbouring properties. The scheme as originally proposed at screening stage included the two fields immediately east of the two closest properties on Bryn Bach road. It is understood following consultation the developer undertook with the residents of these properties prior to submitting this application these two fields were removed resulting in no part of the solar farm being within 100m of the houses, and views of the solar panels being screened partly by existing vegetation and buildings e.g. commercial garage. The LVIA assesses the visual impact from a representative point taken adjacent to Nantlais (Viewpoint B) and comments that in respect of the residential properties 'vegetation is likely to screen most views from garden areas and ground floor windows'. With regards to the effect on property prices this can be given little weight in the determination of this application.

Concerns have been raised that CCTV cameras will impact on privacy of neighbouring properties. The intention of the CCTV cameras is to focus on protection of equipment within the solar site. Subject to retaining this key objective, it would be possible to set up the cameras with a restricted arc of movement such that no cameras could be directed towards nearby properties. It is therefore recommended to include a planning condition requiring further details of the CCTV cameras to be submitted and agreed prior to construction works commencing.

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Concerns have been raised regarding noise from construction and maintenance. It is unlikely that any noise would be experienced from maintenance once the solar farm is constructed, as activities within the site would be limited. During construction it is acknowledged that some noise disturbance due to onsite operations and traffic may be experienced for a limited period, but this is anticipated to take no more than twelve weeks.

Concerns have been raised regarding additional traffic on local roads, and impact on road safety. During construction, which is anticipated to last up to twelve weeks, it is expected there will be a maximum of 10 HGV deliveries per day. Section 6.0 of the Outline Construction Management Plan makes proposals for ensuring that construction traffic has due regard for safety and local residents. It is proposed to include a planning condition requiring a detailed Construction Traffic Management Plan is submitted and agreed prior to construction commencing. During operation of the solar farm, traffic levels would be negligible.

Concerns have been raised that glare from panels would be a distraction for road users. Potential glare from panels is assessed in the Glint and Glare Assessment. The assessment is based on experience from around the world, including solar farms located close to airports. A combination of limited receptors to the south of the proposed panels and the inherent low reflectivity of the PV panels means that the Assessment concludes there would be no significant effect.

Concerns have been raised that there are no plans in place for the removal of the panels and re-instatement of the land. The solar farm will be decommissioned and all equipment removed from the site at the end of its commercial life which is expected to be 25 years. It is proposed to include a condition requiring the submission of a scheme for the decommissioning and subsequent restoration of the site.

Concerns have been raised that there would be an impact on tourism. The site was selected as being appropriate for a solar farm development because the topography of the farm and its surroundings have a feeling of 'containment' within a slight 'bowl' and therefore any development within the farm does not have a significant impact over a wider area. It is proposed to retain and where necessary enhance the existing strong hedgerow boundaries to ensure that the character of the landscape is reinforced. There is no evidence to suggest the proposal would have a negative effect on tourism in the area.

Concerns have been raised in regard to the impact of the solar farm on ecology and protected species. The planning application is accompanied by a comprehensive ecological assessment of the site in accordance with industry best practice. It included an assessment of protected species such as Great Crested Newts (GCNs) and certain other species of interests such as breeding birds. With regard to GCNs, which are referred to by several local residents, both the data search and the site walkover showed no evidence of any GCNs or suitable habitat within the study area. Evidence was found of one protected species during the walkover and as a result a more detailed study was undertaken and proposed protection measures are included.

The retention of all hedgerows within the site will ensure that there would be no substantial change to wildlife corridors within the site, and the proposed additional mitigation proposed could be considered to provide enhancement. Traditional grazing practices will be retained and measures put in place to prevent surface water run-off affecting the adjacent SSSI.

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Concerns have been raised that the proposal would result in the loss of farming land. The proposals provide specifically for the grazing of the site by sheep throughout the operation of the solar farm, thus ensuring that the land retains a productive farming use. To this end, the panels are designed to be no lower than 0.8m at the bottom edge so that sheep can pass underneath, and for the framework to be compatible with grazing use of the sheep.

Concerns have been raised regarding health and ecological risks associated with leakage from the panels. There is no known evidence to show this is a risk to human health or the ecological environment. Following decommissioning of the site all panels will be removed from the site.

Concerns have been raised that the proposal will increase energy bills. The proposal is made in direct response to government policy which seeks to substantially increase the supply of energy from renewable sources. Solar energy is an important part of the range of energy sources that will help secure power suppliers going forward.

Concerns have been raised that the local community will not get any benefit from this development, only the landowner and developer will benefit. In addition to supporting energy policy, the proposed development will help to support the continuation of traditional farming practices through providing a secure additional income stream for the farmer to help her manage her land, part of which is a SSSI and therefore requires the adoption of more sensitive farming methods. In addition, the listed buildings within the farm bring obligations in respect of their continued maintenance, which could also be considered to be in the public interest.

Concerns have been raised the proposal would have a negative impact on the Grade II listed buildings. The potential impact of the proposed solar farm on the listed buildings has been a prime consideration. The Heritage Assessment concluded that the changes to the setting of the buildings are likely to be negligible with no significant adverse effects on the heritage significance of Gwenlais-Uchaf or the field system in which it stands. Further consideration of the detailed impact on the setting of the listed buildings has been considered and additional mitigation in the form of reinforcing existing hedge boundaries has been proposed (i.e. less intensively managed and allowed to reach 2.5m in height to increase their screening function).

Concerns have been raised that the proposal would result in an increased risk of runoff onto Clordir Road. A surface water drainage plan has been submitted which is based on the principle that there should be no increase in downstream flood risk as a result of the solar farm.

Concerns have been raised that existing hedgerows and trees were removed as a precursor to the application. One hedgerow on the northern boundary of the westernmost field was the subject of coppicing work undertaken by the landowner approximately 1 year ago. Although it is understood this was done with all good intentions in line with hedgerow management elsewhere on the farm, in practice the hedgerow was too straggly and overgrown to respond well to coppicing. Introducing new planting to reinforce the existing hedgerow is considered the best way to ensure that regrowth of the hedge is successful, which is also important in aiding to screen the solar farm.

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Concerns have been raised that the 'ghost montages' are misleading in respect of the height of the panels. The LVIA and 'ghost montages' have been prepared by a qualified Landscape Architect in accordance with best industry practice. Each photographic image has been scaled to accurately represent an existing view. The 'ghost montage' (computer model view) has been scaled to match the photograph and is based on a combination of Ordnance Survey digital height data, surveyed site data and 3 dimensional models of the proposed site.

Concerns have been raised that there has been a lack of consultation. In accordance with statutory requirements the application has been advertised by way of a site notice and in the local press. It is also understood the applicant undertook consultation with residents of neighbouring properties prior to the submission of the planning application.

Conclusion

Solar Farms present an opportunity for the provision of renewable energy in the UK and are encouraged by the Government's feed-in tariffs for schemes producing 5MW or more. There is wide scale commitment to expand the deployment of renewable energy to secure the future energy demand within the UK and protect the end users of the sector from the instability of fossil fuels. Such schemes also provide investment, jobs and contribute to the UK's drive towards carbon reduction. UK Government Policy on renewable energy is set out in the Energy White Paper 'Our Energy Future - Creating a low carbon economy (2003) and this document establishes a national target of achieving 20% of electricity needs from renewable energy by 2020. This target is broadly reflected in Welsh Assembly document TAN 8. This compulsion drives the financial mechanism for Government incentives for the development of large scale renewable energy generation. Certain Areas of the UK have been identified as being optimum areas for solar energy generation. The South West and South Wales are classed as optimum areas (uksolarenergy.co.uk).

In essence, the scheme assessment and decision outcome is essentially a balance between the national and international will for a future with renewable energy, supported by regional and local policy in principle, against the impact of such schemes on the landscape and environment in which they are sited.

On balance, this application is considered appropriate in terms of its scale and design and would not cause unacceptable loss of amenity to neighbouring properties or surrounding land. There would not be significantly adverse visual impact on landscapes and the general locality from the site, and there would be no significantly adverse or detrimental impact on the ecology, habitats, highway safety or land drainage in the area. An additional prime consideration has been the impact on the setting of the Grade II listed buildings. However it is considered the mitigation measures proposed, including a reduced management regime for those hedgerows where visible impacts might occur, to enable them to reach 2.5m in height should adequately mitigate the issues of visual impact on the Listed Building and its curtilage. On balance therefore the scheme is considered acceptable and is in accordance with the criteria laid out in Policies EV1, EV2, EV21, EV22 and R11 of the City and County of Swansea Unitary Development Plan 2008. Approval is recommended.

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RECOMMENDATION

APPROVE, subject to the following conditions and the applicant entering into Sections 106 Planning Obligation to fund improvements to the Grade II Listed Buildings at Gwenlais Uchaf Farm

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

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

2 The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan Figure 1; Site Layout Plan Figure 2; Solar Panel Elevation Figure 3; Site Fence & Maintenance Access Details Figure 4; Met Mast & CCTV details Figure 5; Client Substation Plans & Elevations Figure 6A; WPD 33kv Substation Plans & Elevations Figure 6B; Indicative Surface Water Drainage Strategy Plan Drawing No. 2 received 28th October 2014; Landscape Scheme GF L/LS (updated) received 3rd March 2015.

Reason: To define the extent of the permission granted.

3 No later than 12 months from the first generation of electricity, the following schemes shall be submitted in writing for the written approval of the Local Planning Authority:

(i) A scheme detailing the removal of all surface elements of the photo voltaic solar farm and any foundations or anchor systems to a depth of 300mm below ground level;

(ii) A scheme detailing the restoration and aftercare, following consultation with such other parties as the Local Planning Authority considers appropriate.

These schemes shall be implemented within 12 months from the date of the last electricity generated should the site no longer be utilised for the permission hereby granted. in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure the land is restored in an acceptable manner.

4 No development approved by this permission shall take place until details of a management plan relating to the mitigation measures as outlined in Section 9 of the Landscape and Visual Report (SLR Ref: 404-05027-00001 and the Updated Landscape Scheme received 3rd March 2015 have been submitted to and approved in writing by the Local Planning Authority. These details shall include a programme of the enhancement and management of existing hedgerows and the planting and provision of new hedgerows using native planting of local distribution to filter the views of the scheme from nearby locations and between gaps. These measures shall be implemented and maintained in accordance with the approved details.

Reason: In the interest of visual amenity and biodiversity.

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- 5 No development approved by this permission shall take place until a method statement detailing the provision of suitable facilities on site to ensure vehicles leaving the site do not deposit mud or debris on the adjacent highway has been submitted to an approved in writing by the local planning authority. The method statement shall be implemented in accordance with the approved details prior to the development hereby approved commencing..

Reason: In the interest of highway safety.
- 6 No development approved by this permission shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Traffic Management Plan shall be undertaken in accordance with the approved details.

Reason: In the interests of highway safety.
- 7 No development approved by this permission shall take place until details of the methodology for the scope and nature of the dilapidation surveys on the adopted highway have been submitted to and approved in writing by the Local Planning Authority. The dilapidation surveys shall be undertaken in accordance with the approved details.

Reason: In the interests of highway safety.
- 8 No development approved by this permission shall take place until details of the implementation, maintenance and management of a sustainable drainage system (SUDS) for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to this system, unless otherwise agreed in writing by the local planning authority. The surface water drainage system must be designed to ensure no increased run-off from the site during and post development in all events up to the 1:100 year storm with an allowance for climate change.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- 9 No development approved by this permission shall take place until a Construction Environmental Management Plan (CEMP), which sets out all pollution prevention measures and environmental management requirements for the construction phase, has been submitted to and approved in writing by the local planning authority. The plan shall make particular reference to the protection of surrounding land and water environments. The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

Reason: In the interests of biodiversity and to prevent pollution of controlled waters and the wider environment.

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- 10 No development approved by this permission shall take place until a Site Waste Management Plan has been produced and submitted in writing for approval by the Local Planning Authority. The scheme shall be implemented in accordance with such details as may be approved.
Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.
- 11 No development approved by this permission shall take place until details of the positioning of the CCTV cameras has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be undertaken in accordance with the approved details.
Reason: In the interests of residential amenity.
- 12 The mitigation and avoidance measures outlined in Section 6 of the submitted Extended Phase 1 Ecological Survey Report (SLR Ref: 404.05026.00001) shall be carried out in accordance with the recommendations contained in the submitted report.
Reason: In the interests of biodiversity and habitat management.
- 13 Details of the seed mix for any re-seeding on the site shall be submitted to and agreed in writing by the Local Planning Authority prior to any re-seeding being undertaken. The re-seeding shall be undertaken in accordance with the approved details.
Reason: In the interests of biodiversity and habitat management

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (EV1, EV2, EV12, EV21, EV22, EV27, EV30, EV35, R11).
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 The Construction Environment Management Plan identified in Condition 8 shall include the following:
- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
 - How each of those watercourses and pathways will be protected from site run off during construction.
 - How the water quality of the watercourses will be monitored and recorded.
 - How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
 - storage facilities for all fuels, oils and chemicals.
 - construction compounds, car parks, offices, etc.

- Continued -

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- 3
- details of the nature, type and quantity of materials to be imported on to the site.
 - measures for dealing with any contaminated material (demolition waste or excavated waste).
 - identification of any buried services, such as foul sewers, so that they are protected.
 - details of emergency contacts, for example Natural Resources Wales hotline 0800 807 060.

The Plan shall make specific reference to ensure that the water quality of the ditch running into the SSSI (north to south) is protected from any significant effects through appropriate pollution prevention measures.

It should also include:

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

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

4 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.

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- 5 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.
- 6 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.
- 7 Lighting
During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk] recommendations.
- 8 Prior to the commencement of any work on site, the developer is advised to contact NRW to clarify if a 'licence to disturb' application is required due to the presence of protected species within the vicinity of the application site.
- 9 Due to the presence of National Grid apparatus and other infrastructure in proximity to the application site, the developer is advised to contact National Grid and other network operators before any works are carried out to ensure apparatus is not affected by any of the proposed works.
- 10 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).
- 11 Birds may be present. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest in use or being built
 - Take or destroy an egg of any wild bird.
- It is recommended that the proposed development work (and any pollarding work) is not undertaken during the bird breeding season (March-August inclusive). Should this not be possible further survey work for breeding birds should be undertaken and the results submitted to the Local Planning Authority.
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ITEM 2

APPLICATION NO.

2015/0308

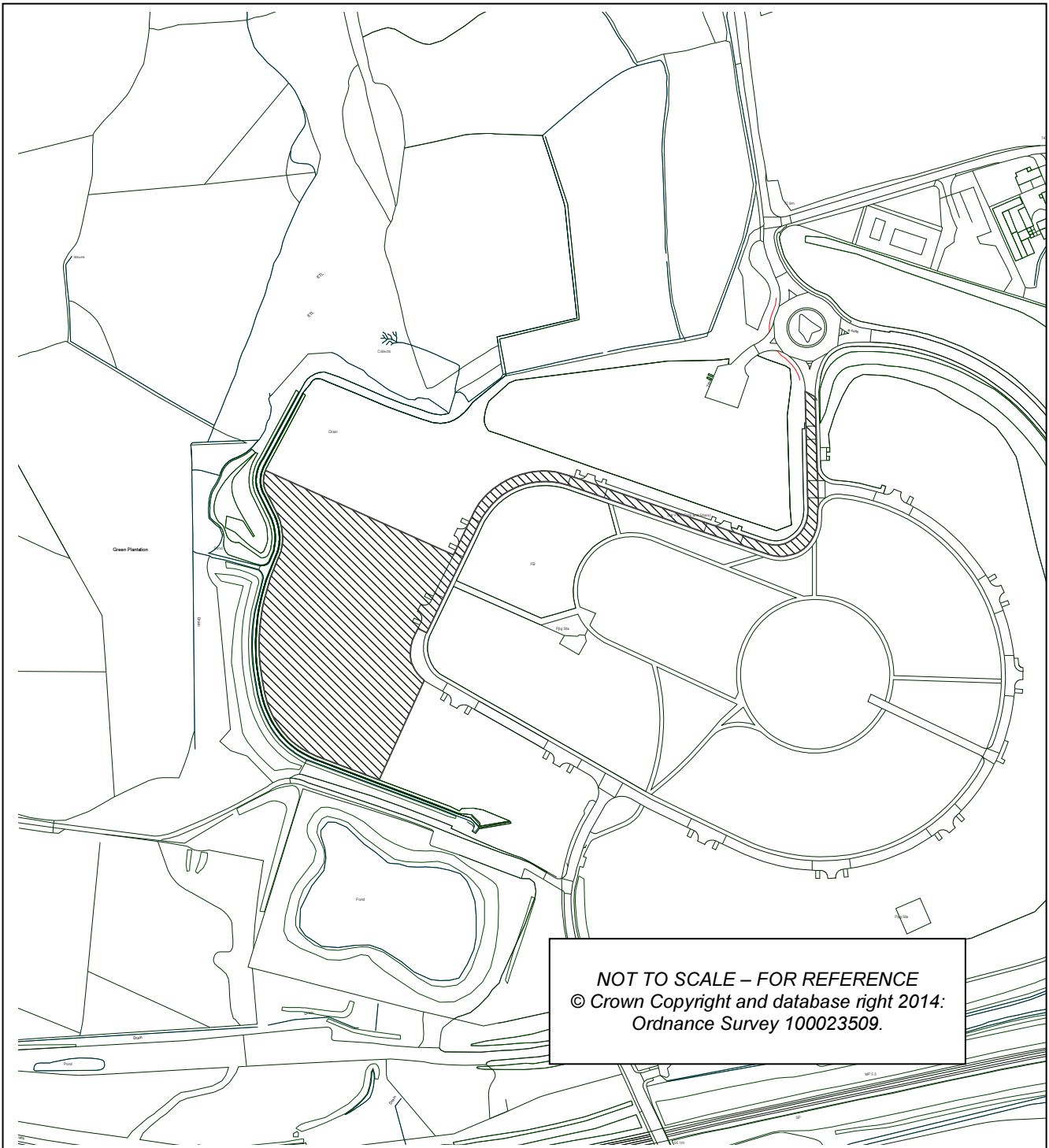
WARD:

Llangyfelach

Location: Plot 8 Felindre Strategic Business Park Bryntywod Llangfelach Swansea SA5 7LS

Proposal: Two/three storey private hospital development with associated landscaping, site roads and car parking

Applicant: Ms Jemma Kingham



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ITEM 2 (CONT'D)

APPLICATION NO.

