

**PLANNING COMMITTEE – 8<sup>TH</sup> DECEMBER 2015**

ITEM 1

APPLICATION NO.

2015/2074

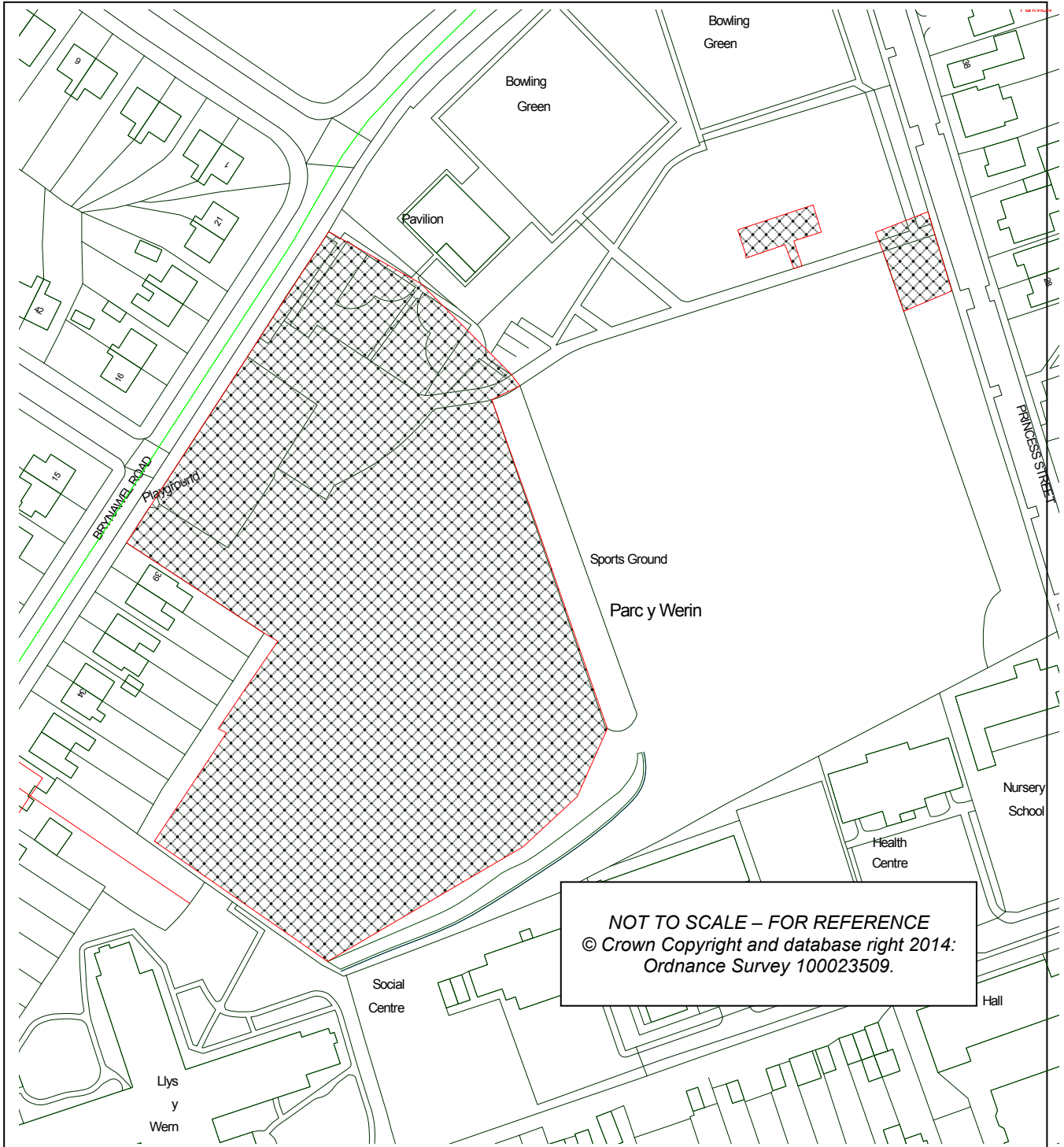
WARD:

Gorseinon

**Location:** Land at Parc Y Werin Gorseinon Swansea SA4 4UX

**Proposal:** Construction of a new Primary School, including car park, multi-use games area (MUGA), all weather pitch and associated hard and soft landscaping works as well as the relocation of the existing playground onto adjacent land (Council Development Regulation 3)

**Applicant:** City and County of Swansea



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### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV25	Development, alone or in combination with other plans or projects, which is likely to adversely affect the integrity of a European protected site (SAC, Marine SAC, SPA and Ramsar Sites) and is not directly connected with or necessary to the management of the site. (City & County of Swansea Unitary Development Plan 2008)
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: 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 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 HC15	Proposals for new and improved local community and health facilities will be supported subject to compliance with a defined list of criteria including access ability, significant impact on amenity, significant effect on natural heritage and historic environment and impact on adjacent road network. (City & County of Swansea Unitary Development Plan 2008)	
Policy HC23	Development proposals that involve the loss of land for community recreation purposes will only be permitted where they comply with a defined set of criteria. (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)	

### SITE HISTORY

None

### Planning Policy Wales (Edition 7 – July 2014)

Planning Policy Wales (PPW) sets out the context for planning in Wales and has a series of chapters that deal with particular subjects. Each of the subject chapters contains sections on how the subject should be treated in Development Plans and for Development Control purposes.

**Chapter 3: Making and Enforcing Planning Decision:** Paragraph 3.1.2 states that applications for planning permission, or for the renewal of planning permission, should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise.

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Material considerations could include current circumstances, policies in an emerging development plan, and planning policies of the Assembly Government and the UK Government.

**Chapter 4: Planning for Sustainability:** This chapter promotes sustainable development, the goal of which is, to “enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.” Paragraph 4.11.2 states that meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

**Chapter 5: Conserving and Improving Natural Heritage and the Coast:** Paragraph 5.1.3 states that a key role of the planning system is to ensure that society’s land requirements are met in ways which do not impose unnecessary constraints on development whilst ensuring that all reasonable steps are taken to safeguard or enhance the environment. However, conservation and development can often be fully integrated. With careful planning and design, not only can the potential for conflict be minimised, but new opportunities for sustainable development can also be created.

**Chapter 8: Transport:** Paragraph 8.7.1 states that when determining a planning application for development that has transport implications, local planning authorities should take into account:

- the impacts of the proposed development on travel demand;
- the level and nature of public transport provision;
- accessibility by a range of different transport modes;
- the willingness of a developer to promote travel by public transport, walking or cycling, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development (payment for such measures will not, however, justify granting planning permission for a development for which it would not otherwise be granted);
- the environmental impact of both transport infrastructure and the traffic generated (with a particular emphasis on minimising the causes of climate change associated with transport); and
- the effects on the safety and convenience of other users of the transport network.

Paragraph 8.7.2 states that Transport Assessments (TA) are an important mechanism for setting out the scale of anticipated impacts a proposed development, or redevelopment, is likely to have. They assist in helping to anticipate the impacts of development so that they can be understood and catered for.

**Chapter 11: Tourism, Sport and Recreation:** Paragraph 11.1.12 states that all playing fields whether owned by public, private or voluntary organisations, should be protected from development except where:

- facilities can best be retained and enhanced through the redevelopment of a small part of the site;
- alternative provision of equivalent community benefit is made available; or
- there is an excess of such provision in the area.

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### Neighbour comments

The development was advertised on site with four site notices, and the application was also advertised in the Press on the 15<sup>th</sup> June 2015. In addition, neighbours living adjacent to the application site were also consulted individually.

202 residents have written in to object to this application and the comments are summarised below:

#### Loss of Recreation Space:

- Taking away a large area of the park (almost 100 years old) which has become something of a birth right – used by people of all ages – given to the people by Rufus Lewis
- Parc Y Werin is the only recreational area in Gorseinon, that is open to people of all ages, any time of the day and at no cost
- New MUGA and 3G pitch would be available for hire at a cost between £40 and £100 per hour
- New play park will not provide facilities for children over a certain age whereas Parc Y Werin at current does and is not overlooked, will add to anti-social behaviour in the area
- Nearly half the park will be lost – not 6.5% as stated
- The proposed mini all weather pitch is inadequate in size and therefore not suitable as a replacement
- Relocation of the playground is not an enhancement as it is seen to be much smaller than the existing playground, with only 2 small swings, and does not provide for the older children of the community as the current play area does
- In addition, Gorseinon will not meet the Fields in Trust Standard of 1.6ha of land for outdoor sport /play/ informal activities per 1000 population should the build go ahead and the current junior site sold for housing
- Previously developed land should be used, not greenfield land
- Council Constitution (legal document) states that policy commitments include standing up for a better environment...value our parks and environment
- Parc Y Werin is used every day by hundreds of people including the very young in the welsh nursery located at Parc Y Werin Pavilion, informal sports games between friends, sports clubs train, people use the exercise equipment, the retired and interested for the bowls games, to walk pets and much more
- We understand we will keep some of our park however the space left isn't efficient for a town with a population of over 4000 and growing
- The park is also the traditional site of Gorseinon Carnival and the play van which bring much needed community spirit – this would be put at risk due to the school being built at the park
- Greenspace just as important as education – should be preserved
- Greenspace is being built on in Penyrheol and Garden Village – few spaces remaining
- The existing Pavilion already caters to a wide range of uses within the community
- Response to Sports Council states that facilities would cater for more sports and people of all ages - it should be noted that most of these facilities are already available within easy walking distance at the nearby Penyrheol leisure centre and therefore the application is simply duplicating provision that is already provided within the community.

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- Accessibility to education facilities is gradually getting more constrained with the introduction of Health & Safety and security measures such as perimeter fencing then there are fundamental questions whether such provision can indeed be deemed accessible
- Obesity will have an impact on general wellbeing and quality of life and obese children are more likely to suffer from bullying, self-confidence issues, depression and underachievement in school – taking away the greenspace will only increase these issues
- Nothing in the area for older children
- If this school was to be built it will cause a major problem for youth football as they won't have a pitch – the field remaining is too big for the junior teams
- They are home playing fields for Gorseinon AFC and there is no alternative provision being made in Gorseinon for their junior teams
- Garden Village FC youth teams train on the park during the evenings
- The proposed mini all weather pitch is inadequate in size and not suitable
- Park / pitches are regularly in use and the proposal will result in loss of half of the park, exacerbated on weekends when football matches are on
- Argyll Gardens doesn't have play space and Melyn Mynach is not maintained so the grass is always long
- No play area in Gorseinon, Penyrheol or Garden Village
- The population is increasing so why decrease recreational space
- Net loss of unrestricted open space
- The proposed new playground will be in a residential street away from its main users
- School will make people feel awkward about using the remainder of the park
- Park has significant sentimental value – serving Gorseinon for generations
- Sports Council for Wales do not agree with the proposal
- Cylch Chwarae Parc Y Werin – offer sessional nursery provision through the medium of Welsh from the Bowling Pavilion at Parc Y Werin. We run sessions for children aged 2 years up to the age of 5 years on Monday, Tuesday, Thursday and Friday afternoons as well as Wednesday and Thursday mornings. We also run a Parent and Toddler group at the pavilion on Friday mornings. At most of these sessions we have between 12 -16 children attending. Currently the parents are able to use the car park to safely drop off and pick up their children. We also employ 4 members of staff and 2 volunteer members of staff; they also use the current car park
- The area that is designated for the proposed school build is where the play sessions have been running for the past 5 years – has been in great demand
- Car parking spaces at the school will only be available to the public outside of school hours – not acceptable as users of the pavilion are currently able to use the existing car park all day
- Older people using the bowling greens during the summer have to carry heavy sets of bowls
- Fences will close off sections of the public park
- Gorseinon will fail in the next 20 years to add to its tremendous sporting history due to a lack of open green space
- Once the park is lost – it cannot be replaced
- Park is always busy and clean

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### Traffic and Highways:

- Traffic is a major issue around the borders of the park on Brynawel Road, Grove Street and Princess Street. Just located on these roads are entrances to two schools with over 1000 pupils, two large doctors surgeries with around 5000 patients each, two large churches, Gorseinon Hospital and a well-used Chemist
- Whilst regular Church services are on a Sunday, funerals, weddings & seasonal services are held in the weekdays, which fetch a lot of traffic
- Traffic is getting worse year on year – adding 300 children is an accident waiting to happen
- Drivers of all size vehicles use these roads, disregarding speed limits and other road users/ pedestrians
- Existing roads have potholes and are of a poor quality
- Speeding is an issue in the area
- The streets around the park are used as a rat run to avoid the lights in Gorseinon with drivers speeding up and down Princess Street, Grove Street and Brynawel Road in both directions
- The proposed entrances to the new school are to be situated on very busy Brynawel Road which incorporates the entrance to Gorseinon Hospital
- Existing parking problem in the area will get worse – block the bus route and obstruct residents getting out
- Traffic around this built up area is already a cause for concern without an added school – I personally don't think the road infrastructure can cope with more on these side roads
- Concerns over traffic gridlock with parents of comprehensive school blocking roads and drives
- Transport Assessment and Addendum consider the sheer volume of traffic that will converge on this primarily residential area
- There is no legal requirement or guarantee that parents will adhere to a Framework School Travel Plan - Wales National Travel Survey 2013-14 indicates that children who have to travel between half a mile and a mile to school are less likely to walk, can we assume that it is more likely that these children will travel by car to the new school
- More people will drive to the school – increases the chance of truancy
- If the proposal does go ahead - where possible, the build outs on Princess Street act as traffic calming measures and the TA stated they would be beneficial to the children who have to cross roads where cars are parked so they should be retained
- Disabled resident who uses a mobility scooter often to get out and about already finds it difficult to exit the pavement near the hospital due to inconsiderate parking – will only get worse
- Gorseinon Hospital has got busier in recent years and taken on more roles, therefore more people travel to it
- Existing hospital car park is always full – permission to extend car park (2014/0684) hasn't been implemented and Highways put in a letter of support due to parking problems
- No emergency services risk assessment in the planning application showing the average times for emergency services to arrive at Parc Y Werin with all the traffic implications

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- Worrying that there is no 'Safe Walk to School' plan despite children needing to cross several busy roads to get to school and will be encouraged to cycle or scooter
- The Transport Assessment is inadequate - there is no detail of vehicular access to the school, access points, parking provision, drop off points for parents, parking facilities for users of the bowls pavilion, playground and playing fields and for those attending the Welsh nursery
- During the traffic survey the team spent much of the afternoon watching the bowling through the fence
- Surveyor working for Atkins said the traffic would be horrendous
- Resident took their own traffic survey and estimated future increases in traffic to be 125% between 8.20am and 8.40pm and 303% between 3.00pm and 3.20pm (assuming an increase in people driving to the site given its catchment)
- TAN 18 states a requirement for new development to 'reduce the need to travel [by car] and length of journeys, whilst making it easier for people to walk, cycle or use public transport (para 2.4) – this has not been done
- Traffic survey should have been undertaken over several days, at various times before and after school and in various weather conditions.
- Brynteg Chapel is to be converted into 12 x 2 bedroom flats, with only 1 space per flat and some extras for visitors or flats with two car owners – overspill of cars here (see 2015/0026)
- Concern about the actual location of the new build as it is located on the Gorseinon / Penyrheol border and far from the centre of the town meaning many children would have further to walk or drive and add traffic to an already insufficient road network – question accuracy of transport assessment
- Residents are aware there are no traffic wardens assigned to Gorseinon, and therefore, yellow lines will not be adhered to
- Burlais school has been open for approx 8 weeks and has already made headline news regarding the traffic problems it is causing as people are parking on the yellow lines around the school.