2015/0308

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy EV38	Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)
Policy EV40	Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)
Policy EC1	Allocation of employment land to meet the needs of the local economy. (City & County of Swansea Unitary Development Plan 2008)
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS5	Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
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)

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ITEM 2 (CONT'D) APPLICATION NO. 2015/0308

- Policy EV33 Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV34 Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV35 Development that would have an adverse impact on the water environment due to:
- 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)

SITE HISTORY

App No.	Proposal
2004/1832	Strategic employment development and hotel (Classes B1(B), B1(C), B2 & C1) open air events space, temporary test track, associated car parking, ancillary parking, landscaping and access roads (outline) Decision: Withdrawn Decision Date: 31/03/2006
2009/1520	Variation of condition 3 of planning permission 2006/0773 granted 17th October 2006 in order to extend period time for the submission of the reserved matters by a further two years Decision: Approve Conditional (S73) Decision Date: 04/01/2010
2011/1311	Extension of existing DVLA Park and Ride facility (to include Park and Share) for a temporary period until September 2013 Decision: Grant Temporary Permission Decision Date: 12/06/2012
2012/1035	Application for the submission of reserved matters (in part) in respect of the means of access including the internal spine access road together with associated infrastructure, plot layout and the strategic landscaping of the proposed Felindre Strategic Business Park in accordance with condition 1 pursuant to outline planning permission under the Section 73 application 2011/1143 and details of roads/footpath levels (condition 8), 10 (landscaping), 13 (Japanese Knotweed), 14 (Site Investigation), 18, 19 & 21 (drainage) & 23 (Shared Access) Decision: Grant Permission Conditional Decision Date: 30/11/2012

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A00/1850	Detail of phased mitigation measures; vegetation survey and evaluation programme with mitigation measures; management of unimproved and marshy grassland; mitigation to replace lost hedgerow and woodland with enhancement and extension of hedgerow and woodland remaining; and eradication and control of Japanese Knotweed, pursuant to conditions 25, 26, 27, 28 and 29 of planning permission 96/1100 granted on 14 March 1997 Decision: Withdrawn Decision Date: 24/01/2008	
2009/1585	Extension of existing DVLA Park and Ride facility (to include Park and Share) for a temporary period until September 2011 Decision: Grant Temporary Permission Decision Date: 23/12/2009	
2011/1143	Application under Section 73 of the Act to vary conditions 1 and 3 of outline planning permission 2006/0773 (as previously varied by planning permission 2009/1520) to include the internal highway infrastructure as a reserved matter to be included in condition 1 and to vary condition 3 to allow for the phased submission of the reserved matters in accordance with the programme of phasing to be approved under condition 5 of the permission Decision: Approve Conditional (S73) Decision Date: 07/10/2011	
2009/0062	Renewal of temporary permission 2007/2513 granted on 14th January 2008 for park and ride facility for DVLA staff until September 2011 Decision: Grant Temporary Permission Decision Date: 07/04/2009	
2012/0884	Relocation of temporary park and ride and park and share facility and creation of new access and associated works. Decision: Grant Temporary Permission Decision Date: 28/11/2012	
2006/0773	Strategic business park for B1 and B2 uses to accommodate emerging industries, high tech manufacturing, high level services, ancillary uses, associated car parking, landscaping and access roads (outline). Decision: Grant Permission Conditional Decision Date: 17/10/2006	
2007/1988	Application under Section 73 of the Act to carry out development permitted by the outline planning permission 2006/0773 dated 17th October 2006 without complying with condition 6 relating to the restriction of the minimum individual building footprint of 4,645 sq. m (50,000 sq. ft) as outlined in the Development Strategy in Section 4.2.6 of the Environmental Statement Decision: Approve Conditional (S73) Decision Date: 12/11/2007	

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99/1361	CONSTRUCTION OF SITE ACCESS ROAD AND ASSOCIATED WORKS PURSUANT TO CONDITIONS 01 AND 19 (1V AND V) OF OUTLINE PLANNING PERMISSION 96/1100 GRANTED ON 14TH MARCH 1997 FOR MAJOR INWARD INDUSTRIAL INVESTMENT (B2 Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 29/11/1999	
2007/2513	Formation of a park and ride facility for DVLA staff for a temporary period of 18 months with associated portable buildings, lighting and fencing works Decision: Grant Temporary Permission Decision Date: 14/01/2008	
97/1421	RECLAMATION OF FORMER TINPLATE WORKS SITE AND ADJOINING LAND INCLUDING ASSOCIATED GROUND REPROFILING, LANDSCAPING AND FORMATION OF ATTENUATION PONDS Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 05/01/1998	

Background

Outline planning permission was approved for a strategic business park for B1 and B2 uses to accommodate emerging industries (e.g. biotechnologies), high tech manufacturing (e.g. pharmaceuticals), high level services (IT services and software), ancillary uses (e.g. a hotel/ conference facility), associated car parking, landscaping and access roads in October 2006 (reference: 2006/0773). A condition of this consent tied the proposals to the parameters outlined in the Environmental Statement, with an overall employment floorspace area of 80,065m² (and each plot having a minimum industrial footprint of 4,654 m²).

An application was approved soon after to provide greater flexibility in choice for the park and enable smaller units to be provided with anticipated footprints of between 930m² and 1,860m² instead of the minimum footprint of 4,654m² (ref: 2007/1988). A Development Framework document was subsequently approved for the development of this site (dated January 2008) which provides certain parameters for the future development of the site.

This consent was subsequently renewed via a S73 application in January 2010 (ref: 2009/1520) and again in October 2011 (ref: 2011/1143). A subsequent Reserved Matters application was submitted for the construction of the means of access including the internal spine access road together with associated infrastructure, plot layout and the strategic landscaping of the proposed Felindre Strategic Business Park (ref: 2012/1035) which was approved in November 2012.

The access road and the strategic landscaping scheme have subsequently been completed along with the plot layout and drainage, with the creation of a surface water drainage system to an attenuation pond to the south of the site.

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The application site has an area of approximately 1.8ha. Therefore this proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, as the application site area exceeds 0.5 hectares. A Screening Opinion was carried out in accordance with the above regulations. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

Neighbour comments:

The development was advertised on site with two site notices, and the application was also advertised in the Press on the 9th March 2015.

No neighbour comments have been received to date.

Consultations:

Urban Design:

"In line with guidance given during the pre-application meeting the hospital building has been re-located so that this now provides a greater sense of presence and enclosure onto the main loop road serving the Felindre Business Park. The new location also gives the building a greater sense of legibility as the main entrance is located closer to the site frontage and is positioned so as to close the vista westwards along the southern part of the loop road.

The revised scheme is also an improvement on the previous in terms of its car park layout which is now located further to the south and does not visually dominate the area around the site entrance. Furthermore by locating the car park towards the southern end of the site, wrapping it around the southern elevation of the building and providing screen planting as well as planting within the car park helps to further reduce the visual impact of parked cars and hardstanding.

The changes to the building elevations help to break up the mass of this at the front elevation by providing 2 differing approaches either side of the main entrance. However there are some concerns regarding the use of render to the first floor element of the northern section of the building as this provides a single mass of material with no articulation. Furthermore the past use of render in Swansea has shown this to heavily fade and discolour over time due to the typically wet weather conditions. As such in order to maintain the high quality of finish to the hospital this would require re-painting/maintenance on a regular basis. As such it is recommended that this section of render be replaced with a rain screen cladding system which provides a level of vertical emphasis in order to address these concerns.

A final point relates to the future link to the future Felindre Sustainable Urban Village as shown in the Welsh Government's Felindre Sustainable Urban Village Strategic Options report which highlights the business park is only a part of a wider development framework to include a new village to the west of the site. The land use plan within this document (see attached) shows a key pedestrian & cyclist route running from the village to the centre of the business park. This route runs along the northern boundary of the application site (plot 8) and the southern boundary of plot 9B which abuts the site.

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It will be important to ensure that this route is provided or provision made to accommodate this at a suitable width in order to provide a longer term link for the benefit of pedestrians and cyclists moving between the two areas; and this is in line with the Active Travel Bill. It is understood that this route is to be secured through the land deal for this site and any future deal for plot 9B."

Urban Design (further comments):

"In terms of the architectural approach to the building this is now acceptable and provides an overall cohesive appearance to the front western façade which has sufficient detailing to break up the mass and provide points of interest and variety.

That said the proposed Himley Worcestershire Mixture ibstock brick has a somewhat domestic appearance and this should be reconsidered through a contextual analysis of the area. Whilst it is recognised that there is no other development on the site at present there are low pennant stone walls in the area from which a colour reference can be taken. Further to this the mortar colour will be important and an appropriate approach to this would be to colour match to the brick in order to avoid an elevation which picks out the individual bricks. This will provide a more contemporary and crisp appearance to the façade which will better match the overall aesthetics of the building.

The current proposals are therefore considered acceptable subject to the details and colours of the brick and mortar to be used being conditioned as part of any approval."

Highways:

"1. Introduction

The site forms part of the Strategic Felindre business park which was supported by a Transport Assessment and received outline consent for development under planning application 2006/0773. There were a number of off-site works identified during the determination of the application and these requirements/conditions will still apply albeit they are of a phased nature and unlikely to directly affect this application as it the first plot to come forward as part of the Business Park. The site currently operates out of an existing site in a residential area in Ffyonne in Uplands with extremely limited parking facilities and on street parking issues.

2. Transport Statement/Travel Assessment

The consented use is B1/B2 office and storage and as such it was requested that a Transport Statement be prepared to compare proposed traffic flows of the hospital with the consented use as a Business park. As the previous consent was only outline the simplest way to do this was to apportion trips based of the GFA of Plot 8 compared to that for the whole site. This resulted in plot 8 taking up 9.5% of the flows predicted within the 2010 revised Arup Transport Assessment.

This resulted in a total of 104 movements into the site on the morning peak and 10 going out, a total of 114. In the pm peak the figures are 9 into and 86 out of the plot making 95 movements in total.

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With a Transport Assessment it is standard practice to consult with, and reference to, the TRICS database to arrive at appropriate trip rates to estimate the traffic generated by the proposed hospital, particularly in the morning and afternoon peaks when the impact on the existing highway volumes would have its highest impact. In this instance the applicant chose to use actual surveyed data from the existing site (which is to be relocated) and pro-rata the results up to the increased expected staff/patient numbers. In order to assess the travel patterns for the new hospital a staff survey was undertaken at the existing site in which 78 of 102 (76%) staff responded. There are going to be 120 staff employed at the new site so the results have been extrapolated to give an overview of movements for the increased staffing levels at the new site. The staff survey indicated that 89% of staff would travel to the site by car. A shuttle service is also being proposed to help access to the site by public Transport as it has been acknowledged that public transport provision to the site is poor.

The analysis shows that based on the staff survey (assuming 89% car use) there would be 120 movements in on the morning peak and 73 out (193). Conversely there would be 119 movements out and 72 movements in in the pm peak (181).

Compared to the outline flows derived from the 2010 there is an increase from 124 to 193 in the morning peak (55% increase) in the morning peak and 95 to 181 in the pm peak (91% increase). Whilst the percentage figures are high the actual increases are from 2 vehicles per minute to 3 vehicles per minute in the morning peak and from 2 to 4 per minute in the afternoon. Given the existing infrastructure it is considered that these additional movements can be accommodated subject to the conditions relating to the off-site works under 2006/0773 still being required.

The claim that the flows are within 16% of the original TA based on plot size are inaccurate but notwithstanding that it is considered that the anticipated flows can be accommodated without any conditions over and above those identified previously under the 2006 application.

3. Parking

The parking is being provided in accordance with The City and County of Swansea Parking SPG for a zone 5/6 Hospital.

Based on the split between the hospital in the first floor, and the health centre/outpatients on the ground floor there are a total of 45 spaces provided for the hospital use and 50 for the health centre use (non operational) with a further 10 for operational purposes (servicing/deliveries). These numbers are based on bed numbers, practitioners and ancillary staffing levels. Given that the parking is in accordance with the adopted standards then the parking should be self-contained with no overspill.

The layout is appropriate and should allow for adequate access parking and servicing to take place without any highway safety issues.

Cycle parking has been shown as being provided along the frontage again in accordance with our adopted guidelines.

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4. Travel Plan

The travel plan outlines the lack of public transport provision and attempts to mitigate this poor provision by use of a shuttle bus linking to the end points of existing public bus routes, namely the number 4 and the number 38. This will allow staff/patients who can only travel by bus to make the trip to Felindre in a safe and timely manner. The hospital has also appointed a Public Transport Champion who will assist staff and patients in the best way of accessing public transport given the limited opportunities.

There are opportunities for walking and cycling and the provision of shower facilities and cycle parking should encourage these modes of transport. There will also be a cycle to work scheme proposed to allow for assisted purchase of an appropriate cycle. There is also a salary sacrifice scheme proposed to allow for the purchase of public transport season tickets.

5. Conclusions

The siting of the hospital at this location is unlikely to result in any highway issues arising on the Strategic Highway Network. Whilst the analysis of anticipated traffic movements is unconventional in that it is based on local data rather than the National TRICS database there is no reason to doubt that it may provide a more relevant result rather than national sites which may not be comparable with this site.

Whilst the public transport provision is not ideal the provision of a shuttle bus linking to the main transport routes should open the site up to non-car users and this together with the car club setup as outlined in the travel plan should make the site more accessible.

6. Recommendations

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

1. The parking plan being laid out in accordance with the approved plans prior to beneficial use of the hospital commencing.
2. The cycle parking being laid out in accordance with the approved plans prior to beneficial use of the hospital commencing.
3. The proposed engineering details of the off-site and signal installations (at cost) indicated in the Environmental Statement (reference 2006/0773) shall be implemented in accordance with an approved phasing programme for the proposed development. Details of the off-site road works together with the phasing programme shall be submitted to and approved by the LPA.
4. The front boundary wall to be kept below 1m in the interests of visibility.
5. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.

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6. I recommend therefore that if consent is granted, that the applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing. The travel plan should include reference to annual surveys to be undertaken and the results forward to the LPA for their consideration.

Note 1 : The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development) , e-mails to : or the Team Leader , e-mails to, tel. no. 01792 636091

Note 2 : The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary."

Drainage:

"We have reviewed the submitted information and based on the details submitted the plot 8 drainage strategy accords with the proposals made at the outset for the strategic development of the whole site, therefore we recommend that the following conditions are appended to any permissions given.

Condition

1. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

Condition

2. Plot 8 shall not discharge to the strategic onsite drainage network at any rate greater than 11.2 litres per second per developed hectare as stated in the 'Sancta Maria Hospital Drainage Strategy' Issue 1 dated 16/02/2015.

Reason

To ensure that the capacity of the onsite strategic surface water network is protected and prevent surface water flooding occurring."

Ecology:

"The site is used by the ground nesting birds, ringed plover and lapwing; both of these are biodiversity action plan species. It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to take damage or destroy the nest of any wild bird while that nest is in use or being built.

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Any development on the site must have a pre start of work survey. Please add a condition to any permission we give requiring a survey for ground nesting birds to be carried out prior to work starting and should any nesting birds be found a method statement detailing how they will be protected during building work. The survey and method statement must be submitted to us for approval prior to work starting."

Pollution Control:

No adverse comments subject to a condition regarding further site investigation works (along with mitigation and validation if required) to be provided prior to the commencement of development.

Natural Resources Wales:

"We have no objection to the application, but do wish to make the following comments.

1. Foul and surface water drainage

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

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

We note from the submitted application form that foul drainage from the proposed development will be connected to the main sewerage system which is the preferred and most sustainable method of foul water disposal. However, to accord with the terms and content of the MOU, foul connections should only be allowed when compensatory surface water removal or suitable improvement scheme has been implemented within the same catchment. The relevant details must then be recorded on your Authority's register of compensatory surface water disposal.

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

With regard to surface water disposal, it is imperative that no surface water is allowed to enter the sewerage infrastructure. This is in order to avoid hydraulic overloading of the sewerage system. To fulfil the requirements of Section 8.5 of Technical Advice Note (TAN) 15 Development and Flood Risk, surface water run-off should be dealt with by way of a sustainable drainage system (SUDS), to attenuate flows and prevent an increased risk of flooding in the catchment.