### Residential Amenity/ Visual Impact:

- Concern regarding noise and fumes from the proposed school
- Disruption, noise concerns and pollution for elderly living in Llys Y Werin and Gorseinon Hospital
- Loss of privacy to residents
- Devaluation of property
- Loss of sunlight/ daylight
- Constraints of the site will not allow expansion 2/5 years, without further loss of amenity
- Design is incongruous and visually intrusive within the park – wooden materials and hiding techniques should have been used
- Design is very man-made
- More renewable features should be incorporated

### Impact on Trees/ Ecology:

- Trees should not be cut back to 5m in height – children play on them currently – branches may fall within the school and impact on safety
- Trees will be lost as a result of the proposal – up to 5
- Loss of wildlife



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- Bats are known to be in the vicinity
- Bat survey is inadequate

Other issues/ planning policy:

- Proposals are a departure from the development plan
- Proposals fail to comply with Policies SP1 (creating a quality environment), SP14 (Improving Accessibility), EV2 (Siting and Location), EV40 (Residential Amenity), SP9 (Accessibility), HC15 (Sustainability) and HC23 (Community Facilities)
- Proposals do not accord with sustainability principles of Wales Spatial Plan, Sustainability chapters in Planning Policy Wales which is a 'must-do' action, proposals should minimise travel demand, promote access to green space, preference for previously developed land, failure to conserve natural heritage, and failure to consider economic, environmental and social impact of proposals
- Loss of trade as a result of reduced footfall from existing shopping area
- Litter from children and parents
- Plan does not reflect the ethos of the James Review 2011
- Fear of setting a precedent for use of historical land.

Alternate Sites/ Consultation and Procedural Issues

- Site at existing Juniors is large enough for the school – won't lose greenspace and access on 3 sides
- More cost effective to build on Pontardulais Road site on field – issues over health and safety aren't significant as Penyrheol's new school was built on site whilst the school was operational
- School should go at Melyn Mynach – close to secondary school – share facilities
- Proposed site is not central to the catchment area - the majority of the children attending the school would be commuting across Gorseinon in the opposite direction to the comprehensive students
- Situated 1.2 miles away from the catchment of children living in the Bryngwyn Estate and Gwalia area of Gorseinon where the majority of children attending live
- Each of the town's three existing English speaking primary schools, Pontybrenin, Penyrheol, and Gorseinon, are all close to the centre of their respective catchment areas
- Should go at greenspace at Brunant Road
- The council stated on the website FAQs that by law an equality impact assessment (EIA) has to be done. The only EIA for Gorseinon primary is regarding the amalgamation on the existing sites and one has to be done for the appropriation and proposed build on the park
- Our park brings about much needed community spirit which is needed in the area
- Why will there be a community room being built in the new school, how much is this going to cost the public to use and who will want to use it?
- What will happen to existing school sites – residential use?
- Heart of the community will be ripped away
- Building the school here will affect Penyrheol Primary's catchment as the schools are only 0.5 miles apart
- Other options/ site to build a school on such as Junior site, Penyrheol Comprehensive, Valeo or Gorseinon Cemetery (never been used as a cemetery) – decision is all about money – these sites were proposed for the gypsy site so acceptable for development

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- Loss of right of way (20 years plus) for residents living on Brynawel Road
- Princess Street floods in wet weather and water comes out of the drains
- Greenspace for the school is not mandatory – it is only a recommendation
- Heritage reasons of having school at a central point
- 3 names on the application are ex-Council employees – not independent due to relationship history
- Four Members (including Members of the Planning Committee) follow the support the new school Facebook page – they should not be allowed to vote/ concerns over bias
- Council ignored the Wales Act 1993 on planning application – ignored bilingual site notices
- Inadequacy of the public consultation on the proposals pre-submission – the Council have been misleading and not responded to objections
- No appropriation notices were put in or around Parc Y Werin stating the councils plan to build on Parc Y Werin
- Council threatening this site only or no new school – funding available to 2018
- Support petition needs to be examined – people bullied into signing
- Parc Y Werin Committee Consultation report (visited 2,500 homes) – 46 comments against the proposal, 5 for the proposal. 129 do not want a school at Parc Y Werin (29 yes), 142 people hadn't been consulted by the Council (23 yes) and 97 considered the committee had answered the facts correctly (4 didn't). 90.10% of people are against building on the park
- 70% of the community have voted against the use of Parc Y Werin as a site for the new school - in the vicinity of the site this figure is 100%
- Democratically there are sites where very few people would object

116 residents have written in support of this application and the comments are summarised below:

- As a resident who lives next to the park, I see how much it isn't used as much as people believe and the space is more beneficial to the children now and in the future as a school
- Great for the school children and eventually great for the community with state of the art pitches
- Fantastic opportunity for Gorseinon now and for the future, the teachers and staff at Gorseinon Primary School – children deserve this too
- Community are in dire need of a new single site primary school
- Condition of current school buildings is antiquated and not fit-for-purpose
- Current building tiles are now falling off the roof at the junior school, the infant site is currently held up by support beams – unsafe
- Enough space at Parc Y Werin to share with all the sports clubs who currently use the park and local residents who walk their dogs and enjoy the green space
- The fact that a lot of the park will still remain open to the public and that the rest will be shared means that we can have the best of both worlds and the upgraded park and facilities will be a great addition to the area
- As a parent I use Parc Y Werin now and again and I will use it more often if the children's play area was improved and something was done about the anti-social behaviour that goes on there
- Traffic would only be increased for short periods (10-15mins) during the day around pick up and drop off times – breakfast club, school and nursery

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- School looks really good
- The park is barely used and the equipment in the playground is basic - I know many of my neighbours on the surrounding roads are looking forward to using the new facilities
- It's about time the children had a new school
- A much needed revamp to an old run down park – in need of a major uplift
- Meeting place for rowdy teenagers – anti-social behaviour prevents use by families (smashed alcohol bottles, needles, used condoms etc found) and there's dog mess on the park
- The education of our children is fundamental to a sustainable future
- Trying to get two children to two separate site is draining and a big strain
- Existing playground is the worst in the area with equipment outdated
- The plans for the school are incredible - who wouldn't want their children to go there
- School needs to go ahead to give children with disabilities an equal opportunity to the education they are entitled to - the current school cannot fully offer this support
- The traffic report has eased concerns about traffic
- Having Gorseinon primary school on one site would allow a lot more children to walk to school as children will no longer need to be driven between three sites
- The location is fairly central which will hopefully increase the amount of children who walk to school
- At the moment our children are suffering as all the schools spare money goes on repairs to the school not on our children's education
- Don't think the proposals would affect trade in Gorseinon
- What an opportunity for Gorseinon
- The current park is in such a terrible state that we travel out of the area to use other facilities in other areas
- Multipurpose sports pitch and community facilities in the school to benefit everyone
- Valuable resource for the young people and community of Gorseinon
- With the school site, grounds and sports facilities being utilised by both school and community, the park will have more supervision throughout the day and into early evening - after school activities and community sessions - alleviating problems of anti-social behaviour in the children's play area and dog walkers who are unable to clean up after their pets
- Full size pitch will remain
- A new fully equipped play area, school and MUGA and mini pitches surely would not only give so much to the community but help to tackle the child obesity problem in Wales, not the opposite as seems to be the argument of certain people opposing the school
- The majority of the park will still be there two thirds of it including a field which all children can play on as they do now – will be used more than it is now
- Loughor Park and Penllergaer Park are much nicer and safer so residents go there instead of Parc Y Werin regularly
- Park has never been used to its full potential
- The park is wasted space, it isn't used enough and it definitely needs to be utilised
- The children need a new park – current school is a disgrace
- The park was given to the people of Gorseinon and the pupils/ children come under that category, hence the park is still giving to the younger generation many years later but in a different way

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- Shame that a small group are spreading false rumours about the actual plans and conning people into signing the petitions
- I support this proposal as I initially signed a petition on the understanding the park was going to be lost, I now know this not to be the case. After taking the time to look at both for and against, I can see this will be good for Gorseinon

3 petitions have also been submitted to the Council during the consultation phase, with one petition against (signed by 3,200+ people) and two petitions for the proposal (one signed by 305 people and a petition signed by 113 children from Gorseinon Primary school). It should be noted that none of the petitions specifically reference the planning application. The petition of objection seeks to save Parc Y Werin whilst the petitions for support the building of a school on Parc Y Werin and the school children's petition outlines why a new school is needed.

A letter was also received from Play Wales (Play Wales is the national charity for children's play) which states that they uphold children's right to play. Briefly, the letter states freely chosen play is critically important in the healthy development of all children and young people.

All children are entitled to quality play provision within their communities. The right to play is enshrined in the United Nations Convention on the Rights of the Child. Section 11 of the Children and Families (Wales) Measure 2010 placed a duty on local authorities to assess and secure sufficient play opportunities for children in their area. The Play Sufficiency Duty comes as part of the Welsh Government's antipoverty agenda which recognises that children can have a poverty of experience, opportunity and aspiration, and that this kind of poverty can affect children from all social, cultural and economic backgrounds across Wales.

Wales: A Play Friendly Country is Statutory Guidance to Local Authorities on assessing for and securing sufficient play opportunities for children in their areas. It is published by Welsh Ministers to give detail to the duty on Local Authorities under section 11, Play Opportunities, Children and Families (Wales) Measure 2010.

The guidance makes clear that any change of use for open spaces, or areas that become disused, will come under the guidelines and regulations set out as part of the planning system in Planning Policy Wales and the associated Technical Advice Notes. Local planning authorities can refer to Planning Policy Wales Technical Advice Note (TAN 16): Sport, Recreation and Open Space.

Play Wales supports action to protect the access of this local facility due to the positive impact having access to good outdoor space has on the wellbeing of children and their communities.

### **Byron Davies MP:**

"I support the objections raised by my constituents in that I am a firm believer that parks and playing fields, which were donated to the local community, should never be built upon. This constitutes a material change of use of the land; I am sure that there are other sites more appropriate for this process.

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At this time when governments are greatly concerned over the obesity of children – particularly in Wales, to take a large section of their playing fields away is a great mistake, all leisure facilities should be retained. The purpose of TAN 16 is “protecting existing facilities and open spaces in urban and rural areas in Wales”.

Furthermore the highway provision at the site is of great concern; there are no controlled crossways. It is already a congested area with limited passing areas. There is a tendency for parents to drive their children to school, causing obstructions to both residents adjacent to the site and constituents trying to get to work on time.

Under the Supplementary Planning Guidance (SPG) for car parking standards it states “This SPG advises that all parking areas should be designed to allow vehicles to enter and leave the site in forward gear and should provide safe pedestrian access routes within the car park. In this particular case there would not appear to be that facility.

I therefore submit, that this application should adhere to all the planning guidelines and policies under the Development Plan, Supplementary Planning Guidance and TANs.”

### **Amended Plans:**

During the course of the application, amended plans were submitted to address the concerns of the Urban Design Officer. 4 further site notices were put up and the nearest 4 properties to the proposed access revision were re-consulted.

3 further comments were received prior to the report being finalised for Planning Committee with the deadline for comments expiring one day after the agenda deadline. Therefore, any further comments will be reported verbally on the update sheet at Committee. The comments on the amendments are summarised below:

- The access to the school car park is opposite from my property and the road is busy enough as it is - accident waiting to happen
- The other issue is that I am disabled as is my husband and this would be a further hindrance on our health and well-being
- Access is directly across from a busy junction.

### **Consultations**

#### **Highways:**

“1 Background

1.1 This proposal is for the construction of a 1.5 form entry primary school at Parc Y Werin, Gorseinon. The existing Nursery, infant and junior schools are intended to relocate to a shared facility at this site.

1.2 The school will accommodate 315 pupils plus nursery of 40 pupils and a transport assessment has been produced to assess the impact.

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- 1.3 The school includes 40 car parking spaces and accommodation for 32 cycles to cover staff, pupils and visitors. The car park and main school access is to be from Brynawel Road and located near and opposite Bryngwastad Road with a separate service access at the north eastern end of the site. Additional pedestrian access would be available from Princess Street. A lay-by is indicated between the main access and the service access.
- 2 Traffic Generation and Impact
- 2.1 There are a variety of possible routes to and from the site. The most direct route out onto the wider highway network is via Brynawel Road/Princess Street/Alexandra Road. In order to gauge impact on the most congested routes through Gorseinon, the impact on four junctions has been carried out.
- Brynawel Road/Princess Street
  - Princess Street/Alexandra Road
  - Gorseinon Cross
  - High Street/Heol y Mynydd
- 2.2 Surveys of existing traffic flows at these junctions was obtained in May and September 2015 and the predicted traffic from the relocated schools was added to the flows to establish the degree of impact. As the existing schools are relatively close to the new site, some reassignment of traffic movements will result but none of the traffic is new.
- 2.3 A survey of staff and pupils at the existing sites was undertaken and the results compared to national average data for school travel. The results compared favourably and indicated an expected 33 staff movements and 148 pupil movements at the start and end of the school day. Staff movements would be a single journey to or from the school however pupil movements would see two way movements with parents arriving and departing with a repeat in the pm.
- 2.4 The assessed impact of the school traffic on the main junctions does not raise any capacity issues. The impact is less than 0.5% at each of the junctions with a potential negative impact at Gorseinon Cross due to reassignment of traffic.
- 2.5 The main traffic impact is likely to be at the site itself. Currently Brynawel Road is relatively free from traffic congestion. Some on-street parking takes place near the site as the hospital is located opposite. The hospital has had consent for an extended car park within the site which would remove all the present on street parking associated with it, however, the consented scheme has not yet been implemented. This provision of car park is in the control of the hospital and may or may not be provided.
- 2.6 The school start times are currently staggered at the existing sites and range from 0850/0900/0910. End times are again staggered and range from 1500/1510/1520. In addition there is a breakfast club running from 0800-0830 and after school activities running from 1510 - 1615. Traffic movements therefore will be spread throughout those time ranges.

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- 2.7 Princess Street is on the most direct route to the wider highway network and currently has some restrictions with traffic calming build-outs along its length and parking bays along the Parc Y Werin boundary. This road will likely see an increase in traffic as a result of the schools relocation and therefore some alteration to the street is recommended to improve flow and increase safety.
- 3 Reducing Traffic Impact
- 3.1 Whilst a lay-by is being provided as part of the proposal, the potential exists for further lay-by provision to be made available as some footways in the vicinity of the site are sufficiently wide to accommodate this. The parking currently taking place outside the hospital could be formalised with on street markings and appropriate traffic regulation orders. In order to keep speeds low outside the school and particularly in the vicinity of the school access, a speed table could be installed at the Bryngwastad Road junction.
- 3.2 Princess Street has a series of protected parking bays along the park boundary and these can be amended to provide additional parking spaces by combining adjacent bays. The installed build-outs currently prevent two way flow and these could be removed and replaced with strategically placed traffic calming to ensure un-hindered two-way flow and secure low speed. Additionally, as there is a pedestrian access point for the site along Princess Street, a formal crossing facility could be provided centrally to provide a safer crossing facility and further act as a calming feature. Pedestrian crossing facilities could also be considered at the Princess Street/Alexandra Road junction to enhance safety.
- 3.3 Provision of additional facilities together with improvement of the current route along Princess Street and traffic regulation orders will help to accommodate as much of the demand for school drop-off and pick up as possible. The range of improvements identified will need detail design.
- 4 Site Layout
- 4.1 The main vehicular access to the site will accommodate two-way flow and is indicated to be barrier controlled restricting access to authorised users - staff and visitors. Spaces for each teaching member of staff is indicated (38) leaving 2 spaces for visitors. In addition, there are 7 support staff and no dedicated parking has been indicated for these. Adopted parking standards does not require parking for support staff and recommends 3 spaces for visitors. The provision of car parking therefore is one space short of the recommended standard and in practice is unlikely to result in any significant issues. This assessment of staff parking demand does not include for the effect of any attempt to reduce demand through travel plan initiatives such as car sharing.
- 4.2 The car parking layout indicates disabled user spaces, however the markings are incorrect and would need to be altered requiring a small expansion of car park if spaces are not to be lost as a result of this.

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- 4.3 The transport assessment indicates that cycle parking demand is calculated at a total of 32 spaces. This would include provision for staff, pupils and public visitors to the site. These are not indicated in detail and would need to be conditioned in the event that consent is granted.
- 4.4 The main pedestrian access into the site is adjacent to and separate from the vehicular access. Pedestrian access is also available from Princess Street so any movement on foot from that direction can be accommodated.
- 4.5 The lay-by indicated along the site frontage is deeper than necessary and safety would be improved if the depth was reduced thus allowing a wider footway at this point. Off the end of the lay-by is the service vehicle access which is separate from the main access.
- 5 General Highway Safety
- 5.1 The transport assessment has included consideration of the accident records in the area. Detailed analysis of the causation of the recorded accidents indicate that predominantly accidents were driver error and were not influenced by any adverse road layout issues.
- 5.2 The provision of speed restraint and additional crossing facilities would further protect vulnerable users and improve general safety in the area.
6. School Travel Plan
- 6.1 All new schools are required to produce a travel plan. A framework travel plan has therefore been submitted by the applicant which covers initial survey of pupils travel habits at the new location, action to increase sustainable modes of travel and monitoring of achieved results on a regular basis.
- 6.2 The existing schools already support a healthy level of sustainable travel with approximately 56% of pupils and 27% of staff using sustainable modes of transport to attend school. From these totals, walking to school accounts for 24% of staff and 48% of pupils. The travel plan will seek to increase these proportions and encourage an increase in those walking with a corresponding reduction in car use.
- 6.3 The travel plan has identified a number of possible initiatives to promote walking and cycling through safety training and promotion. It is also intended to appoint a travel plan coordinator and set up a work group to oversee the travel plan initiatives. The work group will be set up from key stakeholders and will include invitation to local resident representatives so that any problems such as issues arising at school drop off and pick up times can reviewed and addressed.

This is a positive step and is an approach replicated at a number of schools in Swansea.



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### 7 Conclusions and Recommendation

7.1 The combining and relocation of the three schools onto one site at Parc Y Werin will result in some traffic reassignment. Not all traffic impact identified at the new site will be as a result of new traffic movements as some movements are likely to already be taking place on this route to the existing sites located nearby. In that respect therefore, the assessment is robust and assumes a worst case scenario.

7.2 Congestion at the school start and finish times occurs at all school sites and will likely be the case here. Improvements have been identified that will help to minimise this and accommodate as much of the demand as possible with safety enhancements being of general benefit to all and any additional parking facilities being available for wider community use outside of school operating hours. Users of the remaining community facilities at the site will be able to make use of any additional parking facilities and any community use of the school facilities will have access to the school car park outside of school hours. In order to further minimise impact, a condition needs to be added to ensure that the school car park is available for park users outside school hours and cater for the existing demand on the site.

7.3 I recommend no highway objection subject to the following;

- i. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
- ii. Prior to any works commencing on site, details of local highway improvements to address school parking demand and improve safety shall be submitted and approved. Such improvements shall be implemented prior to the site being brought into beneficial use.
- iii. Details shall be submitted for approval of the provision of up to 32 cycle parking stands.
- iv. The car park shall remain open for use outside of school operating hours for users of facilities within Parc Y Werin.”

### **Drainage:**

“We have reviewed the amended Drainage Strategy CC1475/REP01/B, dated September 2015 and is as discussed with the applicants prior to submission, accordingly 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.

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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. The development shall not discharge to the receiving watercourse at any rate greater than 2.5l/s as stated in the Drainage Strategy CC1475/REP01/B dated September 2015.

Reason

To prevent the downstream culverted watercourse becoming overwhelmed and flooding occurring.

Informatives

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

**Ecology:**

“The two ecological surveys carried out on the site demonstrate that the majority of the site is of low ecological value. There are though some features of value which will need mitigation. The grassland strip to the south of the site is considered suitable for reptiles please could we add a condition requesting a reptile mitigation scheme for our approval prior to development starting. There is the possibility of nesting birds in the shrubs and trees on the site, a bird informative should cover this (see below). The surveyor has suggested that a bat box is added to the new building as an ecological enhancement, could we ask the developers if this could be done.”

**Urban Design and Conservation:**

“The principle of a new school on this existing public park will be considered by others. My comments relate to the urban design aspects of the proposal.

The architecture of the proposed school with face brickwork, render, standing seam metal roof to the class rooms and parapet flat roof to the hall is acceptable as a contemporary education building.

The proposal has an angled set back relationship to Brynawel Road, this is not an ideal urban design relationship as the entrance becomes less legible and the car parking dominates the frontage. The DAS indicated that the street frontage option was discounted but doesn't explain the reasons for this. This needs to be explained.

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The Transport Assessment indicates that the school has a 'strong walking culture' with 48% of pupils currently walking. However the frontage of the school is dominated by a car parking area and the external layout does not address the desire line through the parking area as discussed in the pre-app meeting. The post code distribution of pupils set out in the TA indicates that approximately 2/3 of pupils live to the east and approximately 1/3 live to the west. However the walking routes from these directions which will be used by the majority of pupils is compromised. Pupils walking from the east will cross the park from Princess Street and whilst gates are indicated on the perimeter fence, this is the rear of the school and it is not clear how this pedestrian access works with the service area. Pupils walking from the west will walk up Brynawel Road and then cut through the parking forecourt rather than the indirect path that does not relate to the desire line. These issues need to be addressed to positively integrate the proposed school and to encourage increased walking through safe and welcoming entrances.

The perspectives requested at the meeting still do not include eye level views from the street, but this does highlight the fact the school and community entrances lack legibility. They are set back from the road and whilst the hall gives scale, the entrances are off to one side and the lower roof form doesn't change. Therefore it is suggested that the roof be amended at the entrances to form a highlight that breaks the eaves level and possibly projects.

It is noted that a tree report has been provided that concludes that the land raising will not affect the retained black poplars but this should be checked with the Councils tree officer.

The proposed school building is a good distance from the two listed churches and the new build height is not imposing, so there is no impact on the listed buildings."

### **Urban Design and Conservation (further comments):**

"These amendments address my concerns about the external circulation. Approval is now recommended."

### **Pollution Control:**

"I have no objections to this application but would like to make the following comments.

The ground investigation report identified concentrations of Arsenic above the GAC in sample WS3. I would agree with the requirement for further monitoring to be carried out to confirm the extent of the contamination; should the source-pathway-receptor linkage be confirmed as existing.

*The report makes the comment that the area in question could be underneath a tarmac area for example and so the pathway may be removed.*

Please attach the following conditions:-

- Unforeseen Land Contamination

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

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

- Demolition/Construction Site Management Plan

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

- a) Construction programme and timetable
- b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
- c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
- d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
- e) Proposed working hours;
- f) Principal Contractor details, which will include a nominated contact for complaints;
- g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
- h) Details of on site dust mitigation measures having regard to BPM;
- i) Details of on site noise mitigation measures having regard to BPM;
- j) Details of waste management arrangements (including any proposed crushing/screening operations); and
- k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.

*Note: items g – j inclusive need to take particular account of the potential for statutory nuisance arising from site related activities [see **Informatives**].*

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

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

- Plant Noise:

The maximum specific sound level ( $L_{Aeq,Tr}$ ), for building services from the site, shall be 5dB below the representative background ( $L_{A90}$ ) sound levels at the nearest residential facade between 07:00 and 23:00.

The maximum specific sound level ( $L_{Aeq,Tr}$ ), for building services from the site, shall not exceed 35dB $L_{Aeq,Tr}$  at the nearest residential facade between 23:00 and 07:00.

### **Informatives**

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### 1 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site. All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. The Local Authority has the power to impose the specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

### 2 Smoke/ Burning of materials

No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

### 3 Dust Control:

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

### 4 Lighting

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

### **Landscape Officer (Arboriculture):**

“This scheme will mean the loss of two small early mature trees which can be compensated for by mitigative planting. Therefore, I have no objections to this application. Can the standard condition re tree protection and landscaping be attached to the decision notice.”

### **Public Rights of Way Officer:**

“Further to your consultation regarding the above development, there is a through-route across the Park that will be affected by the development, but looking at the plans, this appears to have been diverted slightly, and therefore continued access will be enabled along a slightly different route.”

### **Recreation/ Parks:**

“We have been in discussion with the architect and the Education department regarding the Play facilities and have agreed on what is required, the only further comment I have is that is that we would insist on retaining vehicular/machinery access to enable us to continue to maintain the existing facilities.”

### **Natural Resources Wales:**

“We have no objection to the proposal, but would like to make the following comments.

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### Foul Water Disposal and Memorandum of Understanding

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

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

We note that it is intended to dispose of foul water to the main sewerage system, which is our preferred and most sustainable method of foul water disposal. We recommend that your Authority consult with Dwr Cymru/Welsh Water (DCWW) to ensure hydraulic capacity exists at the treatment works to accommodate the flows from this development, without causing pollution.

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

For larger scale developments such as this, bespoke solutions will be necessary, depending on the size and location of the particular development. We recommend that applications such as this are discussed with the Technical Advisors Group. The agreed relevant details must be recorded on your Authority's register of compensatory surface water disposal.

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

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

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

### Surface Water Disposal

We have reviewed the Drainage Strategy Report (ref. CC1475/REP01/A), dated September 2015, by Cambria Consulting Ltd.

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We note that it is proposed to discharge surface water into an existing ditch, which runs around the perimeter of the site at a rate of 5l/s, as soakaways are not suitable at the site. Ultimately the drainage system design is a matter for your Authority's Engineers; however we would advise that a 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.

Any works which may affect the flow in the existing watercourse will require prior consent from the Lead Local Flood Authority therefore we advise that your Authority's drainage engineers are consulted with regards to this proposal.

### Ecology and Protected Species

We welcome the submission of the document entitled; '*Proposed Primary School, Gorseinon: Extended Phase 1 Ecological Survey Report (Ref: AS220915)*', by Greg Jones (Consultant Ecologist). We also note the recommendations made in Section 6 of the report and advise that these are discussed and agreed with your Authority's Planning Ecologist.

In addition, we note the provision of the document entitled; '*Proposed Primary School, Gorseinon: Bat Survey Report*', by Greg Jones (Consultant Ecologist). The report states that tree inspections were undertaken at the site, followed by an evening transect survey and a pre-dawn transect survey. The report concludes that no data was produced by the survey which suggested the presence of bat roosts within or adjacent to the site. The observed foraging behaviour was mostly associated with trees outside the boundaries of the site, which will remain unaffected by the proposed development. Therefore, we have no further comments to make in relation to this matter.

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

We recommend that you seek further advice from your Authority's Planning Ecologist. In addition, the Wales Biodiversity Partnership's website also has guidance for assessing proposals that have implications for section 42 habitats and species."

### **Sport Wales:**

"Sport Wales makes reference to the relevant policy contained in Planning Policy Wales, paragraph 11.1.12, which states that playing fields should be protected except where:

- facilities can best be retained and enhanced through the redevelopment of a small part of the site;
- alternative provision of equivalent community benefit is made available; or
- there is an excess of such provision in the area

Having considered the proposal against the above and in particular the second exception which seems most applicable, Sport Wales does not believe alternative provision of equivalent community benefit is being made available.

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Sport Wales appreciates the proposal would result in better play and sport facilities for the schools, but would ask if other options have been considered that wouldn't affect the wider community.

It is thought that the proposed 3G pitch, MUGA (both available only through letting) and the relocated playground facilities will not be sufficient compensation for the loss of the playing field area including two junior pitches and the existing play area which are available to the public at all times.

Sport Wales would therefore like to object to the application.”

### **Sport Wales (Further comments):**

“Having considered the information, Sport Wales is satisfied that the proposal will not have a detrimental effect on formal sport. This is because its main use, the under 10 and under 11 fixtures, can be accommodated elsewhere and that the new 3G pitch and MUGA will provide new and varied sporting opportunities. In particular, the 3G pitch and the intensity of use it can afford will be able to host several matches a week (albeit for a younger age group) plus training and other activities. It is also noted that the proposal will make a financial contribution to a new 3G pitch at Penyrheol Comprehensive School which will be able to play a major role in serving sporting needs in the area.

With formal sport being addressed and a replacement play facility being provided, Sport Wales only remains concerned about the effect on informal sporting activities. On balance however, with the MUGA to be open for informal use outside of school hours with no charge, the area including the senior football pitch remaining publicly accessible along with other playing fields being available nearby, plus the important fact that the school and its pupils will get access to new and improved facilities for sport and PE, Sport Wales is removing its objection.

Please note this is conditional on evidence of a community use agreement for the 3G pitch and MUGA being signed and the area including the senior football pitch remaining publicly accessible.”