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2. Ecology

As part of pre-planning discussions we recommended that the applicant should employ a qualified person to survey the site and that recommendations for mitigation should be submitted to as part of the subsequent planning applications. We recommend that you discuss this aspect with your Ecologist. If it is determined that surveys are required we are happy to be consulted on them once submitted.

3. Contaminated land

We consider that the controlled waters at this site are not of highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the Guiding Principles for Land Contamination (GPLC) should be followed.

These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site you may wish to re-consult us.

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

Dwr Cymru Welsh Water:

No objection subject to the satisfactory discharge of foul and surface water. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority. They advise that no problems are envisaged with the Waste Water Treatment Works (Gowerton) for the treatment of discharges from this site.

Glamorgan Gwent Archaeology Trust:

"The information held in the Historic Environment Record that is curated by this Trust notes that the formed part of the 20th tinplate works and has been remediated since then. There are no indications from historic mapping sources that any archaeological features would have survived and therefore unlikely that the proposed work would encounter any archaeological features that would require mitigation.

The record is not definitive, however, and unrecorded or unknown archaeological features or finds still may be located during any ground disturbing works which may be proposed for a development at this location; if this occurs, please contact us. Nevertheless, as the archaeological advisors to your Members, we have no objection to the determination of this application."

Police Designing Out Crime Officer:

Recommendations have been made to prevent crime and anti-social behaviour.

Site Location

The application site relates to Plot 8 of the Felindre Strategic Business Park, which is located on the western edge of the business park. The site was previously occupied by the Felindre Tinplate works. As stated above, the site access and the internal spine road have been constructed, the internal plots have been laid out and strategic landscaping has also been carried out. None of the plots have been developed to date. The site is accessed off a roundabout from the B4889 which leads from Junction 47 of the M4 to Felindre. A small stream runs around the western edge of the site. Currently, the site itself has been levelled awaiting redevelopment.

Plot 11 is currently being used as a temporary park and ride facility for DVLA staff and is also being used on match days for games at the Liberty Stadium. This is a temporary consent that has been renewed several times. The surrounding area comprises open fields to the north and west with National Grid's 'Swansea North' electrical substation and Felindre Gas Compressor Station located to the north east of the site. Two commercial operations are located to the south of the site, accessed from Bryntywod which leads into the southern section of the site. The M4 motorway runs to the south of the site beyond these premises.

Description of Development

Full planning permission is sought for the construction of a new private hospital (C2 use class) for Sancta Maria with a footprint of approximately 3,860 square metres, along with associated car parking and landscaping. The hospital would be operated by the Healthcare Management Trust.

The building itself would measure 86.7 metres in length by 31.8 metres in depth to a maximum height of 12.96 metres and would be oriented in a north - south orientation. The building would comprise of two distinct elements, with the entrance, theatre, offices, meeting rooms, plant/ equipment and operational rooms located in the northern section which is three storey in nature (albeit that the third storey is set back from the front, rear and side elevations) and a two storey southern patient wing which would house the outpatient consulting rooms at ground floor and the inpatient bedrooms at first floor (18 bedrooms). The three storey element would have a flat roof whilst the two storey element would have a monopitch roof sloping from front to back. A plant room would be located at second floor level of the operational building.

The main entrance would have full height glazing from ground floor to the third floor with a similar feature on the rear, albeit with different colour glazing. Full height windows are proposed on each of the consulting and recovery rooms with brise soleil on the front and rear elevations. In terms of materials, the building would comprise of a mixture of aluminium cladding, red cedar cladding and brick in contrasting colours with glazed screens and panels to break up the elevations.

The access to the plot has already been formed and would provide a straight access road to a servicing area at the rear of the building with parking and manoeuvring space. The main access road would curve south into the site with a drop off zone and space for a mobile CT scanner at the front of the main part of the building with car parking extending in a reverse "L" to the south.

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105 car parking spaces would be provided within this car park (6 of which would be for disabled users, located close to the entrance). Land to the north and west would be landscaped and provide space for any future expansion.

The accommodation would provide primary healthcare facilities including inpatients, outpatients, day case, radiology, MRI and support areas for cardiology, general surgery, ophthalmology, orthopaedics, urology, gastroenterology, cosmetic surgery and gynaecology.

It is anticipated that the new hospital would treat approximately 3,000 patients per annum and with an average length of stay of 1.5 days.

The applicant has advised that the existing Sancta Maria Hospital building is not fit for purpose in the long term and significantly inhibits growth, preventing revenue development. This can be attributed to the following factors:

- " The size, topography and location of the current site mean that development of a modern hospital on the site is not an option
- " The condition and constraints of the current building mean that it has a finite life as an operational unit necessitating the transfer of the hospital to an alternative facility in the short term in order to avoid the closure of the hospital
- " The quality of the patient bed rooms and lack of en-suites.
- " Limited parking capacity for patients, consultant users and staff.
- " Restricted out-patient consulting, diagnostic and treatment capacity. The hospital has poor facilities for x-ray and ultrasound and no onsite MRI/CT. Most similar private hospitals would expect 30/40% of revenue to be generated by out-patient diagnostics, an uplift of approximately 100% on SMH revenues.
- " The current site only has a single main operating theatre which constrains capacity at peak consultant availability periods.
- " Absence of appropriate restricted mobility access to the hospital.
- " Poor operational functionality as a result of a compromised physical hospital layout.

The application has been submitted along with a Travel Plan, Drainage Strategy and a Preliminary Environmental Assessment.

The Design and Access Statement states that there are 102 staff permanently employed by the hospital along with 59 'bank' staff. In addition to hospital staff, there are 15 consultants on site at any one time. The total number of staff employed at the hospital, therefore, would be 176. The proposed hospital facility would complement the permitted uses of emerging industries, high tech manufacturing and high level services.

With regards to drainage, a Flood Consequences Assessment has previously been submitted for the wider site which shows the site to be in an area of little or no flooding. The site is proposed to have a developed area of 8100m², of which approximately 6400m² is proposed to be impermeable surfacing and 1700m² to be permeable paving. To that end, approximately 55% of the site will continue to be greenfield land post-construction. The site would drain to the existing watercourse to the south of the site and is within the agreed flow rate in the 100 year greenfield rate. Attenuation in the form of cellular storage has been provided to temporarily store runoff from rainfall events up to and including the 100-year event + 30% allowance for climate change for controlled release. The applicant has advised that the foul discharge rate for the development would be 4.48l/s.

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The Travel Assessment states that car parking provision is compliant with City and County of Swansea Parking Standards for zone 5 and 6 Hospital and Health Centre facilities. Cycle parking provision has been made for 5 bicycles.

	Operational	Non- Operational	Basis	
Hospital (first floor)		45	2.5 per bed	18 beds
Health Centre (ground floor)	10	10	1 per practitioner	10 practitioners
		10	2 per ancillary staff	5 ancillary staff
		30	3 per practitioner	10 practitioners
Total	10	95		

In order to assess the change of use represented by utilising plot 8 for a hospital facility, the land designated for buildings represented by plot 8 has been taken as a percentage of the total land designated for buildings on the Felindre site. Of the 37.7 acres, 16.85 acres are designated for parking (the 4 plots which are not subdivided into a car park area and building area have been allocated 50:50). Therefore plot 8 represents 9.5% (1.6/16.85) of the total area of plots on Felindre designated for building. This percentage has been applied to the total vehicle trips generated to give a proportion associated with plot 8.

Vehicle trips	AM Peak		Pm Peak		Daily	
	In	Out	In	Out	In	Out
Total	1096	111	92	910	3472	3576
Plot 8 share	104	10	9	86	328	338

The recent staff survey has indicated that 89% of staff intend to travel to Felindre by car. A shuttle service, as outlined in the Travel Plan, has been designed to facilitate the access to the site by public transport. The results indicate that the expected traffic volumes for the new hospital, based on the staff survey results which indicate that 89% of staff will travel by car to Felindre.

APPRAISAL

Full planning permission is sought for the construction of a new private hospital (C2 use class) for Sancta Maria with a footprint of approximately 3,860 square metres, along with associated car parking and landscaping. The site forms part of the Felindre Strategic Business Park.

The site is allocated in the City and County of Swansea Unitary Development Plan for employment land to meet the growth needs of the local economy (EC1/1). The supporting text states that Felindre is a strategic employment site of regional significance and a major opportunity in the revitalisation of the local economy. As well as being of regional significance, the development of Felindre is a major component of Swansea's regeneration aspirations and the aim is provide a high level, high quality business park for B1 and B2 uses.

Therefore, the approval of this application would represent a departure from the Unitary Development Plan.

Main Issues

The main issues to consider in the determination of this application relate to the principle of the use in light of the UDP allocation for employment uses, the design/ visual impact, drainage and impact on highway safety, having regard to the prevailing provisions of the relevant UDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

The site is allocated within the Unitary Development Plan as a general employment site and has outline planning permission for a strategic business park for B1 and B2 uses (business and general industrial use). The proposed hospital would be considered as a C2 use (residential institutions).

Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The UDP allocation seeks to retain sufficient land for the growth needs of the local economy. This stance is supported in Planning Policy Wales and Paragraph 7.2.7 states that Development Plans should include policies relating to future development on existing employment sites to protect them from inappropriate development. Technical Advice Note 23: Economic Development, published in 2014, also sets out national guidance relating to issues regarding economic development, and provides further advice with regards to Economic Development but principally deals with the B use classes.

Paragraph 4.6.8 states that the traditional employment uses tend to generate lower land values than many other land uses, especially housing and retail, consequently, any land lost to these uses is generally difficult to replace. Planning authorities should avoid releasing for other uses sites where there is strong evidence of likely future need for B1-B8.

Paragraph 4.6.9 states existing employment sites should only be released for other uses if one or more of the following apply:

- " they have poor prospects of being re-occupied for their previous use;
- " the particular market that the site is part of is oversupplied;
- " the existing employment use has unacceptable adverse impacts on amenity or the environment;
- " the proposed redevelopment does not compromise unduly neighbouring employment sites that are to be retained;
- " other priorities, such as housing need, override more narrowly focussed economic considerations; and/or
- " land of equal or better quality is made available elsewhere, even if this is not within the local planning authority boundary.

The applicants are currently operating out of their existing facility in Uplands, Swansea but have advised that existing Sancta Maria Hospital building is not fit for purpose in the long term and significantly inhibits growth, preventing revenue development.

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The condition and constraints of the current building mean that it has a finite life as an operational unit necessitating the transfer of the hospital to an alternative facility in the short term in order to avoid the closure of the hospital. The size, topography and location of the current site mean that development of a modern hospital on the site is not an option.

The current hospital has poor facilities for x-ray and ultrasound and no onsite MRI/CT. Most similar private hospitals would expect 30/40% of revenue to be generated by outpatient diagnostics, an uplift of approximately 100% on SMH revenues. The current site only has a single main operating theatre which constrains capacity at peak consultant availability periods. It is evident that the existing site impacts on neighbours at existing operational levels and the hospital need to expand to prevent the closure of the hospital.

The Design and Access Statement states that there are 102 staff permanently employed by the hospital along with 59 'bank' staff. In addition to hospital staff, there are 15 consultants on site at any one time. The total number of staff employed at the hospital, therefore, would be 176. The proposed level of employment is a material consideration to which significant weight should be attributed. Whilst the proposal does not fall within a B1 or B2 use class, the overarching aim of the policy is to secure high levels of employment and help grow the local economy.

Technical Advice Note 23: Economic Development provides criteria for releasing employment land which have been outlined above. With this in mind, it must be noted that the outline planning permission was granted in 2006, and despite subsequent renewals, the only works that have been undertaken on site are the creation of the access road, plot layout, drainage works and the strategic landscaping and the site is currently vacant. Indeed, no reserved matters applications for individual plots have been submitted to date. With this in mind, it is considered that the proposed development of this land as a hospital would not unduly compromise neighbouring employment sites and the development of the site could act as a catalyst for the development of the remainder of the site for employment uses. It must also be noted that there are also vacant sites at the nearby Swansea Vale Business Park.

Whilst it is appreciated that since 2008, the general state of the economy has been in decline, which is likely to have impacted on the development of this site, it is considered that the proposed hospital would provide significant employment opportunities which is the key aim of the UDP policy. It is also considered that the proposed hospital facility could complement the permitted uses/ aspirations of emerging industries, high tech manufacturing and high level services.

On balance it is considered that the benefits of retaining a private modern hospital within the County and the employment benefits created as a result of the proposal are significant material considerations and the proposal would result in the site being used productively for employment purposes and this is considered of sufficient weight to depart from the UDP policy in this instance.

Design/ Visual Impact/ Layout

As previously stated, a Development Framework document has been approved for the development of this site (dated January 2008) which provides certain parameters for the future development of the site. Some of the key issues are addressed below in terms of the proposal.

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In terms of layout, the plots have already been laid out with the plot accesses already provided. The Development Framework envisages that the plots would be laid out with parking provided on the outer ring and the buildings proposed in the central ring which has already been landscaped. The original layout proposed a pedestrian access running along the northern border of the site which would link the employment area to the surrounding future development site. The Urban Design Officer states that the business park is only part of a wider development framework to include a new village to the west of the site. The land use plan within this document shows a key pedestrian & cyclist route running from the village to the centre of the business park. He states that it would be important to ensure that this route is provided or provision made to accommodate this at a suitable width in order to provide a longer term link for the benefit of pedestrians and cyclists moving between the two areas; and this is in line with the Active Travel Bill. Despite the landscaping having already been undertaken, this aspect was not constructed. Given that relative uncertainty about the future proposals in the vicinity, it is not considered necessary or reasonable to request the applicant to provide this footpath which would lead nowhere at the current time. However, a strip of 1.5m would be retained as grass in order to provide for this pathway in the future and the Council as landowner have control over this aspect of the development and the applicant has agreed to this request. This would be controlled as part of a subsequent landscaping scheme.

The indicative site layout also proposed that plot 8 should front on to this walkway, although this approach would be difficult given the uncertainty over the future link and the location of the access which had already been installed. In line with guidance given during the pre-application meeting, the hospital building has been re-located so that this now provides a greater sense of presence and enclosure onto the main loop road serving the Felindre Business Park. The Urban Design Officer advises that the siting also gives the building a greater sense of legibility as the main entrance is located closer to the site frontage and is positioned so as to close the vista westwards along the southern part of the loop road. The revised scheme is also an improvement on the previous in terms of its car park layout which is now located further to the south and does not visually dominate the area around the site entrance.

Furthermore by locating the car park towards the southern end of the site, wrapping it around the southern elevation of the building and providing screen planting as well as planting within the car park helps to further reduce the visual impact of parked cars and hardstanding. The changes to the building elevations help to break up the mass of this at the front elevation by providing 2 differing approaches either side of the main entrance.

However there were some concerns regarding the use of render to the first floor element of the northern section of the building as this provides a single mass of material with no articulation. Furthermore the past use of render in Swansea has shown this to heavily fade and discolour over time due to the typically wet weather conditions. As such in order to maintain the high quality of finish to the hospital this would require repainting/maintenance on a regular basis and it was requested that this material be amended.

The applicant subsequently amended the proposal to include brick in place of the render and coloured windows/ panels to break up the massing on the elevation. The Urban Design Officer has stated that the architectural approach is now acceptable and provides an overall cohesive appearance to the front western façade which has sufficient detailing to break up the mass and provide points of interest and variety.

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The Officer raises concerns with regards to the brick proposed as it has a domestic appearance and has suggested that reference is taken to the surrounding context. Whilst this would be the first building on the site, there are low pennant stone walls in the area from which a colour reference could be taken. Further to this the mortar colour would be important and an appropriate approach to this would be to colour match to the brick in order to avoid an elevation which picks out the individual bricks. This would provide a more contemporary and crisp appearance to the façade which would better match the overall aesthetics of the building. The Urban Design Officer has no objections provided a condition is attached regarding proposed materials.

The previously approved section 73 application removed the minimum building size requirement of 4,645m² (50,000 sq.ft.) that formed part of the original outline planning permission. This was varied in response to changing market demands within the Swansea area, enabling Felindre to fulfil its key economic development role. The hospital use would provide long term employment opportunity to Swansea and the surrounding areas. The Felindre Development Framework (January 2008) focussed on smaller scale developments that were required by the market of between 930 m² and 1,858m² with the potential to combine plots for larger developments. The proposed hospital has a footprint of approximately 1,720m² and there is also potential to extend the hospital in the future if required. It is considered that the hospital footprint is large enough within the site with sufficient capacity for associated parking and amenity space/ landscaping. The building would have a floorspace of 3,860m² which represents less than 5% of the overall permitted floorspace for the outline consent.

The Framework identifies a maximum building height of 12m (equivalent to 3 storeys) for the buildings located on this site and the proposed hospital exceeds this. The applicant has advised that due to the complex building services and the ceiling void required to accommodate them in a hospital facility, the minimum floor to floor height is set at 4.2m. The proposal has two storeys of clinical accommodation (at 4.2m) with a plant room (with 3m clear height) directly above the Operating Theatres. The key elevations to the building, therefore, fall under twelve metres with the plant room above marginally exceeding this. This has been mitigated through stepping back the plant room to reduce the impact on the elevations. The building adheres to the three storey limit with key elevations varying in height and with a vertical façade treatment to break up overall massing of the development.