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

No adverse comments subject to the satisfactory discharge of foul and surface water drainage and the preparation of a comprehensive drainage strategy. No objections in terms of water supply.

This proposed development is located in an area which has the potential to discharge into national and international designated waters. The Loughor Estuary forms part of the Carmarthen Bay & Estuaries European Marine Site which is the collective name for three European 'Natura 2000' designated areas, namely Carmarthen Bay & Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area and Burry Inlet Special Protection Area.

A key fundamental issue associated with any proposed development(s) located on both the Carmarthenshire and Swansea side of the Estuary is the potential impact of any revised or additional water discharges, either foul or surface water, will have on the local drainage systems and ultimately the designated waters.



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Dwr Cymru Welsh Water is contributing towards improving the water quality in the Estuary by undertaking key infrastructure improvements at its Northumberland Avenue and Llanant Waste Water Treatment Works which are designed to improve arrangements for dealing with surface water, provide ultra violet treatment and phosphate removal.

The applicant is also advised that some public sewers and lateral drains may not be recorded on DCWW maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal.

### **Glamorgan Gwent Archaeology Trust:**

“The information held in the Historic Environment Record that is curated by this Trust indicates that there is no known archaeological resource within the application area. A desk-based assessment submitted in support of the application, prepared by Archaeology Wales (report number 1394), has reviewed the archaeological potential of the application area in detail. The assessment notes that whilst there is evidence for prehistoric and Roman activity in the surrounding area, there is no evidence of this extending into the current application area. The assessment concludes that there is no need for further archaeological work to be undertaken; a conclusion with which we concur.

Therefore, as archaeological advisors to your members, we have no objection to the positive determination of the application. The record is not definitive, therefore should any features be disturbed during the course of the work, please contact this section of this Trust.”

### **Coal Authority:**

“The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority’s Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.”

### **Japanese Knotweed Officer:**

Has been consulted on this application but no comments have been received to date.

### **Police Designing Out Crime Officer:**

“Having reviewed the drawings in respect of the above development, I would make the following observations with a view to the Secured by Design (SBD) Award being made which is a requirement for the development:-

The whole of the school building and play areas must be totally fenced in. The fence must meet Secured by Design standards and specifications, be at least 2.4 metres high, weld mesh, expanded metal or similar and be of a design that is difficult to climb over. It must be sited on a hard surface or embedded in the ground. There must be nothing adjacent to the fencing to assist criminals in climbing over it and therefore gaining access into the school grounds.

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Gates must be of the same height and specification as the fencing and must be kept locked when the school is unoccupied. Gates, other than the main entrance, must also be kept locked during school time.

The school buildings must be protected by an internal SBD fence and gates when the MUGA and 3G pitches are in community use.

I am aware that discussions have taken place in relation to having a 1.2 metre high fence adjacent to the road in the northern corner of the site (in the vicinity of the bin store) with the 2.4 metre high fence set back from the road to reduce the visual impact. In my opinion this would provide an area where persons could climb over the lower fence and congregate e.g. to play football etc. and could be an area where anti-social behaviour would take place to the annoyance of nearby residents. It would also remove the protection for the bin store.”

Other general comments were provided with regards to CCTV, lighting, landscaping, signage, vehicular access, bike stores, waste disposal areas, external furniture, access to drainage and service areas, drainpipes, access control, building shell security, school entrances and visitor control, the sail feature, windows, doors, computer equipment, secure areas, intruder alarms, sprinkler systems and vehicle parking areas.

### **Gorseinon Town Council:**

“No objections.

In summary, there was general support for the concept of the new school to replace the existing 3 outmoded sites, but there was concern about the selected site at Parc Y Werin. Concerns focussed on the loss of parkland and the anticipated highway problems that would be generated by the site and surrounding residential streets, in particular as well as demographics in the town. In support of the proposal was the feeling that this was an opportunity that should not be missed to secure a brand new facility for local children to replace the current dilapidated school buildings, and if this funding opportunity was not taken, the existing school buildings would not be replaced.”

## **APPRAISAL**

### **Background**

This application is subject of a Member Site Visit at the request of Councillors Cole and D. Lewis. The application is being reported to Committee as the floor area of the proposed building exceeds the requisite threshold, however it should be noted that there is significant local interest in the application as outlined above.

The applicant has advised that a need has been identified as part of the Council's 21st Century Schools Programme to provide a new purpose built school which entails the relocation of the three components of Gorseinon Primary School, the Junior, Infant and Nursery schools, onto a single site at Parc Y Werin. The current school operates on three separate sites in Gorseinon, one of which is Victorian-built and has been deemed not fit for purpose. In addition this component has no immediate access to green space and the Welsh Government has confirmed evidence of slippage in standards at the school.

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As such, a new Gorseinon Primary School is much-needed and this development seeks to provide a modern, integrated learning environment for the pupils that raises educational standards and achieves substantial economies of scale and greater operational efficiencies.

The application site has an area of approximately 1.3ha. 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.

### Site Location

The application site comprised the existing Parc-y-Werin in Gorseinon, with frontages along Brynawel Road and Princess Street. The park comprises of a full size football pitch, two bowling rinks, two mini-football pitches, a pavilion, children's play area and a car park. As would be expected, several mature trees are located within the park. Whilst the site is primarily accessed from Brynawel Road to the north, there is also a footpath link within the park which runs in an east – west direction from Princess Street.

The application site itself is currently occupied by a hard surfaced car park, an equipped play area with the remainder as public open space which has been marked out for two mini football pitches. The site of the proposed school is irregular in shape, fronts on to Brynawel Road and is bordered by existing residential properties along Brynawel Road, a bowling pavilion and a health centre and residential complex for the elderly at the rear. The site has a strongly defined tree line along the boundary with the adjacent sports pitch and slopes down gently from Brynawel Road to the south. Two drainage ditches run along the edge of the application site boundary of the main part of the site. The red edge site also includes two additional areas with one being proposed for a new (re-sited) play area and one to include new access improvements on Princess Street.

The surrounding area is predominantly residential in character with a mixture of building styles and designs. There are health related uses to the south, whilst Gorseinon Hospital lies to the north of the bowling greens, close to the junction of Brynawel Road and Princess Street. Furthermore, the site is located to the west of Gorseinon district centre.

### Description of Development

Planning permission is sought for the erection of a new purpose built 1.5 form entry school (315 pupils), including nurture room, a nursery (40 pupils) and reception, and administrative areas. There is also a community room that would be available for letting by arrangement with the school. The development would be future proofed to enable future extension to a 2 form entry school (420 pupils subject to a separate application); as such there would be no need for extra land take in the years ahead.

As shown on the drawing package, the proposed school building would be sited in the north eastern portion and would comprise of an "L" shaped layout which measures approximately 2,275 square metres and thus occupies approximately 17% of the main site area.

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The building would measure 81.8 metres in depth by 39 metres in width. The proposed building would be single-storey (to a height of 7.6 metres) with a higher central area above the hall area (to a height of 9 metres) and would comprise of a modern design finished in an assortment of high quality materials including facing brick, render on blockwork, metal standing seam roof, with aluminium frame glazing. Moreover, the development has been designed to achieve an 'excellent' rating on the British Research Establishment Environmental Assessment Method (BREEAM).

The development would include a new hard surface 40 space car park, including 2 no. disabled spaces. The car park is proposed for on-site staff and visitors and would be made available for community use when the school is closed at evenings, weekends and holidays. In addition a bus and car drop off layby would be formed along the frontage to Brynawel Road and the existing footpath would be retained along the north-eastern boundary.

The development also incorporates the provision of an all-weather sports pitch and MUGA (multi use games area) in the south-western portion of the site. These facilities would be enclosed by a 3 metre expanded ball stop fence and would be made available for letting by community groups and sports clubs during daylight hours when not in school use and would be accessible via an access path from the car park area. The remaining areas of land would comprise an appropriate mix of soft and hard landscaping, along with storage sheds and shelters. The main school grounds would be enclosed by a 2.4 metre expanded metal perimeter fence, albeit the car park would remain open apart from perimeter landscaping to help soften its impact.

A key element of the proposal relates to the replacement of the existing playground with a new modern purpose built playground nearby on Parc Y Werin, to the south of the bowling greens. It is proposed that the new playground would be constructed as part of the first phase of works and would include re-use of some of the equipment as well as new equipment in an area of approximately 420 square metres, as shown on the planning drawings.

Supporting information including a Transport Assessment, Travel Plan, Drainage Strategy, various Ecological reports, a Geo-Environmental and Geo-Technical Report, Arboricultural Assessment, Environmental Noise Survey and Archaeological Appraisal have been submitted with the application and are sufficient for the various impacts identified above to be considered as part of the application process.

### Main Issues

The main issues to be considered relate to the impact of the loss of the community recreation land within Parc Y Werin, the design and appearance of the proposed new school on the visual amenities of the area, the residential amenities of existing residents and the effect on highway conditions and 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.

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### New Community Facilities

Policy HC15 outlines the criteria for the consideration of proposals for new and improved local community and health facilities and states that the facility should be accessible to the community it is intended to serve; will have no significant impact on the amenity of surrounding uses, particularly residential, by reason of visual appearance, scale and noise; have no detrimental impact on heritage and the natural environment; and site and surrounding road network is capable of accommodating any additional vehicular traffic likely to be generated by the proposal without damage to the local environment or road safety.

Whilst Parc Y Werin is not located within a local or district centre, the proposed school would be located 500m away from the edge of the district centre and within the school catchment area and would be accessible by the local community. A postcode analysis of the addresses of existing pupils indicates that the majority of pupils are located within a 1mile radius of the school with the majority being within half a mile radius (although it is appreciated that straight line distances/ walking routes may result in longer journeys for some pupils). Within this context, it is considered that the proposed school would be accessible for the community it is intended to serve.

The impact on the residential amenities of the neighbouring occupiers is considered in detail below along with an assessment of the impact on the natural heritage and environment and the traffic/ highways impact.

### Loss of Community Recreation Land

The majority of local residents are concerned with the loss of a large area of recreational space, given to the people by Rufus Lewis that is open to all of the people throughout the day. Residents state nearly half of the park would be lost; bringing Gorseinon under the Fields in Trust threshold for open space and the replacements would not be an enhancement and would be chargeable. The loss of the children's playing pitches would impact on local football clubs, the carnival, the Welsh nursery in the area and have impacts on health in the future as there are no other parks in the area with appropriate provision.

In respect of Tourism, Sport and Recreation, Planning Policy Wales (PPW) states that the planning system should ensure that adequate land resources are allocated for formal and informal sport and recreation, taking full account of the need for recreational space and current levels of provision and deficiencies, and of the impact of developments related to sport and recreation on the locality and local communities. PPW states that formal and informal open green spaces, including parks with significant recreational or amenity value, should be protected from development, particularly in urban areas where they fulfil multiple purposes. Paragraph 11.1.12 states that "All playing fields whether owned by public, private or voluntary organisations, should be protected from development except where:

- facilities can best be retained and enhanced through the redevelopment of a small part of the site;
- alternative provision of equivalent community benefit is made available; or
- there is an excess of such provision in the area."

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This advice is reiterated in more detail in TAN16 Sport and Recreation and Open Space (2009), and advises that the objectives set out in PPW can best be achieved by undertaking local assessment through an Open Space Assessment. Fields in Trust (FIT) have prepared 'Benchmark Standards' for public recreation and open space with a recommended threshold of 2.4 hectares of land per 1000 population.

In addition, Parc Y Werin is designated as 'Community Recreation Land' under Policy HC23 of the Swansea Unitary Development Plan. The proposed development therefore falls to be assessed against the criteria under Policy HC23 as well as the above national policy.

Policy HC23 states that development proposals that involve the loss of land for community recreation purposes, whether in public or private ownership, will only be considered favourably where:

- (i) Facilities can best be retained and enhanced through the development of a small part of the site, or*
- (ii) Alternative provision of equivalent community benefit is made available, or*
- (iii) There is an excess of provision in the area, or*
- (iv) A wider community benefit arises, or*
- (v) The existing and potential recreational or amenity or natural heritage or historic environment value of the land is maintained.*

Whilst these policies are similar in their aim and structure (in terms of seeking to protect community facilities), Policy HC23 provides additional criteria and to comply with either Policy, it is only necessary to meet one of the criteria set out of that policy.

Parc Y Werin comprises of a full size football pitch, two bowling rinks, two mini-football pitches, a pavilion, children's play area and a car park. The proposed school site is on the location of the children's play area, the two mini-pitches and the car park area of the park. The existing full size football pitch is being retained along with adjacent amenity open space. The bowling greens and associated pavilion are unaffected by the development and whilst the existing playground is being lost it is being replaced elsewhere on Parc Y Werin with new, upgraded and enhanced facilities. With regard to comments that the bowling facilities are not open to the public the bowling green is currently under self-management licence to the Parc Y Werin Bowls Association. As part of this arrangement members of the public are able to access the green when the facility is open.

With regards to equivalent community benefit, the applicant has also provided information on the existing use of the facilities at the park and advised that the existing mini pitches at Parc Y Werin are booked through the Leisure Department at a cost of £14 per pitch. Currently their main use is on a Saturday and occasionally on a Sunday. During the week the pitches are occasionally booked by local schools which do not incur a charge and the same schools could use the 3G pitch in agreement with the School. As these are mini pitches they are only suitable for use for under 11's and are only available for organised games for which booking is required. During 2013/2014, the mini pitches were booked out on 53 occasions, decreasing to 46 for 2014/2015. The proposals involve the provision of an all-weather 3G pitch which would be made available for letting by community groups and sports clubs during evenings, weekends and holidays, as is the current case.

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Unlike the mini pitches these facilities, including the MUGA, would be suitable for all age groups within the community and would be available for a wide range of sports including hockey, soccer, rugby, basketball, tennis and netball.

Given that school use of the MUGA and 3G pitch would be during school hours and term time there would be minimal impact on potential users as the 3G and MUGA would be available for evening and weekend use, which is consistent with the current pattern of usage. In addition the 3G pitch would also provide an all year round all-weather facility compared to the existing mini pitches which are subject to cancellation due to adverse weather conditions.

In terms of the existing provision within the area, the Council have prepared an Open Space Assessment to inform the Local Development Plan. This assessment has been based on the "Fields in Trust" (FIT) benchmark standards for outdoor sport and play. In terms of provision for children's outdoor playing space FIT recommends a standard of 1.6ha per 1,000 population for Outdoor Sport with a standard of 0.8ha per 1,000 population for Children's Playing Space with 0.25ha of the total relating to equipped playgrounds.