In terms of phasing, the Healthcare Management Trust has considered several locations in the Swansea area to relocate the Sancta Maria Hospital and Felindre Strategic Business Park best suited its relocation criteria. Given that the hospital is likely to be the first development on the Felindre site, plot 8 was considered the most appropriate location for the hospital, both during construction of the other plots and longer term on the fully developed Business Park site. Plot 8 is located on the upper plateau. The phasing strategy previously approved indicated that development should commence on the lower plateau firstly, however this is the first development proposed for the site, approximately 8.5 years after the outline scheme was originally approved. The phasing strategy was informed by the proposed road layout; however this has subsequently been constructed. In addition, the applicant has indicated why plot 8 has been chosen which appears reasonable. It is not considered that the development of this plot would have a significant impact on the development of the remainder of the site given that the key infrastructure has already been laid out.

It is therefore considered that the detailed design and layout of this proposal is acceptable, in terms of its impact on the character of the area.

Neighbouring/ Residential Amenity

The proposed development is the first site to be developed on the business park and as such, there are currently no neighbouring properties within the immediate vicinity. The scale of the building is considered acceptable and its location within the site would ensure it does not have an overbearing impact on adjoining plots.

In terms of the amenity of future occupiers, the main source of background noise is currently the M4 situated in a South to South Westerly direction from the site. The distributor road is located at approximately 33.5m from the buildings key east facing elevation. Vehicular traffic on site and Building Services Plant are likely to be the primary generator of noise on site. The majority of public traffic generating the majority of noise on site is likely to be kept within the hours of 07:30 - 20:00pm and sensitive rooms requiring quiet conditions during out of hours (e.g. bedrooms at night) are unlikely to be affected. Service areas, including the external back-up generator, are located to the west of the block. This location reduces the impact of noise generated on site affecting the remainder of the business park. A perimeter wall to the service yard seeks to protect adjoining sites from noise generation.

Air handling units are located within the plant room at second floor level. Intake and extracts louvres are located on the north and east elevations to avoid prevailing winds. The plant room is stepped back to reduce noise impact on sensitive rooms on the floors below and across the business park site. In addition, a tree line has been established in a north to south axis parallel to the building's east elevations providing a degree of acoustic screening to the building. This is most prominent at first floor where the tree canopy can effectively screen and provide a greater degree of comfort within the bedrooms. Overall, it is not considered that the proposed hospital in that location would have a significant impact on the amenities of future occupiers of the building. The Council's Pollution Control Officer has not requested any noise conditions on the basis of the above information.

However, consideration needs to be given to the impact of the proposal on the adjoining future land uses. The site has outline planning permission for B1 and B2 uses and the indicative masterplan outlines that certain sites have been proposed for either a B1 or a B2 use. The adjacent site at Plot 9 is outlined for a B1 use whilst Plot 7 on the other side is indicated for B1 or B2 uses. The Framework indicates that these uses will be reviewed bi-annually to ensure that the needs of the market are being met. Given that this is the first application for any of the plots on site, it is considered that there would be sufficient space elsewhere on the site for B2 uses (which are considered to have the potential to have a detrimental impact on the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit) that would not have a detrimental impact on the amenities of the hospital given the distances involved. B1 uses by their very nature are uses which are not considered to have a detrimental impact on the amenity of the area. It must also be noted that the framework also considered ancillary uses on the site such as a hotel which is similar in nature to the proposed hospital use. On balance, it is not considered that the development of this site would restrict the development of the remainder of the site for B1 or B2 purposes.

Highway Safety/ Parking/ Public footpaths

The access road to this has already been constructed albeit not formally adopted currently. The access into this plot has already been provided and the issues about the pedestrian access have been covered above.

The Travel Assessment states that car parking provision is compliant with City and County of Swansea Parking Standards for zone 5 and 6 Hospital and Health Centre facilities. 105 car parking spaces would be provided within this car park (6 of which would be for disabled users, located close to the entrance). Cycle parking provision has been made for 5 bicycles. In addition, the applicant has provided an assessment of the proposed traffic generated by the proposal when assessed against the traffic generated by an industrial use as approved.

The Highways Officer has advised that parking provision is in accordance with the approved parking guidelines and has recommended a condition is attached requiring these spaces to be provided. In terms of traffic flows and trip generation, when compared to the outline flows derived from the 2010 assessment, there is an increase from 124 to 193 movements in the morning peak (55% increase) and 95 to 181 movements in the pm peak (91% increase). Whilst the percentage figures are high the actual increases are from 2 vehicles per minute to 3 vehicles per minute in the morning peak and from 2 to 4 per minute in the afternoon. Given the existing infrastructure it is considered that these additional movements can be accommodated subject to the conditions relating to the off-site works under 2006/0773 still being required. However, as this is a full application, and the outline application is still in place, it is not necessary to attach a condition regarding these off-site works to this consent. Similarly, the strategic landscaping has already been carried out and the plots have been set back 5m from the road and on this basis, it is not considered that a condition is necessary to ensure the front boundary wall is retained below 1m in height in the interests of visibility.

The Highways Officer concludes that the siting of the hospital at this location is unlikely to result in any highway issues arising on the Strategic Highway Network. Whilst the analysis of anticipated traffic movements is unconventional in that it is based on local data rather than the National TRICS database there is no reason to doubt that it may provide a more relevant result rather than national sites which may not be comparable with this site. Whilst public transport provision to the area is not ideal the provision of a shuttle bus linking to the main transport routes should open the site up to non-car users and this together with the car club setup as outlined in the travel plan should make the site more accessible. Conditions are therefore considered necessary for the submission of a travel plan and a construction traffic plan.

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

Ecology/ Trees/ Landscape

The site is currently vacant except for ruderal vegetation. Strategic landscaping has already been carried out around the business park with some planting along the site frontage and further details would be required in terms of the landscaping scheme for the plot and along the site boundaries. This would be attached as a condition of any consent.

The Council's Ecologist has advised that the site is used by the ground nesting birds, ringed plover and lapwing; both of these are biodiversity action plan species. It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to take damage or destroy the nest of any wild bird while that nest is in use or being built. Any development on the site must have a pre start of work survey. The Ecologist has no objection to the proposals subject to a condition with regards to a survey prior to works commencing on site, along with a method statement detailing how they would be protected if they are found. Natural Resources Wales have raised no issues with regards to the ecology of the site.

Contaminated Land

The site was formerly a Tin Plate Works and has undergone extensive remediation and landscaping since the outline consent was granted. At the time of submission, the applicant was aware of, and located 18 reports relating to desk study, ground investigation and remediation information, pertaining to the site. A full review of these documents is currently ongoing. Limited evidence of potential sources of contamination was observed on or off-site during the walkover. Some small stockpiles of building materials and loose general rubbish were noted on site. In addition, a metallic sheen was noted on surface water ponding locally within the site boundaries. Owing to the known historical land usage of the site and further to the continuing review of all available environmental information and previous reports, identification of additional potential sources of contamination and pollutant linkages cannot be discounted at this stage. The applicant has stated that a conceptual ground model would be developed for the final report.

The Council's Pollution Control Officer has advised that without this information, conditions would be required to ensure that any pollution issues are adequately addressed prior to the commencement of development. Whilst it would be preferable to have this information prior to determination, there is outline consent for the development of this site and a condition is considered an acceptable solution to ensure that this issue is covered. Natural Resources Wales offer no objections to the proposal in terms of pollution. Therefore, the approach recommended by the Council's Pollution Control Officer is considered appropriate for this development.

Drainage/ Flooding

With regards to drainage, a Flood Consequences Assessment has previously been submitted for the wider site which shows the site to be in an area of little or no flooding. The site is proposed to have a developed area of 8100m², of which approximately 6400m² is proposed to be impermeable surfacing and 1700m² to be permeable paving. To that end, approximately 55% of the site will continue to be greenfield land post-construction. The site would drain to the existing watercourse to the south of the site and is within the agreed flow rate in the 100 year greenfield rate. Attenuation in the form of cellular storage has been provided to temporarily store runoff from rainfall events up to and including the 100-year event + 30% allowance for climate change for controlled release.

The Drainage Officer has advised that based on the details submitted, the plot 8 drainage strategy accords with the proposals made at the outset for the strategic development of the whole site, and therefore, no objections are raised subject to the conditions requiring full drainage details to be agreed.

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Natural Resources Wales do not object to the application but do raise the following points with regards to land and surface water drainage. Since 2007, issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling to the Burry Inlet. As such, a Memorandum of Understanding (MOU) has been prepared to enable development in this area to go forward.

Protection of the water environment is a material planning consideration and the Local Planning Authority must be satisfied that the proposed method of foul and surface water drainage from the proposal will not cause any detriment to water quality. To accord with the terms and content of the MOU, foul connections should only be allowed when compensatory surface water removal or suitable improvement scheme has been implemented within the same catchment.

The City and County of Swansea as Local Planning Authority has followed the precautionary approach advised by its statutory advisor NRW (formerly CCW) towards all development that drains into CBEEMs, and carried out the following habitat assessment.

It is generally accepted that the combined sewerage system serving this area is working at full capacity (Gowerton STW). Any increase in surface water in the sewerage catchment would increase the number of untreated sewage discharges to the Burry Inlet in times of overflow. It was therefore determined that it is imperative that no surface water be allowed to enter the sewerage infrastructure.

In accordance with the MoU, it is necessary to remove surface water from the combined sewer to provide betterment in the system. Currently the betterment should be twice the maximum proposed discharge from the site. However, this site already benefits from outline planning consent dating back to 2006 which has been regularly renewed. As such, in terms of foul flows, it is considered appropriate to consider the flows from the proposed development against the flows from the development that benefits from outline consent. The applicant has advised that the proposed development would have a foul discharge rate of 4.48l/s. The MoU outlines anticipated foul discharges for other uses such as industrial sites with large water usage and light industry sites. Given that the outline consent was granted for both B1 and B2 uses, it is considered that a worst case scenario would include an industrial site with an anticipated large water usage. The MoU recommends that a use such as this would generate 2.5l/s per hectare and on this basis, a site area of 1.8Ha would equate to 4.5l/s. The MoU is clear that these figures are a guide only and DCWW should be contacted. Dwr Cymru Welsh Water raise no objections subject to a condition regarding full drainage details to be provided to, and approved by the Local Planning Authority. They also advise that the Waste Water Treatment Plan could manage with the foul flows proposed. Essentially, the development of this site would replace the flows that could have been provided by the development of this site for an industrial use which has been accounted for in the review of consents undertaken as part of the Burry Inlet 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 and Habitats and Species Regulations 2010 (known as the 'Habitat Regulations') to undertake a Habitat Regulations Assessment of any project likely to have an effect on a European site, or candidate/ proposed European site, either alone or in combination with other plans or projects, that is not necessary to the management of the site for nature conservation.

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

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

Water Quality

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

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

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.

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

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

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

Hydraulic Capacity Issues in Gowerton WwTW drainage network

Neither DCWW nor NRW have objected to the application. Moreover, the Local Planning Authority is satisfied that it has addressed the water quality issues relating to the Habitats Regulations on this site and NRW have since agreed to the Council's adopted Habitat Regulations Assessment that covers all development in the drainage network area up to the end of 2018. As explained above this HRA is based on objective information available from the Agency's own Review of Consents of Gowerton WwTW, 2010.

The Council has been working with the Agencies of the Welsh Government who are seeking to resolve this problem in seeking to 'enhance' this situation, by improving the current drainage problems in the Gowerton drainage network, before new foul connections can be made. As part of this initiative in 2011, DCWW 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 Improvement works for Gowerton WwTW catchment (AMP 7), and are currently indicating that schemes will be brought forward where necessary to facilitate development.

Conclusion

In conclusion, DCWW has not objected to this scheme, and the Council's HRA which has been adopted for all development in the Gowerton WwTW drainage network area runs up until the end of 2018. The HRA has been agreed with NRW and concludes that 'It is the opinion of the Authority that this development can be accommodated within the post Review of Consents (RoC) discharge consent limits, and would not be likely to have a significant effect either alone or in-combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet Spa and Ramsar. Such effects can be excluded on the basis of the objective information available through the 2010 Environment Agency review.

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

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Conclusion

Whilst it is acknowledged that the proposal represents a departure from UDP Policy EC1, it is considered that there are significant material considerations which would offset this and in design terms, the proposals are generally in accordance with the Adopted Unitary Development Plan. It is therefore concluded that the application should be approved subject to the following conditions.

RECOMMENDATION

APPROVE, subject to the following conditions;

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan (Drawing No. SMH_ALL_ATP_001) received on 17th February 2015; Proposed Elevation - North and South Facing (Drawing No. SMH_ALL_ATP_010 P06), Proposed Elevation - East and West Facing (Drawing No. SMH_ALL_ATP_011 P06) received on 17th April 2015; Cycle Store - Rear (Drawing No. SMH_CA_ALL_AD7_001) received on 20th April 2015; Proposed Site Plan (Drawing No. SMH_ALL_ATP_003 P03), Proposed Site Sections (Drawing No. SMH_ALL_ATP_005 P02), Proposed - Level 00 - Ground Floor Plan (Drawing No. SMH_ALL_ATP_006 P01), Proposed - Level 01 - 1st Floor (Drawing No. SMH_ALL_ATP_007 P01), Proposed - Level 02 - Plant Room Plan (Drawing No. SMH_ALL_ATP_008 P01), Proposed - Level 03 - Roof Plan (Drawing No. SMH_ALL_ATP_009 P01), GA Section 001 and 002 (Drawing No. SMH_ALL_ATP_012 P02); and GA Section 003 and 004 (Drawing No. SMH_ALL_ATP_014 P02) received on 22nd April 2015.
Reason: To define the extent of the permission granted.
- 3 Notwithstanding the details submitted, samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of development. The scheme shall thereafter be implemented in accordance with the approved details.
Reason: In the interests of visual amenity.
- 4 No development shall take place until an investigation of site contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The methodology shall include:
 - (i) a desk top study to identify all previous uses, potential contaminants and their possible impacts on land and controlled waters, incorporating a conceptual site model identifying all potential source, pathway and receptor linkages;
 - (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, as indicated by the desk top study;
 - (iii) an assessment of potential risks from contamination, an appraisal of remedial options, and justification for the preferred remedial option.

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- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 5 The development hereby permitted shall not be occupied until the measures approved in the scheme in condition 4 have been implemented and a suitable validation report has been submitted to and approved in writing by the Local Planning Authority unless written consent is given to any variation.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the latest guidance, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 7 Notwithstanding the details submitted with the application, no development shall commence until a fully detailed scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.
Reason: To ensure that effective drainage facilities are provided for the development, and that no adverse impact occurs to the environment or the existing public sewerage system.
- 8 Plot 8 shall not discharge surface water to the strategic onsite drainage network at any rate greater than 11.2 litres per second per developed hectare as stated in the 'Sancta Maria Hospital Drainage Strategy' Issue 1 dated 16/02/2015.
Reason: To ensure that the capacity of the onsite strategic surface water network is protected and prevent surface water flooding occurring.

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- 9 Notwithstanding the details submitted, no development shall take place without the prior written approval of the Local Planning Authority of a detailed scheme for the landscaping of the site.
Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 10 All planting and grass seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the hospital hereby permitted and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To safeguard landscape and amenity interests.
- 11 Prior to the commencement of development, a survey of ground nesting birds undertaken by a suitably qualified ecologist shall be submitted to and approved in writing by the Local Planning Authority. Should the ground nesting bird survey (required by condition 11) identify any protected bird species on site, a method statement detailing how they would be protected during building work shall be submitted to and approved in writing prior to the commencement of development. The works shall thereafter be carried out in accordance with the approved mitigation details.
Reason: To ensure that the proposal does not have a detrimental impact on ground nesting birds.
- 12 Prior to the first beneficial occupation of the development hereby approved, all of the proposed car parking spaces as indicated on Drawing No. SMH_ALL_ATP_003 P03 shall be clearly laid out on the ground and retained as such thereafter for the parking of vehicles.
Reason: To ensure that adequate parking provision is provided on site for staff, patients and visitors of the hospital.
- 13 Prior to the first beneficial use of the development hereby permitted, the cycle parking provision as indicated on Drawing No. SMH_ALL_ATP_003 P03 shall be provided on site for staff and visitors and shall be retained as such thereafter.
Reason: To ensure adequate cycle parking provision is provided for staff and visitors.
- 14 Prior to the commencement of development, full details of all external plant and equipment to be installed, and their location, shall be submitted to and approved in writing by the LPA. The development shall thereafter be undertaken in accordance with the approved details.
Reason: To ensure that plant and equipment is sensitively designed and location in the interests of visual amenity.

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ITEM 2 (CONT'D)

APPLICATION NO.

2015/0308

15 No development shall commence until a Construction Method Transport Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period unless otherwise approved in writing by the Local Planning Authority. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development; and
- iv) wheel washing facilities.

Reason: In the interests of highway safety.

16 Prior to the first beneficial use of the development hereby permitted, a travel plan shall be implemented in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary. The approved travel plan shall remain in place for the duration of the use hereby permitted.

Reason: In the interests of the sustainable use of the site and to minimise private car use.

INFORMATIVES

1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV33, EV34, EV35, EV38, EV40, EC1, AS1, AS2, AS5 and AS6.

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

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

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

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

The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary

PLANNING COMMITTEE – 12TH MAY 2015

ITEM 3

APPLICATION NO.