The assessment for Gorseinon identifies that it has an over provision of Outdoor Sport facilities (2ha) but a deficiency in Children's Playing Space (0.3ha) and Equipped Playgrounds (0.03ha). The relocation and upgrading of the equipped playground means that this standard is largely unaffected although the quality of provision is far enhanced. Whilst some Outdoor Sports space is being lost (noting that the space is only really suitable for under 11's and currently only used for soccer/rugby) the fact that there is already excess provision in the ward and that facilities are being enhanced by virtue of the all-weather 3G provision and being made available for users of all ages and a wide range of sports including hockey, soccer, rugby, basketball, tennis and netball, mitigates this impact. The provision of a MUGA within the park which would be available for use as a children's playing space during school time (by the school), evenings, weekends and holidays and suitable for use during all weather conditions would, it is considered enhance children's playing space.

The assessment also identifies that Gorseinon has 11.5 ha per 1000 head of population of Accessible Natural Green Space which is 9.5ha above the recommended target, and it is recognised that this makes an important contribution to the quality of the environment and the quality of life in urban areas.

The applicant has also stated that the proposed development would bring about substantial community benefits. Not only would there be a relocated and upgraded playground with new equipment designed to meet the needs of local children but the proposals include a new community room within the school building which would be available for hire to community groups. In addition, the proposals would provide a modern 21<sup>st</sup> century school facility to serve Gorseinon with green space on the school's doorstep. The school would include a 'zoned' area within the building which would incorporate the hall and a community room; these would be capable of being available for community use subject to booking with the School. It would also provide opportunities to provide family learning and after school clubs. The design of the external areas is such that they can be open and available for community use, when the remainder of the School and site is secured and closed, and the car park would always be available for community use outside of school hours.

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Comments have been received about the proposed provision not being a replacement of existing provision but the proposed apparatus has been selected following discussions with the Parks department who do not object to the application.

The existing Gorseinon Primary School is split over three sites and two sites are in a significant state of disrepair. The opportunity to relocate the school onto a single larger site would be more capable of meeting the school's needs, providing a better learning environment with improved facilities and would also allow the potential use of the building by the wider community.

Finally, in terms of the recreational or amenity value of the land is maintained, the applicant has reiterated that only part of Parc Y Werin would be developed as a result of the proposals. The existing full size football pitch is being retained along with adjacent amenity open space. The bowling greens and associated pavilion are unaffected by the development and whilst the existing playground is being lost it is being replaced elsewhere on Parc Y Werin. Whilst there is some loss of open space as a result of the proposals, it is considered that sufficient mitigation is being provided to ensure that alternative provision of at least equal community benefit is being made available.

Sport Wales originally objected to the application raising concerns with regards to the size of the replacement sports pitch, queried whether floodlights would be installed and what other opportunities there were within the area for informal sport. The applicant provided further information indicating that all Under 11 football in Swansea is played on a round-robin basis and pitches are not allocated to local teams so there are no 'home and away' fixtures. Therefore teams from anywhere in Swansea can be allocated any pitch. Other pitches would be created elsewhere within Swansea on underutilised playing parks. In addition, the 3G pitch would be allocated for Under 8 fixtures who play on pitches of approximately 30mx20m. Floodlighting is not installed at the site now and due to the proximity of residential dwellings it is not proposed to install it in this area, furthermore the ongoing running and maintenance costs mean that this is not a viable option for this site. Work has been ongoing towards a community use agreement and whilst the 3G would be available for free access, it would be available 'at cost' and 'not for profit' for a range of training opportunities in a range of sports in addition to formal matches. However it is proposed that there would be no charge for the use of the MUGA which would be available for informal community use, outside of school hours.

Having considered the information, Sport Wales is satisfied that the proposal would not have a detrimental effect on formal sport. This is because its main use, the under 10 and under 11 fixtures, can be accommodated elsewhere and that the new 3G pitch and MUGA would provide new and varied sporting opportunities. In particular, the 3G pitch and the intensity of use it can afford would be able to host several matches a week (albeit for a younger age group) plus training and other activities. It is also noted that the proposal would make a financial contribution to a new 3G pitch at Penyrheol Comprehensive School which would be able to play a major role in serving sporting needs in the area.

With the MUGA to be open for informal use outside of school hours with no charge, the area including the senior football pitch remaining publicly accessible along with other playing fields being available nearby, plus the important fact that the school and its pupils would get access to new and improved facilities for sport and PE, Sport Wales is removing its objection. This is on the basis of a community use agreement for the 3G pitch and the MUGA being signed.



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Having regard to the above, whilst the proposed development would result in the loss of a section of community recreation land within Parc Y Werin, when assessed against the criteria of Policy HC23, and Planning Policy Wales, it is considered that the proposed development would satisfy these policies. To comply with these policies it is only necessary to meet one of the criteria set out and Sport Wales and the Council's Parks department do not object to the proposal given the information submitted. It is concluded therefore that the development of the application site in the manner proposed would be in accordance with the provisions of UDP Policy HC23 (ii and iv) and PPW 11.1.2 (criterion 2) and the loss of the area of open space is considered to be outweighed by the wider education, community and recreation benefits that it is intended to provide and the mitigation measures proposed are considered to be at least of equivalent community benefit.

### Design/ Visual Impact/ Layout

Comments have been received from some residents with regards to the design of the building with the design being incongruous and visually intrusive with lots of man-made surfaces and no use of wood.

Several options were considered for the layout of the building and the surrounding grounds. Utilising the axis defined by the copse of trees to establish building orientation was seen as a preferable configuration to one which attempted to place the school frontage directly on Brynawel Road as part of the existing residential streetscape as it enabled the MUGA and 3G pitch to be accessible to members of the public. This orientation was also preferable to overcome the differences in levels across the site and gives more space around the building which is considered important given its scale/ mass compared to dwellings within the vicinity. In terms of the layout, the development could be easily extended, should it be required, in the future, within the school site boundary as proposed. The public elements including the reception, community room and hall would be located in close proximity to the road and the car park enabling ease of use whilst retaining a private area at the rear of the school.

Setting the building back distances its relation with the houses on Brynawel Road and its orientation puts it perpendicular to the larger buildings to the south, associating it more closely with them and allowing it to sit comfortably within the urban grain. The Conservation and Urban Design Officer has advised that the architecture of the proposed school with face brickwork, render, standing seam metal roof to the class rooms and parapet flat roof to the hall is acceptable as a contemporary education building. The post code distribution of pupils set out in the TA indicates that approximately 2/3 of pupils live to the east and approximately 1/3 live to the west, however walking routes from these directions which would be used by the majority of pupils is compromised. The applicant subsequently amended the proposal to provide a more pedestrian friendly environment along Brynawel Road, an improved access into the park from Brynawel Road and an improved access into the new school site from Princess Street. These issues needed to be addressed to positively integrate the proposed school and to encourage increased walking through safe and welcoming entrances and the Conservation and Urban Design Officer raises no objections following the amendment.

The Police Designing Out Crime Officer has no objections to the proposal but has made several recommendations with regards to the scheme which would be required to meet the Secure by Design standard.

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With regards to concerns about renewables, the proposed building has been designed to achieve BREEAM Excellent standard. An array of PV Panels would be installed on the flat roof of the main hall to mitigate the building's power demands from the grid.

The overall design/ visual impact of the proposals is considered acceptable subject to conditions regarding full details/ samples of materials to be used in the development.

### Neighbouring/ Residential Amenity

Several letters of objection have been received in response to this application with concerns raised in terms of the impact on existing residential amenity relating to noise/ pollution, disruption during development, loss of sunlight and daylight, loss of privacy and the devaluation of property. The concerns highlight the proximity of the elderly residents living in Llys Y Werin and Gorseinon Hospital.

Firstly, it should be noted that the existing site currently has two mini football pitches on it and a children's playground and as such, there is considered to be some noise and disturbance associated with uses such as these, albeit that they are predominantly used on the weekend and in evenings. The proposed use would generate noise throughout the day on a consistent basis but the MUGA and 3G pitch would be located in a similar location to the existing sports pitches and the school playground would be located 35 metres away from the nearest residential property, which is further away than the existing playground. Similarly, the new relocated children's playground would be located 35 metres away from the nearest dwelling. These distances exceed the Fields in Trust "Planning and Design for Outdoor Sport and Play" recommended distance of 20 metres between the activity zone and the habitable room façade of the nearest dwelling. No floodlighting is proposed for the 3G pitch or the MUGA.

Given the location and orientation of the building, which is single storey, albeit there would be a double height hall and a high ceiling along the central corridor, it is not considered that the proposal would have a detrimental impact on residential amenity in terms of either having an overbearing impact on residential properties or reduce privacy to neighbouring properties. Similarly, given its orientation and location, it is not considered that the proposals would impact on sunlight or daylight to any of the neighbouring properties. Concerns over devaluation of property have been given limited weight in the determination of this application.

In terms of the impact on future users of the school from surrounding traffic noise, a noise assessment has been submitted with this application which indicates that the proposals are considered acceptable and would not result in a noise nuisance to the future school.

It should also be noted that the Council's Pollution Control Officer has raised no concerns with regards to the proposals following the assessment of an acoustic report with regards to the plant/ machinery proposed for the school building but has requested a condition to control future noise from the site. The Officer has raised no other concerns with regards to noise and pollution as a result of the proposals. Finally, given the proximity of neighbouring properties, it is considered appropriate to attach a condition requiring the submission of a Construction Site Management Plan. The proposals are therefore considered acceptable in terms of their impact on neighbouring residential amenity.

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### Highway Safety/ Parking/ Public footpaths

Along with the principle of development/ loss of recreational space, concerns over highway safety have been raised as one of the most significant issues with regards to this development. Residents have stated that traffic is a major issue on Brynawel Road, Grove Street and Princess Street with two schools, two large doctors' surgeries, two large churches, Gorseinon Hospital and a well-used chemist in close proximity. Traffic is getting worse year on year with vehicles of all sizes using the roads as a rat run with both speeding and vehicle grid-lock being cited as issues along with parking in the area. Concerns have also been raised that the Transport Assessment and Addendum are inadequate and the assessment should have been undertaken over several days, at different times and in different weather conditions.

A Transport Assessment has been prepared by Atkins Consultants, supplemented by an Addendum which acknowledges that the proposed new school would effectively be a like-for-like replacement and hence concludes it is not anticipated that there would be any perceptible mode shift from the existing situation whereby the main traffic impact would comprise of some localised reassignment of trips on the local highway network from the existing to the new school site, predominately associated with parental drop-off/pick-up. Moreover, the report highlights by virtue of the fact the provision of all components of the Primary school on a single site would simplify the school run for parents with children of various ages and may enable some to adopt alternative, more sustainable travel modes for this journey. In this regard, the report also states that the school currently exhibits a strong walking culture and the introduction of a School Travel Plan provides opportunities to build on the existing use of active travel modes, further promoting their uptake amongst pupils and staff.

The Highways Officer has advised that there are a variety of possible routes to and from the site. The most direct route out onto the wider highway network is via Brynawel Road/Princess Street/Alexandra Road. In order to gauge impact on the most congested routes through Gorseinon, the impact on four junctions has been carried out including Brynawel Road/Princess Street, Princess Street/Alexandra Road, Gorseinon Cross and High Street/Heol y Mynydd. Surveys of existing traffic flows at these junctions was obtained in May and September 2015 and the predicted traffic from the relocated schools was added to the flows to establish the degree of impact. As the existing schools are relatively close to the new site, some reassignment of traffic movements would result but none of the traffic is new. In addition, a survey of staff and pupils at the existing sites was undertaken and the results compared to national average data for school travel. The results compared favourably and indicated expected 33 staff movements and 148 pupil movements at the start and end of the school day. Staff movements would be a single journey to or from the school however pupil movements would see two way movements with parents arriving and departing with a repeat in the pm.

The assessed impact of the school traffic on the main junctions does not raise any capacity issues. The impact is less than 0.5% at each of the junctions with a potential negative impact at Gorseinon Cross due to reassignment of traffic. The Highways Officer has advised that the main traffic impact is likely to be at the site itself. Currently Brynawel Road is relatively free from traffic congestion. Some on-street parking takes place near the site as the hospital is located opposite.

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The hospital has had consent for an extended car park within the site which would remove all the present on street parking associated with it, however, the scheme has not yet been implemented and may not be implemented in the future.

The school start times are currently staggered at the existing sites and traffic movements therefore would be spread throughout those time ranges. Princess Street is on the most direct route to the wider highway network and currently has some restrictions with traffic calming build-outs along its length and parking bays along the Parc Y Werin boundary. This road would likely see an increase in traffic as a result of the schools relocation and therefore some alteration to the street is recommended to improve flow and increase safety.

Whilst a lay-by is being provided as part of the proposal, the potential exists for further lay-by provision to be made available as some footways in the vicinity of the site are sufficiently wide to accommodate this. The parking currently taking place outside the hospital could be formalised with on street markings and appropriate traffic regulation orders. In order to keep speeds low outside the school and particularly in the vicinity of the school access, a speed table could be installed at the Bryngwastad Road junction.

Princess Street has a series of protected parking bays along the park boundary and these could be amended to provide additional parking spaces by combining adjacent bays. The installed build-outs currently prevent two way flow and these could be removed and replaced with strategically placed traffic calming to ensure un-hindered two-way flow and secure low speed. Additionally, as there is a pedestrian access point for the site along Princess Street, a formal crossing facility could be provided centrally to provide a safer crossing facility and further act as a calming feature. Pedestrian crossing facilities could also be considered at the Princess Street/Alexandra Road junction to enhance safety.

Provision of additional facilities together with improvement of the current route along Princess Street and traffic regulation orders would help to accommodate as much of the demand for school drop-off and pick up as possible. The range of improvements identified would need detail design and should be controlled by a condition attached to any consent granted.

The Highway Officer notes that the main vehicular access would accommodate two-way flow and there is only a minimal shortfall in parking provision (1 space) and in practice is unlikely to result in any significant issues. This assessment of staff parking demand does not include for the effect of any attempt to reduce demand through travel plan initiatives such as car sharing. The proposals include a travel plan, and whilst this is no legal requirement to ensure compliance as a resident points out, a travel plan would be a requirement of any consent to encourage staff and parents to adopt more sustainable means of transport and cycle parking (32 spaces) would also be provided within the site to encourage cycling.

The transport assessment has included consideration of the accident records in the area and detailed analysis of the causation of the recorded accidents indicates that predominantly accidents were driver error and were not influenced by any adverse road layout issues. The provision of speed restraint and additional crossing facilities would further protect vulnerable users and improve general safety in the area.

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Residents have stated that the site is not in a central location within the school catchment area and is therefore further away from most residential properties which would lead to increased car usage. The postcode distribution plan indicates that a large number of pupils live within 0.5 miles (0.8km) from the school as the crow flies with almost all within 1m (1.6km). However, the existing schools already support a healthy level of sustainable travel with approximately 56% of pupils and 27% of staff using sustainable modes of transport to attend school and the travel plan would seek to increase these proportions and encourage an increase in those walking with a corresponding reduction in car use. Allied to this, the school would be on one-site and supporters of the proposal indicate that this would increase joint trips for parents with more than one child, making it easier to travel on foot.