2014/1201

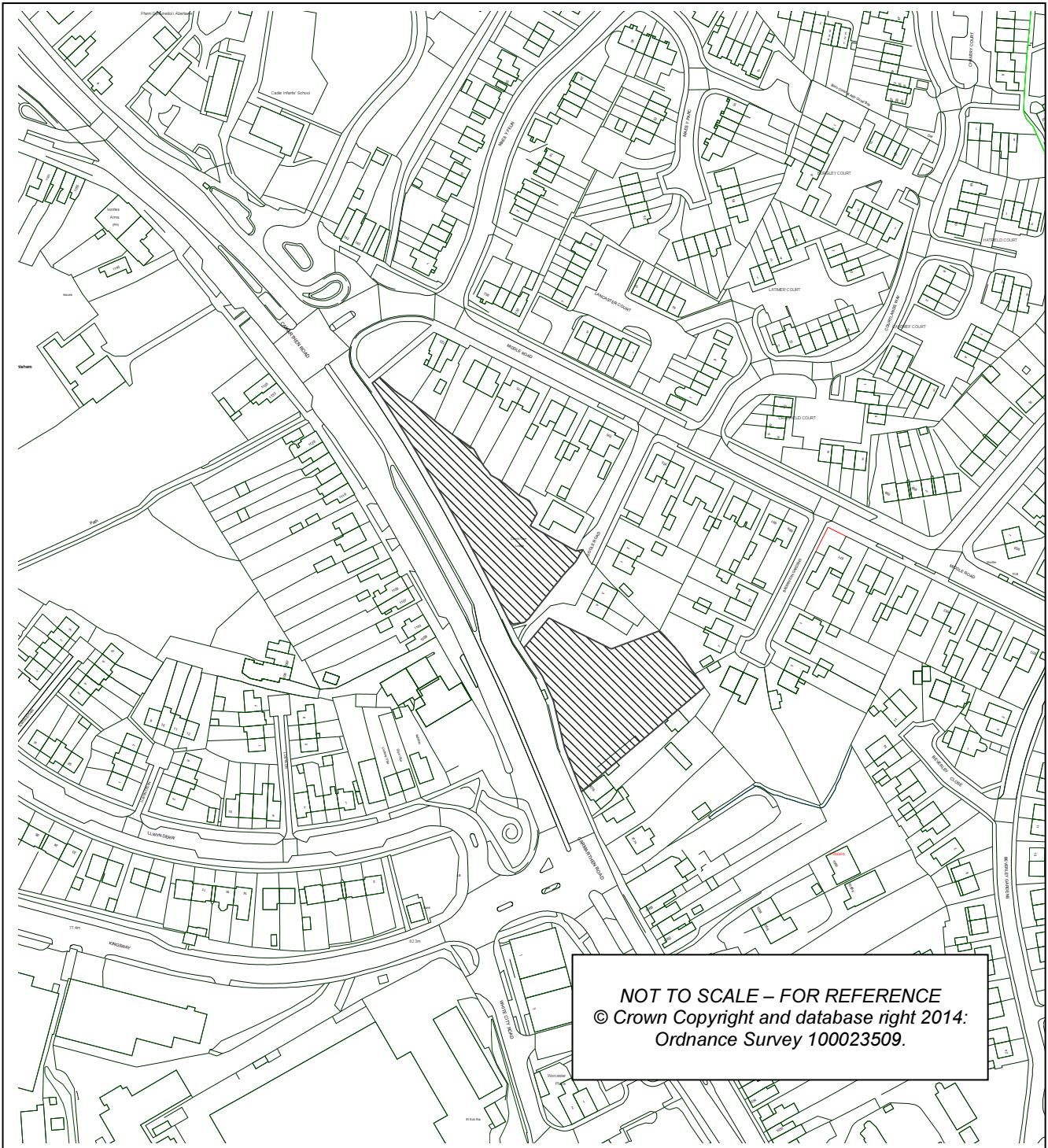
WARD:

Cockett

Location: Land at Goole Road Ravenhill Swansea SA5 5DX

Proposal: Construction of 18 no. houses comprising of 6 two bed and 12 three bed units

Applicant: Mr Dean Lynch



PLANNING COMMITTEE – 12TH MAY 2015

ITEM 3 (CONT'D)

APPLICATION NO.

2014/1201

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy 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 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 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 EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy HC2	Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

PLANNING COMMITTEE – 12TH MAY 2015

ITEM 3 (CONT'D)

APPLICATION NO.

2014/1201

SITE HISTORY

App No.	Proposal
2002/0618	Construction of a bungalow (Details of siting, design, external appearance and means of access pursuant to condition 01 of planning permission 2001/1596 granted on 8th January 2002) Decision: Grant Permission Conditional Decision Date: 06/08/2002
2006/0958	Two detached dwellings (outline) Decision: Grant Permission Conditional Decision Date: 12/09/2006
91/1305	RESIDENTIAL DEVELOPMENT (APPLICATION FOR CERTIFICATE OF APPROPRIATE ALTERNATIVE DEVELOPMENT) Decision: *HCI - CERTIFICATE ISSUED Decision Date: 20/12/1991
91/1304	RESIDENTIAL DEVELOPMENT (APPLICATION FOR CERTIFICATE OF APPROPRIATE ALTERNATIVE DEVELOPMENT) Decision: *HCI - CERTIFICATE ISSUED Decision Date: 20/12/1991
2005/2439	Residential dwelling (outline) Decision: Grant Permission Conditional Decision Date: 07/02/2006
2004/0213	New vehicular access onto Carmarthen Road and incorporation of land into domestic curtilage Decision: Grant Permission Conditional Decision Date: 30/03/2004
2008/0742	Residential development of 8 pairs of semi-detached and 3 terraced properties Decision: Grant Permission Conditional Decision Date: 19/03/2009
2006/0956	Residential development (outline) Decision: Grant Permission Conditional Decision Date: 12/09/2006
2010/0002	Detached dwelling Decision: Grant Permission Conditional Decision Date: 24/05/2011

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ITEM 3 (CONT'D)	APPLICATION NO.	2014/1201
93/0920	ERECTION OF ONE DWELLING HOUSE (OUTLINE) Decision: *HRP - REFUSE PERMISSION Decision Date: 27/10/1993	
94/0388	ERECTION OF ONE DWELLING HOUSE (OUTLINE) Decision: *HPS106 - PERMISSION SUBJ - S106 AGREEM. Decision Date: 29/12/1994	
95/1273	ERECTION OF A DETACHED DWELLING HOUSE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 21/12/1995	
2015/0162	Variation of condition 1 of planning permission 2010/0002 granted 4th January 2010 to extend the time to begin the development by a further two years Decision: Approve Conditional (S73) Decision Date: 31/03/2015	

RESPONSE TO CONSULTATIONS

ORIGINAL SCHEME (20 DWELLINGS)

The application was advertised on site and in the press and 19 individual properties were consulted. FIVE LETTERS OF OBJECTION were received, which are summarised as follows:

1. More traffic on Middle Road and Goole Road means more traffic noise.
2. Noise pollution due to construction as well as traffic noise.
3. Lack of privacy.
4. Dust and dirt.
5. Destruction of biodiversity.
6. Impact upon my wellbeing.
7. The proposed development intrudes into my land.
8. The two houses on the north of the development would not front onto Carmarthen Road which is not in keeping with the other houses in the development.
9. It does not integrate effectively with adjacent spaces and the public realm.
10. Detrimental to visual amenity.
11. Not appropriate to its local context.
12. Trees would have to be cut down to accommodate the building.
13. No mention is made of the type of construction or material to be used for the retaining wall.
14. The retaining wall will dominate the street scene.
15. During construction there is a high risk that the properties on Middle Road would be undermined and risk collapse.
16. I would query the ownership of the land behind Cherry Tree Lodge.
17. To accommodate the road, a large amount of hillock would need to be removed and put the gardens of 711, 713, 715 and 717 at risk of subsidence and possible destruction.
18. The large sycamore has been destroyed.

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ITEM 3 (CONT'D)

APPLICATION NO.

2014/1201

19. Bats are a protected species.
20. Visually intrusive to my property.

The Coal Authority – Objects as significant risk to development and the applicant should be required to identify the mine entries and their zones of influence and the should form a no build zone within the site.

Natural Resources Wales – No objection subject to the imposition of conditions relating to surface water drainage, pollution prevention, contaminated land and waste management.

Dwr Cymru Welsh Water – No objection subject to standard conditions and informatives.

Glamorgan Gwent Archaeological Trust Ltd - No objection.

Council's Ecologist - The site appears to be of relatively low ecological value it is likely that birds will use the site for nesting and that reptiles are present. Please add a condition to any permission requiring a reptile mitigation statement, the details of which to be agreed prior to work starting as well as the standard bird nesting informative.

Highways Observations – This proposal has been granted consent previously, albeit for 19 dwellings. The site is to be accessed from Goole Road and one of the conditions required the making up of Goole Road to adopted standards. The applicant has not submitted any details of this however basic details were submitted previously. The site layout indicates the dwellings served from two cul-de-sacs with each dwelling having on site parking to meet adopted standards. I recommend as follows;

No highway objection subject to the following;

1. No dwelling shall be occupied until Goole Road and the new access roads have been completed to a satisfactory standard in accordance with engineering details to be submitted and approved. For the avoidance of doubt, the entire length of Goole Road is required to be improved.
2. The roads serving the dwellings shall comprise of a 5.5m wide carriageway, with a minimum 1.8m wide footway on the development side and a minimum 1m wide verge on the other side where no houses front the road.
3. No vehicular access shall be formed to the site from Carmarthen Road, all vehicular access shall be from Goole Road only.
4. All retaining walls shall be the subject of detailed engineering drawings and calculations to be submitted for approval before any work commences on site.
5. A Travel Plan shall be submitted for approval and implemented prior to any dwelling being occupied.
6. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.

PLANNING COMMITTEE – 12TH MAY 2015

ITEM 3 (CONT'D)

APPLICATION NO.

2014/1201

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

Management and Maintenance of Estate Streets - Note

The applicant is advised that to discharge condition 7 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Note 1: The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development) , e-mails to : jim.marshall@swansea.gov.uk or the Team Leader , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091.

Education Comments –

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

English Medium Primary	Cadle Primary
English Medium Secondary	Bishop Gore Comprehensive
Welsh Medium Primary	YGG Pontybrenin
Welsh Medium Secondary	YG Gwyr

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

Primary: 6.2 (£64,307)
Secondary: 4.4 (£69,731)

Rationale

Primary:

There is no capacity for growth in Welsh Medium. The surplus capacity at YGG Pontybrenin (which is the nearby Welsh medium primary school), in January 2014 was 55 with the projection figures for January 2021 as being down to - 40. For the purpose of Section 106 and removal of temporary accommodation planned for future disposal, a revised capacity is generated; making the school effectively even more over- subscribed i.e. **January 2014: -56; January 2021: - 151.** However, there is also another double demountable on site together with a Timber Building – both of which should be again deducted from these calculations. This would make the school even more over capacity i.e. **January 2014: -159; January 2021: - 254.**

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ITEM 3 (CONT'D)

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There will be a request for a specific contribution towards the English Medium primary provision at Cadle Primary School in this instance. Our aspiration has always been to bring the Early Years block, which is stand alone to the main school, into the main school buildings as a new extension. Whilst the site is capable of an extension, any further sites in this area would require an extension to the school. In January 2014, Cadle Primary had a surplus capacity of 58 pupils but with a projection for January 2021 of 20 pupils.

In order to accommodate any pupils from this development, Cadle Primary will require a developer's contribution for refurbishment / improvements to facilities at the school and on this basis, we would be requiring **65%** of the full generated amount of £64,307 which will equate to **£41,800 plus inflation** for this primary school at this time.

N. B. If more sites came forward in this area at an earlier date, then a new extension would be needed and the full generated figure of £64,307 would be required.

Secondary:

Whilst the development will generate 4.4 secondary pupils there will not be a request for a specific contribution towards the English Medium secondary provision at this time as there is sufficient capacity within the catchment school. In January 2014, Bishop Gore Comprehensive was under capacity by 211 pupils, with a projection for January 2021 of being under capacity by 37 pupils.

There is no capacity for growth in Welsh Medium. – i.e. YG Y Gwyr

Please see chart below.

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

	Jan-14	Sep-14	Sep-15	Sep-16	Sep-17	Sep-18	Sep-19	Sep-20
Cadle Primary	58	51	38	31	27	23	24	20
Bishop Gore Comp.	211	201	158	145	99	61	46	37
YGG Pontybrenin	55	27	6	-18	-19	-36	-30	-40
YGG Pontybrenin (with 2 double demountables removed from calculation, together with the Timber building)	-159	-187	-208	-232	-233	-250	-244	-254
Y Gwyr	182	140	102	73	8	-25	-118	-197
Y Gwyr (with demountables removed from calculation)	111	69	31	2	-63	-96	-189	-268

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One has to bear in mind that there are a number of other proposed Candidate development sites for the area which are still under consideration by Planning and the results of these would further exacerbate the situation.

In addition, there are also other Planning Applications currently being considered by Planning which would also have an effect on the Welsh medium sector of both the Primary and Comprehensive pupil numbers in being even more over capacity.

Conclusion

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

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

- The Authority would seek a Developer's contribution in the first instance of **£41,800 plus inflation for Cadle Primary school (i.e. 65% of the full generated amount of £64,307)** for refurbishments / enhancements to provide improved facilities at the school.
- Education would not be seeking a Developer's contribution for Bishop Gore Comprehensive School at this time because of the current number of unfilled places at the school.

However, in the light of the LDP Review currently being undertaken by Education with regard to the effects the proposed Category A Sites might have on Education provision as a whole throughout the Authority, it must be remembered that the emerging strategy for education provision in this area may require reconsideration of our particular request in this case at a later stage.

When the Review has been completed and finalised for submitting feedback to Planning to aid the whole current LDP process, then there will obviously be a different picture which could warrant us seeking the full £69,731 plus inflation for Secondary School enhancements, in addition to the full £64,307 Primary School enhancements for new build. If this was the case, would we be able to confirm the actual named schools to be recipients of this Developer's Contribution in both primary and secondary at a later stage when the emerging strategy for education provision in the Cadle/ Cockett Ward areas of Swansea has been considered further (i.e. as there may be perhaps a need then for the provision of a new primary school in the area which would require this contribution in place of Cadle Primary?). It has to be appreciated that the actual delivery dates of this proposed development would also have a bearing on any request being submitted at this time, or in the future. **If this arrangement is not acceptable at this time then please advise accordingly.**

AMENDED SCHEME (18 DWELLINGS)

The proposal was advertised on site and 21 individual properties were consulted. 4 letters of objection have been received, which reiterated previous comments made and the following comments:

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1. Would be detrimental to the biodiversity of the area.
2. The public services such as drainage and sewerage and water might be compromised with the amount of houses.
3. Is the road going to be brought up to adoptable standard?
4. What about the Japanese knotweed?
5. Is there going to be a pedestrian access to Carmarthen Road?
6. More street lights will be required.

Coal Authority - The Coal Authority concurs with the recommendations of the Ground Investigation Report; that coal mining legacy potentially poses a risk to the proposed development and that further 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 entries and areas of shallow mine workings 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 may include amendments to the proposed layout of the scheme.

The Coal Authority considers that the content and conclusions of the Ground Investigation Report are sufficient for the purposes of the planning system. The Coal Authority therefore **withdraws its objection** to the proposed development **subject to the imposition of a condition or conditions to secure the above**.

Highways Observations - No additional comments to make. Previous observations still stand.

APPRAISAL

This application is reported to Committee for decision and a site visit at the request of Councillor Ann Cook due to the concerns of local residents about impact upon their properties and traffic issues.

Full planning permission is sought for the construction of 18 no. houses comprising of 6 two bed and 12 three bed units on land at Goole Road, Fforestfach. The application site is irregular in shape and comprises two distinct parcels of land separated by Goole Road. The site is bound to the north-east by the rear curtilages of neighbouring properties along Goole Road, Middle Road and Badminton Gardens, to the south by No.1078 Carmarthen Road and south-west by Carmarthen Road itself. The site has benefited from several previous applications for residential development on the site, the most recent was for 19 dwellings – 2008/0742 refers and although now expired (March 2014), it is considered that the principle of residential development on the site is well established.

The main issues for consideration in this instance relate to the suitability of the proposed residential development having regard to impact upon visual and residential amenity and highway safety in the context of prevailing development plan policies.

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There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

The application proposal comprises 8 pairs of semi-detached dwellings and two detached dwellings. Apart from two units which would be constructed sideways onto Carmarthen Road, the layout achieves a majority frontage onto Carmarthen Road, which is considered an important requirement given the prominence of this route into the city and the established character of the street scene. The frontages facing Carmarthen Road have resulted in some compromises in terms of fronts and backs relationships within the site, but this is considered acceptable and the success of this arrangement relies on the quality of boundary treatments. Therefore whilst indicative boundary treatments have been submitted, it is recommended that condition be imposed to require the applicant to submit further details for approval for each particular plot. The layout has also resulted in some of the plots having shallower than recommended rear amenity spaces and on this basis it is considered both reasonable and necessary to remove all permitted development rights relating to extensions and outbuildings normally afforded to semi-detached dwellings to ensure a satisfactory building to plot ratio is maintained in future and that none of the plots become overdeveloped. Notwithstanding this, a satisfactory relationship and separation is, it is considered, achieved between the proposed dwellings within the site and the existing dwellings that surround the site.