In conclusion, the combining and relocation of the three schools onto one site at Parc Y Werin would result in some traffic reassignment. Not all traffic impact identified at the new site would be as a result of new traffic movements as some movements are likely to already be taking place on this route to the existing sites located nearby. The Highways Officer has therefore advised that the assessment is robust and assumes a worst case scenario.

It is acknowledged that congestion at the school start and finish times occurs at all school sites and would likely be the case here. Improvements have been identified that would help to minimise this and accommodate as much of the demand as possible with safety enhancements being of general benefit to all and any additional parking facilities being available for wider community use outside of school operating hours. Users of the remaining community facilities at the site would be able to make use of any additional parking facilities and any community use of the school facilities would have access to the school car park outside of school hours. In order to further minimise impact, a condition would be added to ensure that the school car park is available for park users outside school hours and cater for the existing demand on the site.

One resident states that TAN 18 states a requirement for new development to 'reduce the need to travel [by car] and length of journeys, whilst making it easier for people to walk, cycle or use public transport but this has not been done. The plans have been amended following comments from the Urban Design Officer to improve the walking/ pedestrian environment and the school would be required to submit a School Travel Plan for the development which is considered acceptable by the Highways Officer. Neighbours have commented that the new access would be opposite their property and a junction but the Highways Officer has raised no concerns with regards to this aspect of the proposal. The letter from Byron Davies MP states that vehicles would not be able to enter and leave the site in a forward gear but this is not the case as there is sufficient room to turn around within the site and leave in a forward gear.

The Officer raises no objections subject to conditions regarding the above, the provision of a construction method statement and cycle parking provision within the site. The proposals are therefore considered acceptable in terms of highway safety and access subject to conditions.

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### Ecology/ Trees/ Landscape

Some residents have commented that the trees should not be cut back to 5m in height as children play in them currently, but branches may also fall on children presenting a health and safety risk. Trees and wildlife would also be removed and these should be retained. A resident has also stated that bats are known to be in the vicinity and the bat survey is inadequate.

In terms of its Arboricultural Impact Assessment, the survey acknowledges that the proposed development would result in the removal of 2 x moderate quality Sessile Oak Trees (Ref: T991 & T992) which are small in size and of a very early mature age from a planted adjacent to the parking area. Nonetheless, the survey concludes that the removal of these trees would have a minor visual impact on the amenity of the area which can be readily mitigated for with additional tree planting post construction phase.

The Council's Landscape Officer has commented on the application and raises no objections to the proposals on the basis that the proposed planting would mitigate the loss of these trees and a condition to this effect would be attached to any grant of consent.

With regards to ecology, an Extended Phase 1 Habitat Survey has been prepared which summarises that a small number of habitats are present on site including neutral grassland and amenity grassland. Accordingly the survey provides recommendations relating to any protected species encountered during the construction phase; any necessary vegetation clearance; and a site specific strategy to prevent harm to reptiles and amphibians. A follow up bat survey was also undertaken which identifies that the proposed development is unlikely to have considerable impact on the local bat population.

NRW welcome the submission of the reports and raise no objections to the application, however they have recommended the proposals are discussed with the Council's Ecologist. The Ecologist has advised that ecological surveys carried out on the site demonstrate that the majority of the site is of low ecological value. The grassland strip to the south of the site is considered suitable for reptiles and therefore a reptile mitigation scheme should be provided. An advice note would be attached given the possibility of nesting birds in the shrubs and trees on the site along with an advice note recommending a bat box to improve the biodiversity of the site. Neither NRW nor the Council's Ecologist raise any issues in terms of the adequacy of the bat survey.

### Contaminated Land

The Site Investigation report acknowledges whilst coal mining is known to have taken place within the area of the site, these were last worked in 1964 and any subsidence would be unlikely to affect the site as there are no mine shafts recorded within the confines of the site boundary. Notwithstanding this, recommendations are made in respect of a programme of check drilling and grouting and foundations forming part of the proposed new school. The report also states that levels of contamination are generally low and it is recommended that appropriate mitigation is provided.

The Council's Pollution Control Officer has reviewed the site investigation report accompanying the application and has raised no objections but has requested the verification report identified in the investigation are submitted to the Council and a condition is attached with regards to any unforeseen contamination.

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Therefore, the approach recommended by the Council's Pollution Control Officer is considered appropriate for this development.

### Drainage/ Flooding

In terms of surface water drainage, ground conditions dictate that soakaways are not suitable for the site. It is proposed therefore that surface water is discharged to an existing watercourse in a manner that emulates the existing condition utilising attenuation on site. In terms of foul water DCWW records confirm there is an adopted foul sewer on Brynawel Road and a gravity connection is achievable from the proposed school building.

A surface water compensatory removal scheme was prepared by Opus on behalf of the City and County of Swansea in preparation for this development. This involved reconfiguring an area of 1149sq of surface water run-off which discharged to a combined sewer at Pontybrenin Primary School, to discharge to a local watercourse. This scheme has been implemented to achieve a betterment factor of 2.0 and would therefore be in accordance with the requirements of the Memorandum of Understanding.

The Drainage Officer does not object to the amended drainage strategy but has requested that a condition is attached requiring full drainage details to be submitted prior to the commencement of development and has confirmed that the compensatory scheme has already been implemented. This approach is supported by DCWW given that a key fundamental issue associated with any proposed development located on the Swansea side of the Estuary is the potential impact of any revised or additional water discharges, either foul or surface water, would have on the local drainage systems and ultimately the designated waters. The drainage strategy is considered acceptable in principle on this basis.

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

### Burry Inlet Habitat Regulations Assessment

#### Introduction

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

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMs), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and Ramsar site. Before deciding to give permission the LPA must therefore first consider whether this development is likely to have a significant effect on the CBEEMs either alone or in combination with other plans or projects in the same catchment area. Following an investigation of likely significant effects on the CBEEMs features water quality was identified as the only factor that might have an effect as discussed below.

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### 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.

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

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

It is the opinion of the authority that this development can be accommodated within the post RoC discharge consent limits, and 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 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 confirmed that they are content with the above approach.

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

### Conclusion

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

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 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.

### Archaeology/ Heritage

The Archaeological Assessment identifies three Listed Buildings within a 1km radius of the proposed development site, all of which are Grade II listed. There would be no direct impact on these sites. The proposed development is considered to have a slight indirect (visual) impact on St Catherine Church (LB 26260) and a negligible indirect (visual) impact on the Church of Blessed Sacrament (LB 29774).

The Council's Conservation and Urban Design Officer has stated that the proposed school building is a good distance from the two listed churches and the new build height is not imposing, so there is considered to be no impact on the listed buildings.

### Other Issues

A resident has stated that the proposals represent a departure to the development plan. The objector goes on to state that the proposals does not comply with Policies SP1, SP9, SP14, EV2, EV40, HC15 and HC23, along with guidance in the Wales Spatial Plan, Planning Policy Wales and Technical Advice Notes with regards to sustainability principles.

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Firstly, it is considered that the application does not represent a departure from the Development Plan. The Development Plan comprises of several policies, some with competing objectives and each policy needs to be considered both individually and collectively as a whole plan. The Strategic Policies outlined above seek to create a quality environment, provide community facilities and improve accessibility. Policy EV2 gives preference to previously developed land, EV 40 relates to noise pollution/ residential amenity whilst HC15 and HC23 relate to community facilities. The application has been considered against the various policies in the preceding sections and is considered to be in general compliance with all of the policies.

It is a principle of Planning Policy Wales and the Wales Spatial Plan that development should be sustainable. In Wales, this means enhancing the economic, social and environmental well-being of people and communities, achieving a better quality of life for our own generations in ways which:

- promote social justice and equality of opportunity; and
- enhance the natural and cultural environment and respect its limits – using only our fair share of the earth's resources and sustaining our cultural legacy.

Sustainable development is the process by which we reach the goal of sustainability.

It is appreciated that the development would predominantly be located on Greenfield land and preference should be given to previously developed land. It is also appreciated that part of the existing park would be lost to facilitate this development; however sustainable development is not just about these issues. Social, economic and environmental issues need to be balanced and integrated.

A need has been identified as part of the Council's 21<sup>st</sup> Century Schools Programme to provide a new purpose built school which entails the relocation of the three components of Gorseinon Primary School, the Junior, Infant and Nursery schools, onto a single site at Parc Y Werin. The current school operates on three separate sites in Gorseinon, one of which is Victorian-built and has been deemed not fit for purpose. In addition this component has no immediate access to green space and Welsh Government has confirmed evidence of slippage in standards at the school. As such, a new Gorseinon Primary School is much-needed and this development seeks to provide a modern, integrated learning environment for the pupils that raises educational standards and achieves substantial economies of scale and greater operational efficiencies.

The proposed development would bring about substantial community benefits. Not only would there be a relocated and upgraded playground with new equipment designed to meet the needs of local children but the proposals include a new community room within the school building which would be available for hire to community groups. Furthermore, the provision of an all-weather pitch would be made available for letting by community groups and sports clubs at weekends and holidays and the new car park would remain open during evenings and weekends so that it can be used by the community. The development would also bring economic benefits associated with the construction project, the building would be designed to BREEAM excellent standard (an environmental assessment of the proposed build) and as has been outlined in the aforementioned report, it is considered that there is sufficient open space within the ward. Overall, it is considered that the proposals are in accordance with the principle of sustainable development.

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Comments regarding alternate sites have been given limited weight in the determination of this application, however it should be noted that the former cemetery site is located outside of the urban boundary and is allocated for a cemetery in the Adopted UDP; Melyn Mynach has been allocated for housing with part of the site identified as green space; land around the Valeo site is also located outside of the urban boundary and the applicant has advised that there are health and safety issues associated with utilising the existing Junior site. The general principle, as established in *Trust House Forte Hotels v SoS 1986*, is that if there are no clear planning objections to a development on a particular site, the fact that more appropriate alternative sites exist is irrelevant. This approach has been supported in subsequent judgements. The development has been considered on its merits within the context of its site and is considered acceptable.

Several residents have claimed a public right of way from the rear of their properties into the existing park, however this claim would be for a private right rather than a public right and this access would be retained in the future. The Public Rights of Way Officer has advised that whilst a through-route across the park would be affected by the development, this appears to have been diverted slightly, and therefore continued access will be enabled along a slightly different route.

A significant number of comments have been made in response to this application, along with 3 petitions, and the comments of residents have been addressed above where applicable within the relevant sections. Planning Policy Wales is clear that while the substance of local views must be considered, the duty is to decide each case on its planning merits. As a general principle, local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission.

In terms of the comments received, there is no evidence that the proposals would result in a loss of trade within Gorseinon or result in increased litter being dropped and one resident has stated that the park has heritage value. Residents have commented that the proposal does not accord with the spirit of the James Review 2011 (a review to ensure that future capital investment provides good value for money and strongly support the Government's ambitions to reduce the deficit, raise standards, tackle disadvantage, address building condition and meet the requirement for school places resulting from an increase in the birth rate) and the proposals are contrary to the Council Constitution due to the loss of the park which isn't being protected. The remaining issues/ comments raised above have been given limited weight in the determination of the application and the park is not a designated historic park.

Finally, residents have raised concerns regarding procedural issues around the original publication of the proposals, that the results were misrepresented, didn't comply with the relevant legislation, the application/ supporting documents have been submitted by former Council employees and questioning the integrity of Members who follow the support the new school campaign on Facebook. The pre-application consultation does not concern the planning application and neither does the process followed during that consultation. The site notices were not put up in Welsh, but there is no requirement to do so under planning legislation. Former employees of the Council have had input into the application, but this isn't a planning consideration. Concerns with regard to conflict of interests as a result of following the Facebook page is an issue related to the democratic process and it would be for Members to declare an interest in the voting procedure should they believe they have fettered their opinion.

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### Conclusion

The principle of the use on an existing playing field is considered acceptable given that wider community benefit that would arise as a result of the proposals for a new 21<sup>st</sup> century school and the mitigation measures outlined that are considered to be of equivalent community benefit to that being lost. The highways issues have been addressed in the Transport Assessment and Addendum and subject to some mitigation would not have an unacceptable impact on highway safety. The proposals are generally in accordance with the Adopted Unitary Development Plan. It is therefore recommended that the application should be approved subject to 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: L(91)003 (Proposed Layout of Relocated Playground) received on 12th October; L(90)001 Rev. I (Proposed Site Plan), L(91)001 Rev. G (Proposed Block Plan), L(00)001 Rev. J (Proposed Ground Floor Plan), L(00)002 Rev. D (Proposed Roof Plan), L(00)003 Rev. C (Proposed Site Context Elevations), L(00)004 Rev. B (Proposed Building Elevations - North and East), L(00)005 Rev. B (Proposed Building Elevations - South and West), L(00)006 Rev. B (Proposed Building Cross Sections), L(00)007 Rev. B (Proposed Building Cross Sections), L(00)008 Rev B (Proposed Building Long Sections), L(90)002 Rev. B Proposed Site Sections and (L91)002 Rev. B (Location Plan).  
Reason: To define the extent of the permission granted.
  
- 3        The materials used for the external surfaces of the development shall be in accordance with details submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason: In the interests of visual amenity.
  
- 4        Prior to the commencement of development, full details of the off-site local highway improvement works to address school parking demand, reduce vehicle speeds and improve highway safety shall be submitted to and approved in writing by the Local Planning Authority. The approved off-site works shall be provided in accordance with the approved details prior to the first beneficial use of the school hereby permitted.  
Reason: In the interests of highway safety.

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- 5 Prior to the commencement of development, full details of cycle parking provision for a minimum of 32 spaces within the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be provided prior to the first beneficial use of the school hereby permitted and shall be retained as such thereafter at all times.
- Reason: To ensure adequate cycle parking provision is made available for the school to promote sustainable means of transport.
- 6 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 submitted to and 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 the site is satisfactorily drained.
- 7 Prior to the first beneficial occupation of the new school hereby approved, 38 car parking spaces each measuring a minimum of 2.6m by 4.8m and 2 disabled spaces measuring a minimum of 3.6m by 6m shall be clearly laid out on the ground within the proposed car park and retained as such thereafter for the parking of vehicles.
- Reason: To ensure that adequate parking provision is provided on site for staff and visitors of the school.
- 8 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. Within 2 months of the written notice being received by 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 sets out a timetable for the work, which is subject to the approval in writing of the Local Planning Authority. The approved remediation scheme shall be undertaken in accordance with the approved timetable of works. 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 prior to the first beneficial occupation of the development permitted on that particular site.
- Reason: To ensure the site is decontaminated in the interest of public safety and amenity.