With regard to issues of residential amenity, it is considered that the layout of the site provides ample separation distances to the existing surrounding properties on Goole Road, Middle Road and Carmarthen Road to prevent loss of light or privacy or any undue impact in terms of overbearing physical impact. It is recognised that the access road to plots 1-7 will run close to the boundary of the bungalow known as Cherry Tree Lodge but it is considered that whilst the comings and goings to the new dwellings will increase as a result of this application, the impact upon this one dwelling would not be so unacceptable to warrant a refusal of the application. However, it is considered that any means of enclosure on this common boundary must be robust e.g. acoustic fencing to reduce any potential impact caused. An appropriate condition is therefore recommended.

As part of the development of the site, there is a need to partly remove a large mound/bank that backs onto the rear gardens of the properties at 709 – 717 Middle Road. Concerns have been raised from the occupiers relating to the removal of this mound, its impact upon the stability of neighbouring land and the risks involved with such an operation. Details submitted with the application indicate that the mound will be removed and a retaining wall of approximately between 1.5m – 6.5m in height erected in its place. It is recognised that this is not an insignificant engineering operation, and as part of this application, the applicant has submitted drawings and calculations for this retaining structure. As the Council's bridges and structures section cannot confirm if these are acceptable, they have recommended that the developers submit an independent design check certificate to ensure the stability of the proposed wall prior to the commencement of works on site and it is recommended that a condition be imposed to this effect. It is considered therefore that subject to this confirmation, the building of this retaining wall would not cause undue harm upon the stability of the neighbouring gardens.

Turning now to highway safety matters, as detailed above this site has previously been granted outline planning permission. The Head of Transportation and Engineering recommends no objection subject to a number of highway safety related conditions and it is recommended that the suggested conditions are imposed.

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Japanese Knotweed was once in abundance on the site, and although once cleared from the site, pockets of Knotweed are re-vegetating on site and as such a condition relating to the eradication of Japanese Knotweed is also recommended. With regards to the ecology of the site, the Council's Ecologist is of the opinion that the site is of relatively low ecological value but considers it likely that that reptiles may be present and the site may be used by nesting birds. It is recommended therefore that a condition be imposed requiring the applicant to submit a reptile mitigation statement prior to the commencement of the development and that the standard bird nesting informative is also included.

In terms of the comments from Education, a request has been made for a Developer's contribution in the first instance of **£41,800 plus inflation for Cadle Primary school (i.e. 65% of the full generated amount of £64,307)** for refurbishments / enhancements to provide improved facilities at the school. The amended scheme has seen a reduction in the number of pupils that would be generated by the development. The proposal seeks planning permission for 18 dwellings. Based on the SPG, this works out as 5.58 Primary School Places (18 x 0.31) and 3.96 Secondary School Places (18 x 0.22). This will also see a reduction on the contribution requested.

When taking into account how many pupils will attend English and Welsh Schools, based on the percentages of pupils attending Welsh Medium Education in 2014 (14% primary/ 11% Secondary) and the predicated attendance for 2021 (17% primary/15% secondary) the split will be as follows:

	<u>No. of places generated by development</u>	
	<u>2014</u>	<u>2021</u>
English Medium Primary School	4.8	4.68
Welsh Medium Primary	<u>0.78</u>	<u>0.9</u>
	5.58	5.58
English Medium Secondary	3.53	3.37
Welsh Medium Secondary	<u>0.43</u>	<u>0.59</u>
	3.96	3.96

The projected unfilled pupil capacity based on 2014 projections (as identified in the comments from Education) indicates that there is capacity in excess of the number of places generated by the proposed development in both the English Medium Primary and Secondary Schools until 2020. On this basis, it is not considered reasonable to ask for a financial contribution for future places at Cadle Primary School.

With regards to Welsh Medium education, it is noted no request has been made for a contribution and as the number of places generated by the proposed development for both Primary and Secondary schools is less than 1 pupil per school, it is not considered reasonable to make such a request in this case.

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, as it is considered that the relevant parts of the earlier parts of the assessment remain robust and have not become outdated by further developments.

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.

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ITEM 3 (CONT'D)

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Other Possible Effects on CBEEMS features

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

CONCLUSION

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

With regard to the objections received, the principle points raised relate to an existing earth mound located to the north-east of the site bounding the rear boundaries of No's 711 and 713 Carmarthen Road and the neighbouring bungalow on Goole Road. This concern has been addressed above. The observations relating to the removal of a sycamore tree located to the top of the earth mound are also noted, however this tree was not covered by a preservation order and is situated on land within the applicants ownership and as such could have been removed at any time without requiring any form of consent.

A comment has also been made that the previous planning permission was only for 16 units not 19. However, the previously approved application under 2008/0742 was amended during its consideration from 16 units to 19 dwellings, which was the number finally approved and the objector has mistakenly included the superseded layout plan as part of his objection. The other issues raised in terms of highways and visual amenity have been addressed above on the main body of the report. The comment made that part of the development intrudes into third party land is noted but the applicants have declared that the development will take place only on land in their ownership and any other issue with regards to land ownership is a private matter between the two parties.

In conclusion therefore and having regard to all material considerations including the Human Rights Act, it is considered that the proposal is an appropriate form of development, which will not have an unacceptable impact upon the visual and residential amenities of the area and will not compromise or prejudice current highway safety standards. The proposal is therefore considered to comply with the provisions of Policies HC2, EV1, EV2, EV33, EV34 and EV35 of the Unitary Development Plan. Approval is recommended.

RECOMMENDATION

APPROVE, subject to the following conditions:

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

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

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- 2 The development shall be carried out in accordance with the following approved plans and documents: 1370 3-2, 1370 3-1, 1370 2-1, 1370 1-4, 1370 1-5, 1370 1-11 received 14th August 2014, site location plan received 22nd August 2014, 1370 1-3A, 1370 1-6 received 17th December 2014, C-004 A received 3rd February 2015.

Reason: To define the extent of the permission granted.
- 3 Before the development hereby approved is occupied the means of enclosing the boundaries of the site and individual curtilages of all dwellings shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The means of enclosure along the common boundary with Cherry Tree Cottage shall include details of an acoustic fence to reduce any traffic noise impact.

Reason: In the interests of visual amenity and general amenity.
- 4 No development shall commence until further intrusive site investigation have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. If the site investigations confirm the need for remedial works to treat the mine entries and areas of shallow mine workings, the remedial works identified must be undertaken prior to the commencement of the development.

Reason: To ensure the safety and stability of the proposed development.
- 5 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.
- 6 No development shall take place without the prior written approval of the Local Planning Authority of a scheme for the landscaping of the site. The landscaping scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

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

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

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- 8 No works of site clearance, demolition or construction shall take place in pursuance of this permission until a reptile mitigation statement has been submitted and approved by the Local Planning Authority. Once approved, the mitigation scheme shall be implemented in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of protecting species under Schedules 2 and 4 of the Conservation of Habitats and Species Regulations 2010.
- 9 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water, and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SUDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.
- 10 Unless otherwise agreed in writing with the Local Planning Authority, foul water and surface water discharges must be drained separately from the site and no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public foul sewerage system.
Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.
- 11 No development shall take place until full engineering details of the new access roads and improvements to the existing highway, Goole Road, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works required by this condition have been completed in accordance with the approved details.
Reason: In the interest of highway safety
- 12 The development shall be carried out in accordance with a travel plan to be submitted to and approved in writing by the Local Planning Authority prior to any beneficial use of the development commencing. The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary.
Reason: In the interests of sustainability and to prevent unacceptable highway congestion.

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- 13 Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
Reason: In the interest of highway safety
- 14 No part of the development hereby approved shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
Reason: In the interest of highway safety
- 15 Prior to the commencement of development, an independent design check certificate for the retaining walls shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to any dwelling hereby approved being occupied.
Reason: To confirm the adequacy of the proposed structures.
- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Classes A, B and C of Schedule 2 of Article 3 shall not apply on plots 3-6, 9, 13, 14, and 15
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.

INFORMATIVES

- 1 The applicant is advised that to discharge this condition, the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, HC2, EV33, EV34, EV35
- 3 Birds may be present. please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest in use or being built
 - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.

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- 4 Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>
- 5 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 6 The Developer must contact the Highway Management Group, The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work. Please contact the Senior Engineer (Development), e-mails to: jim.marshall@swansea.gov.uk or the Team Leader, e-mails to mark.jones@swansea.gov.uk, tel. no. 01792 636091.
- 7 As part of a sustainable drainage system the developer is advised to consider the use of sustainable drainage (SUDS) measures, such as permeable paving for the driveway access and car parking area, and rainwater or grey water harvesting from the new buildings, etc.

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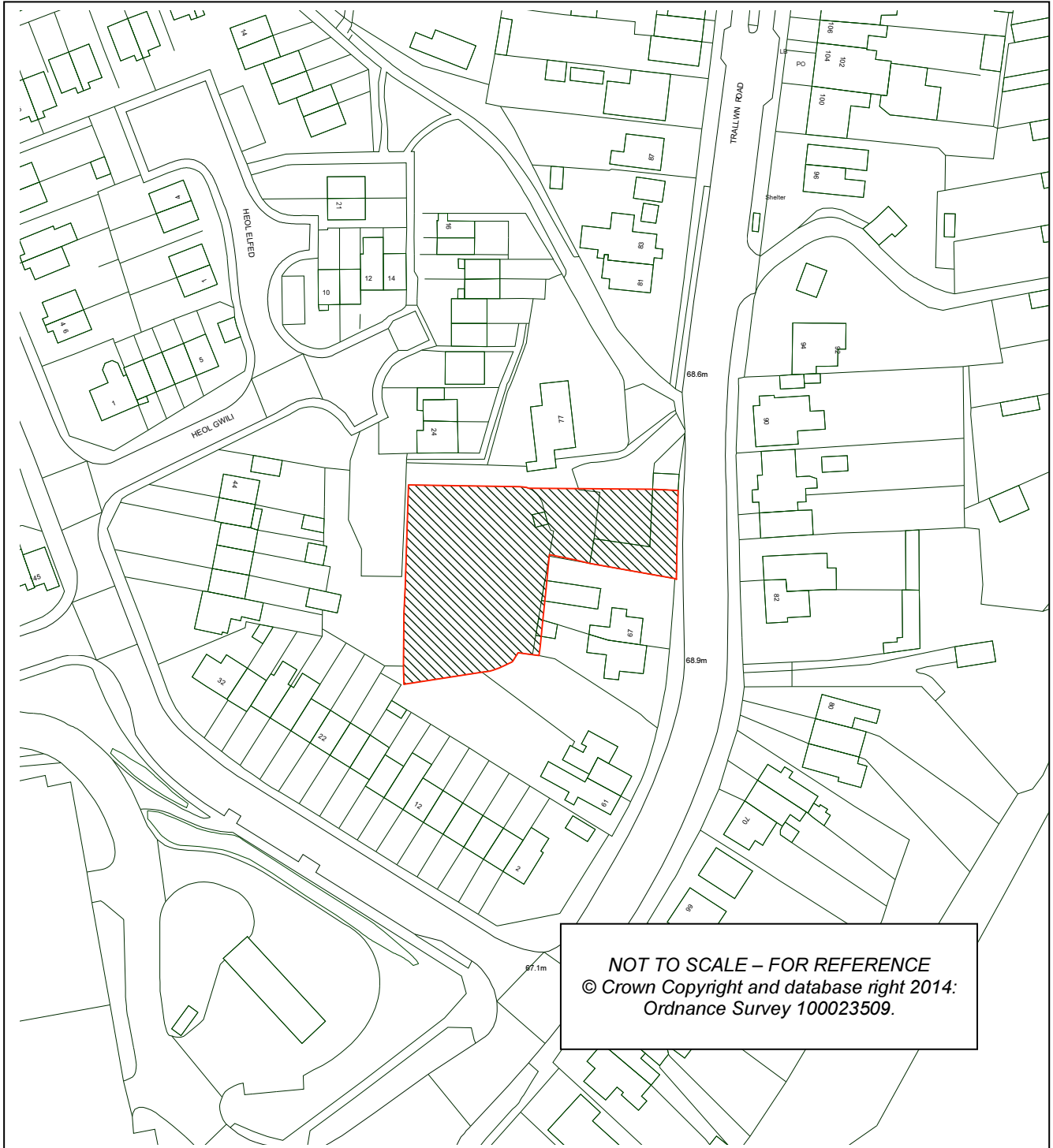
WARD:

Llansamlet

Location: Land adjacent to 77 Trallwn Road, Llansamlet, Swansea, SA7 9XA

Proposal: Residential development for four dwellings (outline)

Applicant: Mrs Elaine Hughes



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BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy 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 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 HC2	Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

None

RESPONSE TO CONSULTATIONS

The application was advertised on site and seven neighbours were consulted. TWO LETTERS OF COMMENT have been received which are summarised as follows:

1. The applicant's photographs of the site are old and do not accurately show the existing vegetation on the site.
2. Concerns the drains for 65 and 67 run through the plot and through the drive way of 77 out to Trallwn Road.

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3. The fence on the boundary of 67 Trallwn Road should be replaced to retain privacy.
4. There are bats in the area and birds in the existing buildings.
5. Japanese knotweed on the site is starting to spread to No. 67 Trallwn Road.

Highways Observations

The application is for outline consent with access being considered for four dwellings with associated parking.

A shared drive has been indicated with adequate geometry to allow for two cars to pass and for vehicles to turn in the turning area. This should ensure access for all.

Whilst the layout is indicative only it shows adequate parking for each plot within its curtilage. It is therefore considered that there would not be any overspill parking occurring on Trallwn Road.

Visibility is acceptable when egressing the site (with the realigned boundary wall as indicated) and whilst concern has been raised locally regarding traffic speeds and restricted visibility it is not felt that this proposal will give rise to any highway safety issues, subject to the necessary conditions regarding boundary treatments. The scheme indicates realignment of the boundary wall in part plus a new footway construction so there is an improvement in terms of pedestrian facilities and accessibility.

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

1. Adequate access and parking being provided.
2. The realignment of the front boundary wall to provide improved pedestrian footway facilities under a section 278 agreement with the Highways Authority at the applicant's cost.
3. The front boundary wall being kept below 1m in the interests of visibility.
4. Permitted development rights being removed with respect to the garages.

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

Coal Authority

Whilst there are recorded mining features near the application site, the specific part of the site where new residential development is proposed actually falls outside the defined Development High Risk Area. Additionally, the applicant has submitted a Mine Entry Interpretive Report which reinforces this fact. Therefore we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and **do not object** to this planning application.

Planning Ecologist

The ecological survey is fine, however there is a barn on the site which appears to have potential for bat roosts. A bat survey will need to be carried out.

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Planning Ecologist (additional comments)

The bat survey looks fine. The surveyor is confident there is no bat use of the site but as a precaution please add standard bat and bird informatives.

Drainage Comments

This application indicates that the site will connect the surface water to the DCWW sewer; it is highly unlikely that the undertaker will permit such a connection unless all other sustainable drainage options have been exhausted i.e. discharge to ground, discharge to watercourse. Once a sustainable means of drainage has been identified its performance must be assessed against the 1 in 100 year critical storm including a 30% allowance for climate change, the necessary attenuation, based on the permitted discharge rate, may lead to a change in site layout.

Dwr Cymru Welsh Water

If minded to grant planning permission recommend standard conditions and advisory notes.

Dwr Cymru Welsh Water (additional comments)

We have reviewed the information provided in relation to the surface water drainage of the site. As there is no other alternative we are willing to permit the surface water to connect to the public sewerage system at a rate of 5 litres per second using a suitable flow control device.

APPRAISAL

This application is reported to Committee following a call-in request from Councillor Uta Clay in order to consider the impact of the development on highway safety.

This application seeks outline planning permission for the demolition of the existing buildings on site and the construction of four dwellings on land adjacent to 77 Trallwn Road. Access to the development is the only reserved matter which is under consideration. All other matters are reserved for future consideration.

The application site is a relatively flat 'L' shaped parcel of land that currently accommodates former agricultural buildings that would have been used in association with the old farm house at No. 77 together with an area of hardstanding and a large parcel of scrub vegetation. The site has a frontage on Trallwn Road of some 19m and is surrounded to the south by residential properties on Trallwn Road and Lon Enfys. The western boundary is defined by an overgrown hedge beyond which is a parking area to the rear of the properties on Lon Enfys. To the north of the site is No. 77 Trallwn Road and No. 24 Heol Gwili. The application site is located within a mainly residential area, however, some 150 metres to the south is an out of town shopping area, which includes The Range, Lidl and a car sales / car wash.

MAIN ISSUES

The main issues for consideration are the principle of residential development in this location, the impact of the development on the character and appearance of the area, the impact on the residential amenities of neighbouring occupiers and the impacts of the development on highway safety.

The City and County of Swansea Unitary Development Plan Policies relevant to this proposal are: EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV35 (Surface Water Run-off) and HC2 (Urban Infill Housing).

The application site is indicated as white land within the urban area and is surrounded by existing housing, as such the broad principle of residential development is considered to be acceptable, subject to the criteria contained within HC2. This policy allows infill development in the urban area provided the development does not result in:

- (i) Ribbon development or contribute to the coalescence of settlements;
- (ii) Cramped/overintensive development;
- (iii) Significant loss of residential amenity;
- (iv) Significant adverse effect on the character and appearance of the area;
- (v) The loss of urban greenspace;
- (vi) Significant harm to highway safety;
- (vii) Significant adverse effects in relation to:
 - (a) Landscape,
 - (b) Natural heritage,
 - (c) Security and personal safety,
 - (d) Infrastructure capacity,
 - (e) The overloading of available community facilities and services.

The criteria for assessing whether the design and layout is acceptable in the context of the surrounding area is important. UDP Policies EV1 and EV2 seek to ensure that new development is appropriate, inter alia, to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, etc. and integrates into the existing settlement with no detrimental impact on local amenity or the general environment. EV2 also states that the siting of new development should give preference to the use of previously developed land over greenfield sites. EV3 requires developments to provide satisfactory access and parking arrangements. The above design policies are further expanded upon in the supplementary planning guidance (SPG) 'Infill and Backland Design Guide'.

Policy EV35 refers to the potential impacts of surface water run off on the environment and encourages the use of sustainable drainage systems (SUDS).

Visual Amenity

The application site is largely screened from Trallwn Road by the existing buildings, which directly abut the public highway. Whilst these old stone buildings positively add to the character of the area and provide a reference to the past activities, however, they are in a poor state of repair and are not listed. The proposed scheme does not provide for their retention and their loss would not conflict with any national or local policies. As such the loss of these buildings is considered to be acceptable in principle.

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The application site is located within a mainly residential area where the built form displays a mixed character. Whilst only access is being considered at this stage indicative layout and elevation details have been provided. The site is indicated to be developed in the form of two detached dwellings and a pair of semis. Access would be derived directly from Trallwn Road. The first plot would broadly follow the building line of No. 67 which is the nearest property to the south. The access road would run to the north of this plot and would lead to a small cul-de-sac development with the remainder of the dwellings arranged around a central turning area. Each plot, with the exception of the frontage plot, is indicated to have a detached garage and separate off street parking together with private amenity space to the rear and sides of the dwellings. The development would also make provision for a public footpath along the Trallwn Road frontage.

The dwellings indicated on the plans have the following scale parameters: width 6.5-8m, depth 8-10m, height to ridge 7.5-9m. The indicative information indicates the site could be developed by modest three bedroom properties which are at the lower end of the scale parameters.

There is a pattern of frontage development along Trallwn Road and the development, as indicated, would respect this established pattern. At the rear the cul-de-sac development would also broadly follow the pattern of built development to the north on Heol Gwili.

There are some mature trees within the site boundary which will be removed in order to facilitate the development. These trees are not protected by a tree preservation order and their loss, it is considered, would not result in any significant impacts upon the character and appearance of the area. Similarly there is also a mature hedge at the rear of the plots along the western boundary. There may be scope to retain this hedge, in part, as part of the development and this can be considered at the reserved matters stage whereupon conditions could be imposed for its protection during the course of the development.

The illustrative development layout is considered to demonstrate that four dwellings can be accommodated within the site without resulting in a cramped form of development. As such subject to detailed consideration of those matters reserved for future consideration, it is considered the site could be developed to accommodate the development without any significant adverse effects on the character and appearance of the area.

In terms of visual amenity, therefore, the proposed development is considered to be in accordance with UDP policies EV1, EV2 and HC2.

Residential Amenity

Turning to residential amenity impacts, the dwelling on plot 1 would be sited to the north of No. 67. A separation distance of some 11.5m is indicated to the side gable of this dwelling, which is considered to be satisfactory to mitigate any significant residential amenity impacts to the occupiers of this dwelling.

To the north of plot 1, a separation distance of some 20m to the existing dwelling at No. 77 would, it is considered, mitigate any significant residential amenity impacts to the occupiers of this dwelling.

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Plot 2 would be sited some 9 metres to the side gable of the dwelling at No. 24 Heol Gwili. This separation distance is considered to be satisfactory to mitigate any significant residential amenity impacts to the occupiers of this dwelling.

Turning to plot 4, the rear elevation of the dwelling as indicated would be orientated towards the rear boundary of No. 61 Trallwn Road, whilst there is some potential for overlooking of the rear portion of the garden of this dwelling, it is considered that any significant overlooking impacts could be mitigated by amending the design and layout of the development at the reserved matters stage. A garage serving plot 4 is indicated in proximity to the rear garden boundary of Nos. 65 and 67. A satisfactory separation distance would be maintained from the garage to the rear elevations of these dwelling, which would mitigate any significant physical overbearing impacts to the occupiers of Nos. 65 and 67.

On the basis of the indicative information the separation distances to all other properties surrounding the development on Trallwn Road, Lon Enfys and Heol Gwili are considered to be satisfactory to mitigate and significant residential amenity impacts to the occupiers of these properties.

In light of the above, in terms of residential amenity impacts, the proposed development is considered to be in accordance with UDP policies EV1 and HC2.

Access and Highway Safety

A shared drive has been indicated with access off Trallwn Road, which would allow two cars to pass and for vehicles to turn.

Whilst the layout is indicative only it shows adequate parking for each plot within its curtilage. It is therefore considered that there would not be any overspill parking occurring on Trallwn Road.

The Head of Highways and Transportation has commented that the development as indicated would provide adequate off street parking, as such there would not be overspill parking occurring on Trallwn Road. Visibility is acceptable when egressing the site (with the realigned boundary wall as indicated) and whilst concern has been raised locally regarding traffic speeds and restricted visibility, the Head of Highways and Transportation does not consider that the proposal will give rise to any highway safety issues, subject to conditions regarding boundary treatments and the garages being retained for the parking of vehicles. Details of adequate layout and parking provision will be secured at the reserved matters stage, however, it is considered necessary to include a condition to require the provision of a footway along the site frontage, in the interests of pedestrian and highway safety.

Other Matters

The applicant has submitted an ecological survey which states that the only habitat feature of note is the mature species poor hedgerow marking the western boundary, which may qualify as 'important' under the Hedgerow Regulations 1997 on historical grounds. Notwithstanding this, parts of the hedgerow have now been removed to facilitate entry to the site for drainage testing. It is also noted there is Japanese knotweed present within parts of the hedgerow, which will require treatment.

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As noted above parts of the hedgerow may be retained under the development proposals and this can be addressed at the reserved matters stage. The application site's ecological attributes are otherwise considered to be of limited value. A bat survey has also been provided which confirmed no bat use at the site.

The Council's planning ecologist has confirmed the ecological surveys are satisfactory and has recommended bat and bird informatives are attached to any planning permission. As there is Japanese knotweed on the site it is recommended that a condition is included for the provision and implementation of a scheme to treat this invasive plant.

In light of the above the application site is not considered to have any significant ecological constraints.

Turning to drainage issues, infiltration testing has been undertaken which confirms that the infiltration drainage such as soakaways cannot be used at the site. In order to demonstrate satisfactory surface water drainage arrangements the applicant has submitted a drainage strategy which indicates surface water would be discharged at an attenuated rate to the combined mains sewer. Dwr Cymru Welsh Water have confirmed that as the developer has exhausted all other means of surface water drainage a connection to the mains sewer would be allowed subject to the discharge rate being limited to 5 litres/second. This requirement can be secured by a condition.

Concerns have been raised in a letter of comment that the drains for 65 and 67 run through the site and through the drive way of 77 out to Trallwn Road. Dwr Cymru Welsh Water have not advised of any sewers crossing the site, however, it is recommended an informative note is added to advise the developer that there may be sewers and drains not recorded on Dwr Cymru Welsh Water maps that may affect the development.

Concerns have been raised in a letter of comment relating to the boundary treatments for the development. The provision of satisfactory boundary treatments for the development can be secured by a planning condition.

Conclusion

Therefore, based on the above assessment, it is considered that the proposals would provide an appropriate means of access for the development proposed. Moreover, it is considered, subject to a satisfactory reserved matters application, the site could be developed without material harm to the character and appearance of the area and without material harm to the living conditions of neighbouring occupiers. As such, there would be no conflict with the above referenced policies of the adopted City and County of Swansea Unitary Development Plan (2008). Finally, for the aforementioned reasons, there would be no conflict with the Council's Supplementary Planning Guidance relating to Infill and Backland Development (2014). It is not considered the provisions of the Human Rights Act would raise any further material planning considerations as such the application is recommended for conditional approval.

RECOMMENDATION

APPROVE, subject to the following conditions:

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ITEM 4 (CONT'D)

APPLICATION NO.

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

Reason: To ensure that the development is carried out in an orderly and satisfactory manner.
- 2 Detailed plans and drawings with respect to the matters reserved in condition (01) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.
- 3 The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 4 The development shall be carried out in accordance with the following approved plans and documents: 18754/02 site location plan and 18754/03 proposed drainage schematic site plan received 1st December 2014.

Reason: To ensure that the development is completed in accordance with the plans approved by the Council, and so avoid any detriment to amenity or public safety by works remaining uncompleted.
- 5 No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be designed to include a suitable flow control device which restricts the discharge rate to the public sewerage system to 5 litres per second. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development commencing and shall be retained as approved at all times.

Reason: To prevent hydraulic loading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
- 6 Before the development hereby approved is occupied the means of enclosing the boundaries of the site shall be completed in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity and residential amenity.

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- 7 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with approved details prior to the commencement of work on site.
Reason: In the interests of the ecology and amenity of the area.
- 8 Prior to the occupation of any dwelling hereby approved, a footway shall be constructed along the site frontage in accordance with details to be first submitted to and approved in writing by the local planning authority.
Reason: In the interests of pedestrian and highway safety.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV35 and HC2.
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal. If evidence of bats is encountered e.g. live or dead animals or droppings, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).
- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest in use or being built
- Take or destroy an egg of any wild bird
Care should be taken when working on buildings particularly during the bird nesting season March-August.
- 4 The developer is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's (DCWW) maps or public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. DCWW advise that the applicant contacts their Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.

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- 5 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

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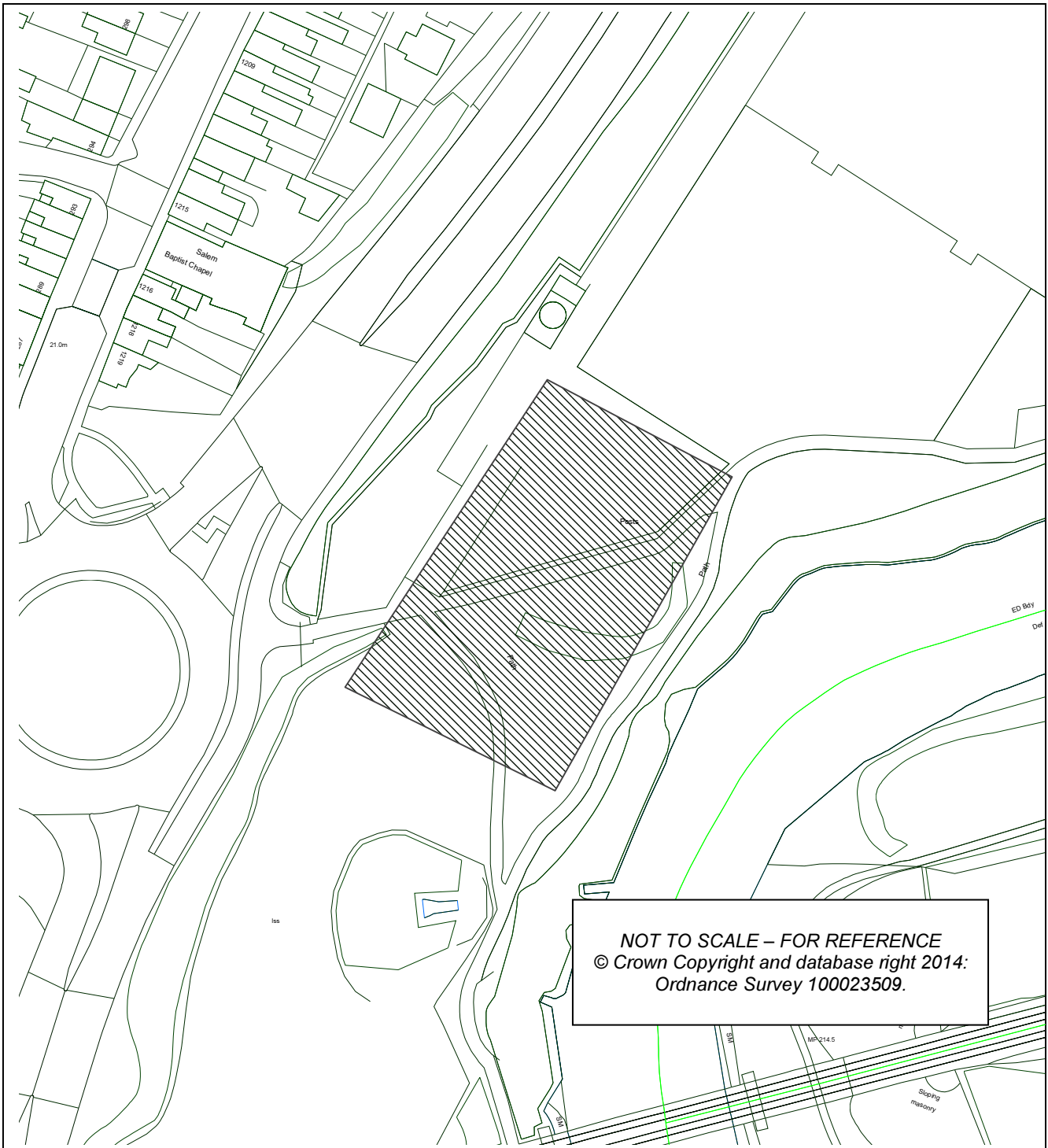
WARD:

Landore

Location: Swansea City Football Club Academy, Landore, Swansea, SA1 2FA

Proposal: Erection of indoor training barn facility for Swansea City Football Academy

Applicant: Mr Gwilym Joseph



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BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy EV39	Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant risk. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV24	Within the greenspace system, consisting of wildlife reservoirs, green corridors, pocket sites and riparian corridors, the natural heritage and historic environment will be conserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)
Policy EV6	Scheduled ancient monuments, their setting and other sites within the County Sites and Monuments Record will be protected, preserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: 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)

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- Policy EV36 New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC19 The Tawe Riverside Park will be completed so as to enhance its ecology and appearance, improve its role as an attractive recreation area and complete the pedestrian and cycle network. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC28 Development of new sports facilities and playing fields will be supported at specific locations, subject to compliance a defined list of criteria. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS3 Accessibility - Protection of public rights way. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS4 Accessibility - Creation and improvement of public rights of way. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

- | App No. | Proposal |
|----------------|---|
| 2013/0899 | Retention of 3 no. separate tiered seating stand units together with 4 no. floodlighting columns to pitches and associated car park/turning area, concrete retaining wall and 3m high fencing
Decision: Grant Permission Conditional
Decision Date: 28/02/2014 |
| A00/1410 | Construction of sports stadium, leisure facilities (including health club, multi-screen cinema, ten pin bowling centre, alterations to existing tennis centre, hotel and restaurants) and provision of enabling retail development, petrol filling station and necessary infrastructure (Outline)
Decision: Perm Subj to S106 Agree
Decision Date: 28/06/2002 |
| 2015/0424 | Addition of second floor to existing pavilion
Decision: Grant Permission Conditional
Decision Date: 01/05/2015 |
| 2012/0862 | Construction of two storey training facility incorporating changing rooms, function facilities, an office and ancillary accommodation along with car parking, landscaping, fencing and service access road
Decision: Grant Permission Conditional
Decision Date: 02/08/2012 |

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RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press. No public response received.

Natural Resources Wales (NRW) – We would offer no objection to the proposed development.

Welsh Water – Request conditions and advisory notes to ensure no detriment to existing residents or the environment or Welsh Water's assets.

GGAT - In considering the impact of the development, taking into account previous archaeological work, there is the likelihood that features associated with the copper works and its infrastructure will be encountered during the work; and whilst demolition, levelling and redistribution of tipped material has occurred to some extent the original ground level has not been identified and there is the potential for encountering remains.

There is therefore sufficient information available so that mitigation can be achieved by the undertaking of work under archaeological supervision, with suitable contingencies in place to ensure that sufficient time and resources for full archaeological investigation to be undertaken is allowed, and a report containing the results to be produced.

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

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

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

The Coal Authority – Has reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically the zone of influence from a recorded mine entry extends into the northern part of the site.

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

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

However it should be noted that if the applicant were to move the proposed location of the indoor training facility further south within the application site, this would result in the proposed development being outside the defined Development High Risk Area and a Coal Mining Risk Assessment would then not be necessary, therefore this would remove any objections that the Coal Authority has to this planning application.

Updated response

Despite the submission of additional information, The Coal Authority remains of the opinion that the applicant has failed to address the risk posed by the recorded mine entry and has not demonstrated to the LPA that the application site is safe and stable. The Coal Authority therefore **maintains its objection** to the proposal and would request the submission of further information regarding the potential position, condition and treatment of mine entry 266195-002 with respect to the proposed development.

CADW – No comments received at the time of writing this report.

Drainage and Coastal Management - With regard to surface water drainage, soakaways are an acceptable method, should ground conditions prove suitable. The Authority's Drainage Engineer has requested results of soakaway tests to BRE365 or CIRIA R156 standards to support the chosen surface water management scheme as identified in the Storm Drainage Infiltration Blanket Design Calculations report dated April 2015. An appropriate condition is recommended.

Council's Ecologist – The Authority's ecologist has raised no objection subject to conditions relating to landscaping and lighting.