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- 9 The maximum specific sound level (LAeq,Tr ), for building services from the site, shall be 5dB below the representative background (LA90) sound levels at the nearest residential facade between 07:00 and 23:00.

The maximum specific sound level (LAeq,Tr), for building services from the site, shall not exceed 35dBLAeq,Tr at the nearest residential facade between 23:00 and 07:00.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.

- 10 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.

- 11 Prior to the commencement of development and notwithstanding the details submitted to date, full details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority.

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.

- 12 All planting and grass seeding or turfing comprised in the approved details of landscaping for the site shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the development or the completion of the development, whichever is the sooner, 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 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.

- 13 Prior to the commencement of development a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The CPMP shall be implemented in accordance with the approved details and is to include the following as a minimum:

- a) Construction programme and timetable;
- b) Detailed site plans to include details of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas for site operatives and visitors etc;
- c) Proposed working hours;
- d) Principal Contractor details, which will include a nominated contact for complaints;
- e) Details of all on site lighting (including mitigation measures) having regards to best practicable means (BPM) and avoidance of statutory nuisance impacts;

- Continued -

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- 13 f) Details of on-site dust mitigation measures having regard to BPM;  
g) Details of on-site noise mitigation measures having regard to BPM;  
h) Details of waste management arrangements (including any crushing/screening operations);  
i) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on the Local Authority.  
Reason: To protect residential amenity and the environment during the construction phase.
- 14 Prior to the first beneficial use of the development hereby permitted, full details of a Community Use Agreement for the 3G pitch and the Multi Use Games Area (MUGA) hereby approved indicating full details of how and when they shall be made available for general community use shall be submitted to and approved in writing by the Local Planning Authority. The 3G pitch and MUGA shall thereafter be made available in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.  
Reason: To ensure that the 3G pitch and the Multi Use Games Area are available for wider community use outside of school hours.
- 15 The car parking area hereby permitted shall be made available for members of the public when the School hereby permitted is not open and the barrier shall remain up outside of School opening hours.  
Reason: To ensure that the car parking area is available for members of the community outside of school opening hours.
- 16 The works hereby approved shall be undertaken in accordance with the recommendations contained within sections 5 and 6 of the Arboricultural Report dated 28th September, prepared by ArbTS.  
Reason: To secure the protection of trees growing on the site whilst the development is being carried out.
- 17 Prior to the commencement of development, further monitoring of concentrations of Arsenic within the site shall be undertaken with details of remediation submitted to and approved in writing by the Local Planning Authority unless the source-pathway-receptor linkage is removed as a result of the development, with written confirmation and evidence of this provided to the Local Planning Authority. Any remediation required shall be undertaken and completed in accordance with the approved details prior to the first beneficial use of the school hereby permitted.  
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.

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- 18 The proposed playground as indicated on Drawing No. L(91)003 shall be implemented in accordance with the approved details prior to the closure of the existing playground.  
Reason: To ensure the replacement playground is provided prior to the existing playground being removed to ensure adequate play provision is maintained.
- 19 Prior to the first beneficial use of the school hereby permitted, full details of a School Travel Plan to include measures to reduce reliance on private vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be monitored and updated as required by the School Travel Co-Ordinator responsible for the plan.  
Reason: To promote sustainable means of transport to the school during the development.
- 20 Prior to the commencement of development, full details of a reptile mitigation method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved method statement shall thereafter be undertaken in accordance with the approved details.  
Reason: To protect the reptile population during development
- 21 The development shall not discharge to the receiving watercourse at any rate greater than 2.5l/s as stated in the Drainage Strategy CC1475/REP01/B dated September 2015.  
Reason: To prevent the downstream culverted watercourse becoming overwhelmed and flooding occurring.

### 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: (insert the policies referred to in the officer's report)
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).



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- 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 Council's Pollution Control Officer has advised the following:
- 1 Construction Noise
- The following restrictions should be applied to all works of demolition/ construction carried out on the development site
- All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.
- The Local Authority has the power to impose the specified hours by service of an enforcement notice.
- Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 2 Smoke/ Burning of materials
- No burning of any material to be undertaken on site.
- The Local Authority has the power to enforce this requirement by service of an abatement notice.
- Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 3 Dust Control:
- During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.
- The Local Authority has the power to enforce this requirement by service of an abatement notice.
- Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 4 Lighting
- During construction work the developer shall operate all best practice to minimise nuisance to local's residences from on site lighting. Due consideration should be taken of the Institute of Lighting [[www.ile.org.uk](http://www.ile.org.uk)] recommendations.
- 5 The City and County of Swansea is now responsible for the regulation of any works affecting watercourses as laid out under the Land Drainage Act 1991 (as amended) if there are any works proposed to the watercourses surrounding or on site our prior written consent will be required in addition to any other permissions given.

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- 6 The applicant is advised to take note of the comments raised by the Police Designing Out Crime Officer and the standard advice from NRW in response to this application. These comments are available in full on the Council's website under this application reference.
  - 7 The Highways Officer has advised that a Construction Traffic Management Plan should be prepared for this development. The applicant is advised to contact the Highways Department for further information on the requirements of this plan.
  - 8 The submitted Ecological Survey recommends a bat box is attached to the proposed school building to improve biodiversity and this approach is welcomed by the Council's Ecologist.
  - 9 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com). The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
  - 10 Underground mining operations have been carried out beneath this site and the developer is advised to seek appropriate technical advice in order to decide what precautions if any, need to be taken to reduce the risk of damage from subsidence. If as a consequence of this technical advice, the developer wishes to carry out exploratory works to coal seams or to old coal workings upon this site, then his proposals should be forwarded to the Coal Authority for its written approval, prior to their execution. It is suggested that the developers discuss the proposals with the Authority's Building Control Officers prior to submitting an application under the Building Regulations.
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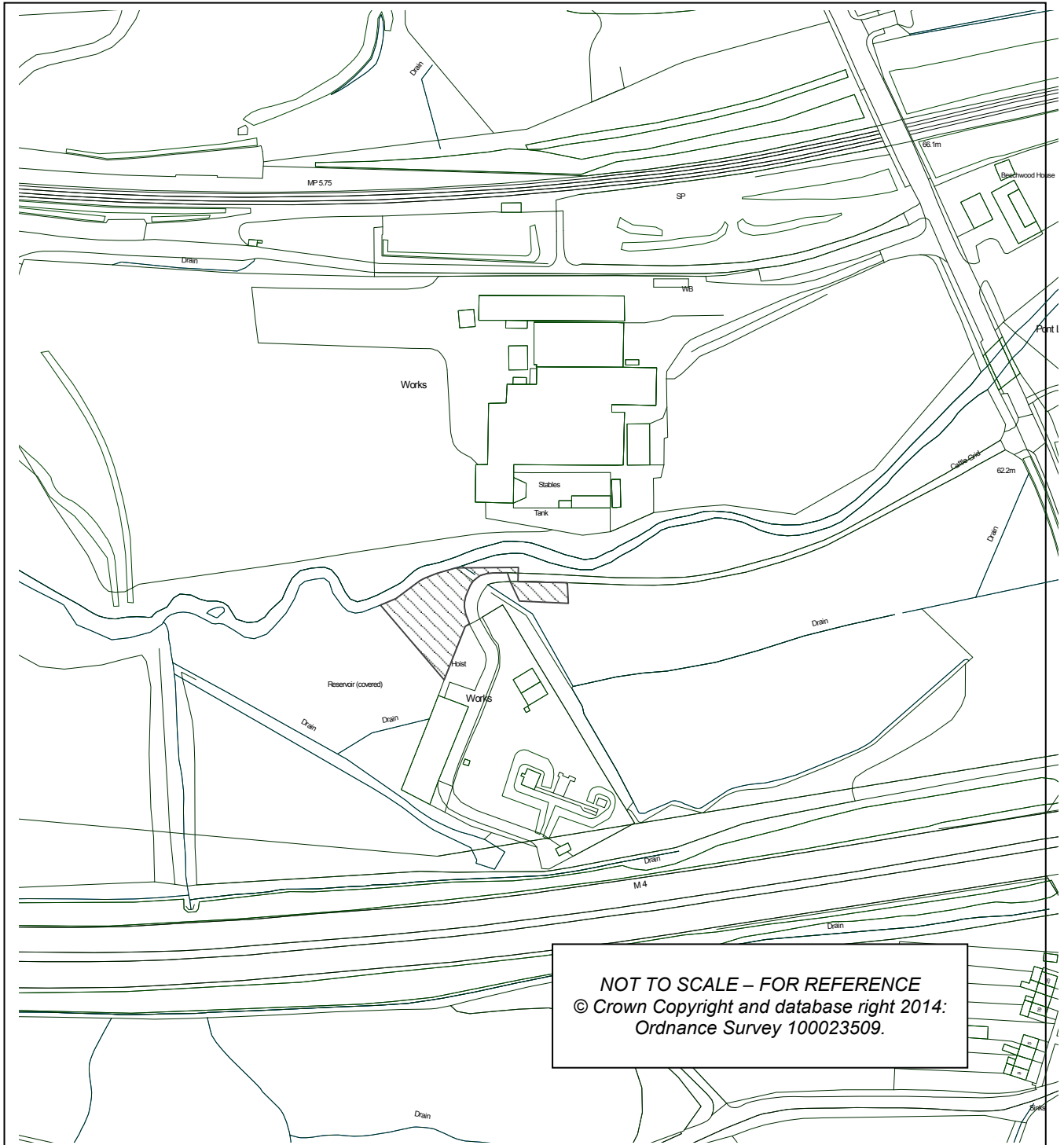
WARD:

Llangyfelach

**Location:** Land at Bryntywod Llangyfelach Swansea

**Proposal:** Drilling of an appraisal borehole for the purpose of coal bed methane exploration with associated equipment, drilling rig, site cabins and offices.

**Applicant:** Mr Oliver Taylor



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### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy 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 R3	Drilling for coal bed methane gas will be supported where specified criteria are met. (City & County of Swansea Unitary Development Plan 2008)

#### **SITE HISTORY**

**None**

**This application is reported to Committee following a call-in by Councillor Gareth Sullivan and the objection threshold being met.**

#### **RESPONSE TO CONSULTATIONS**

The application was advertised on site and at the time of writing TWO PETITIONS OF OBJECTION have been received WITH 45 AND 94 SIGNATURES and 136 LETTERS OF OBJECTION have also been received, the majority of which object to Fracking, which is not the subject of the application. The other concerns raised are summarised as follows:

1. Environmental risks associated with the proposal.
2. Health and safety issues.
3. Environmental damage and industrialisation of a natural area.

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4. Air pollution, water pollution and accidental leakage of chemicals.
5. No proven socio-economic benefit for the area or Swansea.
6. Impact upon Afon Lliw.
7. Fear could lead to Fracking.
8. Inadequate ecological survey.
9. Increased vehicle use on and off the site.
10. Gas should stay in the ground.
11. Climate change implications.
12. Harm tourist industry.
13. International agreement in need to end the use of fossil fuels.
14. Concerns about subsidence.
15. Disturbance to local wildlife.
16. Negative impact upon house prices.
17. In light of the moratorium on extraction in Wales, there is no evidence that CBM extraction will be allowed even if it is found.
18. Cause huge amount of disturbance to local residents.
19. Ground and water pollution.
20. Noise issues.
21. We should be promoting renewable energies and not fossil fuels.
22. Construction lighting.
23. Object to the introduction of industrial use at this countryside location.
24. High risk flood area.
25. Tremors from piling.
26. Why should local residents have to close their windows to reduce the decibel levels?
27. Potential damage to cockle beds in Loughor Estuary.
28. Felindre and surrounding areas are being turned into an industrial site.

**Swansea Friends of the Earth** - Object for the following reasons;

- Water Pollution and other ecological concerns;
- Adverse impact on the lives of local people
- Sustainable Development and Climate Change
- Well Being and Future Generation Act (Wales) 2014

**Edwina Hart AM** – I have been contacted by constituents who are very concerned about the above mention planning application. Concerned too, that currently the application is proposed to be determined at Planning Officer level rather than by Planning Committee, in public. Their concerns are based on the potential for serious environmental impact and the subsequent blight on the locale and the wider residential amenity. You will also be aware that Carl Sargeant AM, Minister for Natural Resources, recently reiterated the Welsh Government approach and its preference for renewable forms of generation over oil and gas exploration.

I am aware that many residents have written in to voice their concerns and oppose this application and I join them in opposing this application.

**Bethan Jenkins AM** – I am writing to oppose to planning application 2015/1515 submitted by Oliver Taylor on behalf of UK Methane Limited. I would like to object to the application on a number of counts.

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1. If granted the application will see a greater number of HGV movements into this quiet residential area. Bryntywod already receives large numbers of HGV movements to and from Griffiths Recycling, Afon Tinplate, and Asphaltic Roofing. The additional traffic will bring with it increased noise, fumes and danger to the large number of young children in this area.
2. The drilling of this borehole will be conducted 24hrs a day, 7 days a week for a number of weeks. The expected noise and vibration will have significant impact on the residents of this area. Whilst many would concede that residents are already subject to a degree of noise from the M4 and A48, the noise levels are not constant (the roads are not busy at all times).
3. The site will be floodlit from many angles creating additional light pollution affecting the amenity of the area for residents, and the circadian rhythms of native wildlife. I fear this coupled with the increased noise will lead to sleep disturbance for residents.
5. The site is predominantly marshy grassland, is constantly waterlogged, and regularly floods as a result. Since the site borders the Afon Llan river (just 8m away), this is of significant concern as the applicant intends using and storing fuel and chemicals on site that could represent a severe environmental danger should they enter the water course.
6. The ecological walkover was conducted in March 2013 and is provided in DRAFT form. This is unacceptable for three significant reasons;
  - a) Two and a half years is a long time. Fauna is transient throughout the seasons – let alone over years.
  - b) March would be considered an inappropriate time to conduct this type of survey by many ecologists. Indeed the flora and fauna evident in March is likely to be less than during the summer seasons (dormant species, bulbs, tubers etc).
  - c) The document is in DRAFT form. This is a contentious development, the final version of this document should be sought.

This document even mentions monitoring for 'shale gas' (see section 2.3). Either the applicant is being disingenuous, careless or is not demonstrating the attention to detail one would expect.

This draft document defines the site classification as 'improved grassland'. However, the site is in reality 'marshy grassland', this is a BAP priority habitat; this was not discussed in the walk over document. One would expect a deferment and site visit from a Swansea Council Ecologist or other suitably qualified person to ascertain the true nature of the habitat.

The document states that No protected bats were present. Bats are regularly sighted in this area and the surrounding areas (August 2015).

The document makes no reference to Otters. Otters are known to utilise this stretch of the Afon Llan and as many as 8 have been sighted as recently as August 2015.