Highway Observations – The facility will allow for a covered training facility to be used in inclement weather. The sports barn is necessary as a result of the clubs ambition to achieve Category 1 Academy Status and the barn will complement the existing academy facilities at the Landore Site.

There is a parking area for 14 cars located along the site frontage and vehicular access will continue to be gained via the access to the bowls centre on Beaufort Road. .

The siting of the sports barn is such that are implications for existing footways. Appropriate signage will be required for these diversionary routes and these details can be secured by condition.

I do not consider that the barn will give rise to any highway safety issues and given that its use will run ancillary to the other academy uses at the site then it is unlikely to prove problematic.

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

1. Footpath/cycleway diversionary routes being implemented in accordance with details to be submitted to and approved by the LPA.
2. Appropriate signage to facilitate condition 1
3. The parking areas as indicated being laid out prior to beneficial occupation of the indoor training barn.

APPRAISAL

This application is reported to Committee for decision as the proposal relates to a development which meets the Development Threshold – *d) the provision of a building where the floor space to be created by the development is 2,000 square metres or more.*

The application seeks planning permission for the construction of an indoor training barn facility for Swansea City Football Academy, off Beaufort Road, Landore.

The current proposal represents a permanent indoor training barn facility adjacent to existing sports pitches and will be used by Swansea City Association Football Club (SCAFC) and the football community. The proposed building will complement the existing Academy facilities at the Landore Complex and is driven by the aspirations of the Football Club to achieve Category 1 Academy Status. Supporting information has been provided with this application listing the facilities required to achieve academy 1 status, which includes an indoor training barn and pitch and the requirement for all requisite facilities to be on one campus. With the teaching classrooms and extension to the pavilion recently approved (Ref:2015/0424) and the provision of the indoor training barn, the Landore development would meet the requirements for Academy 1 status. However, applications for category 1 status are looked at by the Premier League in 3 year cycles and if the Club do not provide an indoor barn and pitch this year, it would have to wait for the next cycle to be considered. Academy 1 status football clubs include the elite of the Premier league and until Category 1 status is achieved SCFC under 21/youth level cannot play or compete against these clubs.

The indoor training barn would be sited at the far southern end of the site. Access would be achieved via the bowls centre off Beaufort Road. The service access road runs along the western side of the existing pitches and would link to the indoor training barn. The training barn will sit adjacent to the existing training pitches and the boundary of the site with the highway to the west. To the east of the building are the River Tawe and riverside path (not a registered public right of way). The Liberty Stadium is located to the south of the proposed training barn. This part of the site benefits from a well screened boundary to the main highway and the topography of the land dictates that the overall height of the barn will not be above the road level which is set at a higher level than the application site. Vehicular parking is provided to the north adjacent to the entrance and academy building, and on the southern point adjacent to the training pitch. Bicycle parking is also provided on site and the area is well served by public transport.

The scale and footprint of the proposed training barn has been designed to comply with the Football Associations/Elite player Performance Programme's requirements for indoor playing surface dimensions. The footprint of the playing surface as proposed is 40m x 60m, the outer shell structure has been designed to be contained around the playing surface, external dimensions being approximately 72m x 44m.

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The building's height has been reduced from 11m (as originally proposed) to 10m to the ridge and 7m to the eaves. The proposed materials for the side elevations are silver and anthracite colorcoat steel panels, which extends around to part of the front and rear elevations with Polycarbonate glazing above. The proposed roof cladding system is goosewing grey, 20% translucent.

In terms of the principle of development, the application site lies partly within land identified as Tawe Riverside Park - Policy HC19 and Greenspace System – Policy EV24. Policy HC19 seeks to ensure that the Tawe Riverside Park is completed so as to enhance its ecology and appearance, improve its role as an attractive recreation area and complete the pedestrian and cycle network. Policy EV24 seeks to conserve and enhance the natural heritage and historic environment. It is not the intention of these policies to prevent socio-economic development but to ensure that development proposals that would likely have a significant adverse effect on the greenspace system or do not provide for mitigation measures are not permitted.

In this respect, the application site is not a formal recreation area and is made up of rough scrubland and ground that has been made up over the years. Furthermore, the barn has been sited to ensure that the footpath/cycleway and landscaping that runs along the riverside is maintained. Additional landscaping can be controlled by appropriate condition along the side elevation of the proposed barn, which will contribute to and enhance the greenspace system and associated wildlife connectivity.

It is therefore considered that the proposal is consistent with the provisions of Policy EV24 and HC19 and does not constitute a departure from the Development Plan Policy.

The proposal would also provide an essential indoor training facility to enable the SCAFC to achieve the Academy 1 Status in association with the new pavilion building/education centre and training pitches on site. The existing facility was supported under Policy HC28 which states that proposals for new sports facilities and/or playing fields will be supported at identified locations. The amplification to the policy identified the sports ground south of Beaufort Road i.e., the existing Swansea City Football Club Academy site.

Under the provisions of Policy HC28, proposals will need to demonstrate that:

- (i) There would be no significant adverse effects on the amenities of neighbouring occupiers,
- (ii) The scale and design respects the natural heritage and historic environment,
- (iii) Satisfactory access and car parking are provided,
- (iv) Public access is preserved and enhanced.

In considering the proposal against the above criteria, the site nearest residential properties are located on Neath Road, Landore and are significantly elevated above the application site and separated by a distance of approximately 60m and the intervening A4067 dual carriageway. It is considered therefore that the proposed indoor training barn will have no material impact on residential amenity.

The Council's Ecologist has advised that diffused light omitted from the use of opaque cladding to the front and rear elevations and in part of the roof design is unlikely to give rise to any harmful effects on wildlife or habitat. No objections are therefore raised to the proposal.

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Similarly, no concerns have been raised on ecological matters by Natural Resources Wales. However, in order to ensure that there are no unacceptable impacts on wildlife/bats and ecology, an appropriate condition is recommended to ensure that any external lighting is in accordance with a scheme to be submitted to and agreed in writing by the local planning authority.

In terms of the historic environment, given the separation to the nearest listed building/ancient monument and the nature of any intervening features, it is considered that the proposal would have no material impact on the setting of any listed building/ancient monuments. Glamorgan Gwent Archaeological Trust has however advised that there is the likelihood that features associated with the copper works and its infrastructure will be encountered during the work; and whilst demolition, levelling and redistribution of tipped material has occurred to some extent the original ground level has not been identified and there is the potential for encountering remains. A condition is therefore recommended by the Trust requiring the submission of a programme of archaeological work in accordance with a written scheme of investigation. Subject therefore to the imposition of this condition, the proposal would accord with the provisions of Policy EV6, which concerns the protection of the archaeological resource.

With regards to criteria (iii) and (iv), the site sits against a footpath/cycleway which in turn is adjacent to the top of the riverbank. Policy AS3 seeks to ensure that development that adversely affects the safety, enjoyment and convenient use of a Public Right of Way (PROW) will only be permitted where an alternative route is identified. Policy AS4 encourages the creation or improvement of public access routes, including the PROW network. For clarification, the footpath is not a registered public right of way, but does provide a walking route alongside the riverbank which is also used by cyclists as part of the National Cycle Network. The area around the footpath/cycleway has been incrementally improved as the outdoor pitches have been developed, which has increased accessibility. This would continue as there would be no physical encroachment into the area of the existing riverside path. The proposal does not conflict with the aims of Policy AS3 as the path is not a registered PROW. (Notwithstanding this position, the impact on the enjoyment of this path is discussed below as a material consideration.)

A further informal link path from Cwm Level Roundabout to the riverside path is currently blocked off and the proposed building would be located over this path. The Applicant has however confirmed that notwithstanding the lack of formal status of the path, a diverted alternative will be provided. A condition requiring its provision is therefore recommended to ensure that the diverted path is in place and available for use, prior to beneficial use of the development commencing.

On the basis of the above, the proposal would accord with the aims of Policy AS4.

For health and safety reasons however, the riverside path will need to be closed temporarily for part of the construction works. Given the proximity of the path to the development this is acknowledged as essential, short term and unavoidable. The Applicant has however confirmed a commitment to signposting an alternative route and the implementation of the same can be reasonably secured by way of condition. The alternative route includes the National Cycle Route on the opposite riverside bank (access from Beaufort Road) leading to Morfa Retail Park.

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In terms of highway related matters a parking area for 14 cars is located along the site frontage and vehicular access will continue to be gained via the access to the bowls centre on Beaufort Road. The Head of Transportation does not consider that there are any highway safety issues arising from this proposal subject to appropriate conditions.

Public access to the site has been enhanced as part of the 'Football in the Community' scheme with the upgrading of pavilion building and the existing outdoor pitches. This proposal would add to and complement the existing facilities within one campus.

On the basis of the above, the proposal is considered to be in accordance with the criteria of UDP Policy HC28.

In considering the details of the scheme, Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design whilst Policy EV2 states that the siting of new development should give preference to the use of previously developed land over greenfield sites and should have regard to the physical character and topography of the site and surroundings by meeting specified criteria relating to siting and location.

The building itself has a relatively functional appearance as is expected of a building of this type, however the use of high quality cladding materials of differing colours as well as the introduction of logo signs help to break up the mass of the building as well as to raise the quality of the architecture from that of a purely functional box. The opaque cladding to the front and rear elevation will add interest and allow the filtration of natural light to enter into the building in the interests of sustainability and to reduce the need for artificial lighting within the barn.

By virtue of land levels and proposed cutting into the existing bank, as well as existing tree screening to the west of the site, the proposed development will be unlikely to have a significant visual impact from the public realm to the west along Ffordd Cwm Tawe.

However, the cross section details submitted in support of the application show that the barn will, in two locations, be sited immediately adjacent to the riverside path, which meanders alongside the proposed building. Particularly in these pinch-point locations the barn will significantly change the character and appearance of the area and in doing so compromise the enjoyment of the riverside path for some users because land levels dictate that the full eastern elevation will be visible and will be partly elevated above the level of the path. In considering the acceptability of this impact, regard is had to the existing somewhat untidy appearance of this area, the relatively short distance of impact and the context which includes the significant scale of the railway viaduct and Liberty Stadium to the south and the industrial units and the Bowls Centre on Beaufort Road to the north. Furthermore, the eaves height has been reduced from 8m to 7m to attempt to overcome the massing alongside the footpath/cycleway and the roof pitch slopes away from the river which will again mitigate against any significant overbearing impacts when viewed from this vantage point. Additional landscaping will also be secured by an appropriate condition along this boundary which will further soften the visual impact of the barn over time. Having regard to the established landscaping along both stretches of the riverbank, it is not considered that the proposal would give rise to any demonstrable adverse impact on visual amenity when viewed from public vantage points on the opposite side of the river.

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In light of the above analysis, it is not considered that the proposal would give rise to any unacceptable adverse impacts on the visual amenities of the surrounding area or the natural or historic environment that would be so harmful to warrant a recommendation of refusal, particularly when balanced against the positive benefits of the scheme. It is considered therefore that the proposal satisfactorily meets with the design requirements of UDP Policy EV1 and as per the provisions of Policy EV2 the nature of the development is such that it would not result in conflict with the criteria forming part of that policy.

The 2015 Development Advice Maps show that the site is not located within the flood zone and no objections have been received from Natural Resources Wales. Conditions and informatives are however requested in respect of surface water drainage, pollution prevention and groundwater protection. Similarly Welsh Water offer no objection to the proposal subject to informatives relating to foul and surface water drainage. The Authority's drainage engineers have raised no objection subject to conditions.

Subject to such conditions, it is considered that the proposal would comply with the provisions of UDP Policies EV33 (sewage disposal), EV34 (protection of controlled waters) and Policy EV35 (surface water run-off).

UDP Policy EV39 states that development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant risk to life, health, property or the natural heritage on the site or in its vicinity unless the Council is satisfied that proposals to make the land capable of supporting the development are adequate. The amplification to the policy explains that there is an extensive legacy of underground workings in parts of the County due to the area's long history of mining and the possible effects on land stability of past workings must be taken into account in the consideration of planning applications.

The Coal Authority has reviewed the proposals and has confirmed that the application site falls within the defined Development High Risk Area where records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically the zone of influence from a recorded mine entry extending into the northern part of the site.

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

In response, the Applicant has advised that the nearest shaft referred to by The Coal Authority is off the barn site with its actual location being found when the pitch works were carried out some 2 years ago. Accordingly it has been submitted that there is no risk from this feature. Furthermore the proposal amounts to a lightweight barn structure to cover a football training field that has a tarmac sub-base and 3g pitch. It is not therefore a conventional building being lightweight with a reinforced ring beam foundation.

Despite the submission of additional information, The Coal Authority remains of the opinion that the applicant has failed to address the risk posed by the recorded mine entry and has not demonstrated that the application site is safe and stable.

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The Coal Authority therefore currently maintains its objection to the proposal and requests the submission of further information regarding the potential position, condition and treatment of mine entry 266195-002 with respect to the proposed development.

This information is currently being prepared and the updated position of the Coal Authority will be reported to Committee. In the meantime the recommendation is made on the assumption that this matter can be satisfactorily resolved in accordance with UDP Policy EV39.

In conclusion the proposal is considered to be acceptable when assessed against the provisions of the Development Plan and there are considered to be no additional issues arising from the provisions of the Human Rights Act. Approval is therefore recommended.

RECOMMENDATION

APPROVE, subject to the following conditions;

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

- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan: Drawing No.100, site survey plan: Drawing No.101, setting out plan: Drawing No.102/A, Typical floor construction: Drawing No.103, , Cross Sections A-A and B-B: Drawing No.107-A/A, Cross Sections D-D: Drawing No.107-B, Cross Section E-E: Drawing No.107-C, Cross Sections C-C: Drawing No.108, Roof plan: Drawing No.109/A, Foundation details: Drawing No.110, Typical details (1of2): Drawing No.111-A, Typical details (2of2): Drawing No.111-B, Site Survey Plan with Barn Superimposed: Drawing No.3003/A, Proposed Plan and Section: Drawing No.6001/A, Proposed elevations: Drawing No.6002/C, steel layout barn: Drawing No.6004, Temporary Footpath diversion: 6005/A, received on 5th May 2015.
Reason: To define the extent of the permission granted.

- 3 The materials used shall be in accordance with the sample material submitted - Wall Cladding - Colorcoat Prisma - Anthracite Matt/Siruis, Polycarbonate Merton Clickfix 1040 - Glass Clear, Roofing Cladding System - Goosewing Grey - 20% Translucent, unless agreed otherwise in writing by the Local Planning Authority.
Reason: In the interests of visual amenity.

- 4 Before the development hereby approved is occupied the means of enclosing the boundaries of the site shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of visual amenity and general amenity.

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- 5 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.
- 6 The footpath/cycle path diversionary routes and appropriate signage for the same shall be put in place prior to the closure of the riverside footpath/cycle path in accordance with details, which shall include timescales for the duration of the closure, to be submitted to and approved in writing by the local planning authority.
Reason: In the interests of accessibility.
- 7 The parking area as indicated on Proposed Site Plan: Drawing No.3004 received on 24th March 2015 shall be laid out and available for use prior to the beneficial occupation of the indoor training barn commencing.
Reason: To provide on site car parking in the interests of highway safety.
- 8 No external lighting is permitted on the riverside elevation of the building or along the footpath and any proposal for external lighting on the building or any external area is not permitted unless in accordance with a scheme approved in writing by the Local Planning Authority.
Reason: In the interests of visual amenity and to ensure that any external lighting does not impact on wildlife.
- 9 Prior to construction of the steel frame the applicant is required to submit the results of soakaway tests to BRE365 or CIRIA R156 standards to support the chosen surface water management scheme as identified in the Storm Drainage Infiltration Blanket Design Calculations report dated April 2015, unless agreed otherwise in writing by the local planning authority.
Reason: To prevent surface water flooding of adjacent land and ensure the design and construction of an appropriately designed scheme.
- 10 Prior to the beneficial occupation of the indoor training barn commencing, an alternative footpath link from Cwm Level Roundabout to the National Cycle Route shall be provided and available for use in accordance with details to be submitted to and approved in writing by the local planning authority. The footpath link shall be maintained in accordance with the approved details unless agreed otherwise in writing.
Reason: In the interests of sustainability.

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- 11 Unless otherwise agreed in writing by the Local Planning Authority, a scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of superstructure works. The landscaping scheme shall include precise timescales for its implementation. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

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

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV6, EV24, EV33, EV34, EV35, EV39, AS3, AS4, AS6, HC19, HC28.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 4 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.
- 5 To protect the integrity of the Public Sewerage System, foul water and surface water discharges shall be drained separately from the site.

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- 6 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment, no surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
- 7 To prevent hydraulic overload of the public sewerage system and pollution of the environment, land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
- 8 The developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652 with regard to adequacy of water supply and position of water distribution mains in the area or if connection is required to the public sewerage system, the developer is advised to contact
- 9 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 or on the Welsh Government's website www.wales.gov.uk.
- 10 The developer is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's (DCWW) maps or public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. DCWW advise that the applicant contacts their Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.
- 11 Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
- 12 Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste must be licensed waste carriers.
- 13 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.
- 14 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under over or within 7 metres of the top of a main river i.e. Nant-y-Fendrod & Nant Bran.

PLANNING COMMITTEE – 12TH MAY 2015

ITEM 5 (CONT'D)

APPLICATION NO.

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- 15 Any culverting of a watercourse requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991.
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