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The document states that the site has no trees or shrubs in which birds could breed or feed. The site is however bordered closely by trees and shrubs in which birds can breed and feed and the site does provide a useful feeding source for the birds in the surrounding trees and shrubs.

The document states that *Motacilla cinerea* (Wagtail, Yellow) was seen on site. This is a Section 42 species of principal importance in Wales under the NERC Biodiversity Duty. See: 7. After examining the application I note that some organisations whom I would expect to have been consulted do not appear to have been. Indeed, at the time of writing no communications have been detailed from the following;

### Western Power Distribution

Within approx 80 metres of the proposed borehole an electricity pylon is located. Given the expected vibration and ground disturbance during drilling one would expect this organisation to have been consulted on the possible impact of this development. Further pylons are located within 250m.

### Wales and West Utilities

Given the expected vibration and ground disturbance during drilling one would expect this organisation to have been consulted on the possible impact of this development on their infrastructure and facilities in the vicinity of the proposed site.

### South Wales Trunk Road Agent (SWTRA)

This organisation is responsible for maintaining the condition and value of the Welsh Assembly's motorway and trunk road assets. It is difficult not to notice the proximity of the M4 motorway to the proposed borehole. By my rudimentary measurements the M4 sits around 90m south of the borehole (site edge significantly closer) and a motorway bridge is sited around 220m from the eastern edge of the site. Given the expected vibration and ground disturbance during drilling one would expect this organisation to have been consulted on the possible impact of this development on the highway, its structures and geo-technical features amongst other things.

### Dŵr Cymru Welsh Water

At the time of writing no comment has been available from Dŵr Cymru. The site utilises the access road to the Cuckoo Mill pumping station. One has to consider the implications for access to this facility both during construction and operation of the site.

The proposed site straddles a surface level outlet pipe from this facility that discharges into the Afon Llan. This outlet has not been constructed to withstand the weight of the vehicles required to bring equipment into and out of the site.

The access track spans ditches that drain into the Afon Llan and has not been constructed to withstand the weight of the vehicles required to bring equipment and materials into and out of the site.

8. There is a fear amongst residents in the area, that, if granted, this planning application will cause house prices in the vicinity to plummet. The fear is based around the perception that nobody would want to live near to a site that could potentially be developed for unconventional gas extraction in the future.

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I strongly oppose this application for the above reasons and hope that my objections are given due consideration when deciding this application.

**Natural Resources Wales:** We note that the proposed development is for the drilling of a single vertical exploration borehole, to collect rock samples from the Coal Measures to enable lab testing for coal bed methane. The proposed development does not involve any hydraulic fracturing.

The site is located within zone C2 as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, indicates the site to be at risk of flooding during the 1% event.

The proposal is for a single vertical borehole and associated temporary works and is therefore classed as less vulnerable development according to TAN15.

Given the temporary nature of the proposal, we would advise that the applicant gains an understanding of the flood risk to the site in order to inform a flood management plan for the site for the period of use. This should ensure that the site can be safely managed and evacuated should a flood event occur. We would also advise that the applicant signs up to our Floodline service, further details of which are available from our website or on 0345 988 1188.

Any works within 7m from the top of bank of the River Llan at this location will require prior consent from Natural Resources Wales. Please contact Rachel Thomas in our Flood Risk Analysis team on 03000 653319 to discuss this requirement further.

We note that a bund and cut off drain will be installed to manage the surface water at the site. In the first instance we would request that the cut off drain is increased in capacity to negate the need for the bund as this will ensure that there will not be any impact upon fluvial flood flow across the site. If the bund is not removed, it will need to be demonstrated that it will not impact upon fluvial flood flow across the site and affect flooding on third party land.

We request the inclusion of the following conditions in any planning permission granted, to ensure protection of ground and surface waters:

### *Drilling method statement*

A method statement for drilling (July 2015) has been supplied with the application. This method statement includes information on how the borehole will be drilled and cased to protect groundwater. It also includes information on the drilling fluid being used, the methods to be used to minimise the risk of loss of drilling fluid during the drilling process, as well as measures for the collection and disposal of drilling fluid.

We agree with the measures included and request a condition to be included to ensure that these measures are implemented as detailed in the Method Statement for Drilling.



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### *Storage of Fuels, Oils and Chemicals*

The works should also be carried out in accordance with the Environment Agency's Pollution Prevention Guides, which are available through their website. These guides advise that any facilities for the storage of oils, fuels and chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tanks, the compound shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses shall be located within the bund. There shall be no drain through the bund floor or walls. Please ensure that this is a condition of planning.

Comments made in Section 9.16 of the Planning Statement (July 2015) references the storage of oils or chemicals (including drilling fluids). The site layout plan (ref 2015\_1515 – Land at Bryntwyd – Site Layout.pdf), also shows the proposed bunded fuel store within approximately 20 metres of the borehole and located on the site perimeter closest to the River Llan. Regardless of any bunding, which will offer limited protection to surface water, it would be prudent to locate the fuel store on the opposite side of the site as far away as possible from the river and borehole. This would afford greater protection to the river and investigation borehole should an accidental release occur.

### *Pollution Prevention Plan*

No development approved by this permission shall be commenced until a pollution prevention management plan detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.

The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

### **Reason**

Prevent pollution of controlled waters and the wider environment.

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

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

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The construction phase of any proposed development poses potential risks to controlled waters, specifically diffuse pollution to the water environment arising from ground works.

### *Fish*

The site is very close to the river Llan which contains both brown trout (a BAP) species and eels (critically endangered Red List species), the documentation mentions that the drilling would be 24hrs, although this would be the open bore drilling, rather than the sections with casing, our concern is that drilling can impact through noise and vibration on fish movement in the nearby Llan, however if there are breaks in operation whilst the casing is installed this will allow any temporal effect to be minimised. The likely zone of impact is quite small so once the deeper layers are reached we will be less concerned about 24 hour operation.

### *Biodiversity*

The application states that there will be an 8 metre buffer between the watercourse and the development, this should serve to protect otter habitat, we therefore request that this be made a condition on any planning decision. There should be no vegetation removal within this buffer and it should be marked off before site development to ensure it is protected.

The ecological survey includes mammal surveys but does not specifically mention otters. No work is currently proposed that is likely to affect otter habitat but it should be recognised that otters will be using the river corridor. The application states that site lighting will be arranged to protect wildlife. The river corridor should not be lit up as otters and other wildlife move along it and lighting would cause disturbance.

The applicant should also be advised that, in addition to planning permission, it is their responsibility to ensure that they acquire all other permits/consents relevant to their development.

**Council's Ecologist** - The site has been subject to an ecological survey and appears to be of relatively low ecological value however the survey is now over two years old and the site may have changed. The site forms part of the Penllergaer to Llangyfelach Tunnel Railway Line SINC. The SINC habitat map and the CCW Phase 1 vegetation survey indicate this area may be marshy grassland this is a BAP priority habitat; this was not discussed in the survey document. The site is adjacent to a watercourse which is used by otters and is likely to be used by bats for commuting and feeding. The survey makes no reference to otters. Although the surveyor stated no reptiles were seen on the site there was no discussion of whether or not the habitat was suitable and no survey following the guidance produced by Amphibian and Reptile Conservation. Please could we ask the applicant to address these issues and suggest suitable mitigation for any adverse effect on the ecology of the site and area of influence?

**Drainage Officer** - No objection but would echo NRW's comments re the use of the bund and flood risk which could affect overland flow paths and thus adjacent land owners and local infrastructure.

**Dwr Cymru Welsh Water** – Comments as follows:

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### WATER

In relation to water resource and water quality and the impact the proposed exploratory borehole to test the Westphalian coal measures may have, we can confirm that the proposed site is approximately 26.05km away from Nantgarredig WPS and 4.23km away from the LLIW Reservoirs. Provided that the application seeks consent for drilling an exploratory borehole only and that the correct drilling procedures are followed in line with any comments or guidance received from Natural Resources Wales, we have no further comment to make as there should not be any impacts to the supply. However, this response is in relation to this exploratory borehole only, any subsequent application to develop the area for gas exploitation would require further consideration.

We consider it ESSENTIAL that the Natural Resources Wales are satisfied that the proposals will not have an adverse effect on any aquifer, or other water resource, in terms of both water quality and quantity.

### SEWERAGE

In relation to the public sewerage apparatus located in close vicinity of the proposed site we would advise the following:

We can confirm there is a Grant of Easement in place dated 19th August 2003 between Penllergaer Estates Limited and Dwr Cymru Cyfyngedig giving Dwr Cymru rights of access to their Assets at all times.

In addition the proposed site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position of the public sewer shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer. Please contact our Operations Team on 0800 085 3968 in order to arrange for the public sewer to be traced prior to any work commencing.

**Pollution Control:** No Objection. NRW have commented on the areas of interested surrounding ground water etc... so won't comment any further.

The lighting scheme supplied is unlikely to amount to a Statutory Nuisance and so no further comment to make.

The Noise Impact Assessment reports that the predicted noise levels are compliant with the current noise guidance without additional screening. The planning statement advises that additional screening will be utilised around the plant and so further reduction in sound level will occur.

Given that the sound levels are within the guidance provided, no objection to this application.

**Highways Observations:** There is limited traffic generation by this proposal which has been quantified by the applicant. Access to the site is acceptable to accommodate the original influx of vehicle to deliver the drilling equipment. Daily movements will be minimal from 2 or 3 staff per 12 hour shift and therefore is considered minimal. Access to the water pumping station will also be retained. Weekly movements are indicated to be approximately 8 vehicles ranging from 1 tanker to 3 transit van sized vehicle.

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On balance I do not consider that the number and type of movements indicated would have an adverse effect on local highway safety conditions and therefore recommend no highway objection subject to the applicant ensuring that vehicles leaving the site do not deposit mud or other debris on the adopted highway.

### UPDATED ECOLOGICAL REPORT SUBMITTED

#### Natural Resources Wales – Amended comments

We welcome the updated ecology report entitled 'Land at Llangyfelach, nr Swansea, Wales-Ecological Walkover Survey: Updated survey and vegetation assessment' by Wildlife Matters dated 25 September 2015. We note the conclusions of the report. In respect of otters, we note and welcome that the watercourse will be fenced 7m from the top of the streambank during the course of construction works. We advise that other good working practices for otters are implemented including:

1. Retention of a quiet, dark corridor at night within the fenced area.
2. Storage of construction materials outside the fenced area, and in way that prevents otters gaining access or using them to rest in (E.g. pipe ends will be capped or covered).
3. Any trenches that are left open overnight will have planks of wood placed at regular intervals to allow otters a way out.
4. All tools, food, litter and construction materials and packaging that may constitute a hazard to otters will be removed daily from the site.
5. Any areas that may be suitable for use by otters will be checked immediately prior to works commencing by a suitably qualified, experienced and licensed ecologist.

We have no comments to make with regards to other European Protected Species.

We have no objection to the proposals subject to an appropriately worded condition attached to any permission Swansea Council is minded to grant for the development to secure the above good working practices with respect to otters.

**Council's ecologist's** - We should consult with NRW regarding the Wildlife Matters ecological report. NRW have raised some issues

### APPRAISAL

#### Description

Full planning permission is sought for the drilling of a temporary exploratory coal bed methane borehole to gather technical data and meet commitments under the Petroleum Exploration Development Licence (PEDL) awarded by the Department of Environment and Climate Change (DECC). The purpose of the temporary appraisal borehole is to take samples to enable laboratory testing for Coal Bed Methane. This does not entail any ground stimulation (Fracking) or any gas production.

The hours of work during the site establishment and site clearance period will be from 07.00 hrs until 18.00 hrs Monday to Friday and 07.00 to 13.00 on Saturday. The drilling period will be 24 hours per day, seven days per week.

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At the end of the appraisal borehole's use, the site will be abandoned and fully restored. All equipment and fencing will be removed and the site returned to its prior condition. If the testing is unsuccessful the borehole will be abandoned in accordance with Environment Agency and Health and Safety Executive practices. If the testing is successful then the well head will be adequately secured and an additional planning application for longer term pilot production will be submitted.

The application site is located in an field next to the water pumping station operated by Dwr Cymru Welsh Water, to the north of the M4. The site will utilise an existing shared access track which serves the field and the water pumping station. No additional highway amendments are required or proposed.

In order to make the drilling process more efficient, two drilling rigs will be utilised. An initial drilling rig will set the surface casing to protect any groundwater near the surface and the second will set up over the borehole and drill the coal measures to sample.

The development proposed consists of:

1. The preparation of a temporary appraisal borehole site;
2. Drilling of an appraisal borehole for a period of up to 8 weeks, 24 hours a day; and
3. Restoration of the site following cessation of the drilling operations.

The work for the borehole will include the installation of a 2m diameter concrete ring up to 3m deep and drilling a surface conductor hole at approximately 30cm diameter a sufficient distance into the rock head then cementing the surface completion in place and pressure testing the surface completion. Drilling will commence at approximately 25cm diameter into the strata, steel casing will be set to the necessary depth to protect any groundwater present. Drill rig 2 will then commence drilling on site which will drill down to the Westphalian measures and collect chipping samples utilising a suitable Well Head Protection and Diversion System to a suitable vent system. The drills will incorporate monitoring systems and geophysical logs. Pump tests will then be conducted in order to indicate the permeability and suitability of the strata to produce gas.

The borehole will be constructed to comply with current legislation, applicable codes and rules, and under the governance of the Health and Safety Executive Oil and Gas Division. Permission is required from The Coal Authority in the form of a Coal Methane Access Agreement. Additional permits from Natural Resources Wales are required for the waste generated from the site. A final DECC permission, in the form of a Well Operation Notice, is required before work can commence. During the drilling of the borehole the levels of the drilling fluids will be constantly monitored by the drilling crews and tests on the fluids are made after the drilling of a drill rod. Typical properties tested by the drill crew are the density, viscosity, colour and sand content of the fluid.

The rig is truck mounted and when erect the rigs are approximately 18 metres in height. A 2 metre high security fence will surround the entire site, including bunds to contain the site operations.

In order to prevent the discharge of surface water from the site a cut off ditch / Bund and a submerged sealed interceptor tank will be constructed on the eastern boundary. A 10,000 gallon bowser will be kept onsite to allow the interceptor to be regularly emptied in the event of rain / surface run off. The bowser that the tank is pumped into will be sent off site to a licensed facility when it has been filled.

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The Environment Agency class the site as being in a flood plain for the River Llan. During drilling, the volume of rain and the level in the stream will be monitored.

The drilling fluids will comprise of a viscosifer to increase the viscosity of the fluid to increase the ability to lift the cuttings to the surface.

The water/fluids used for drilling are contained in a closed loop system and the volume of fluid required will depend on the depth of the well. The drilling fluid will be held in tanks on the surface so that they can be checked for levels and leaks.

The following methods of treating the waste will be followed:

- Shaker screen - the drilling fluid is passed over a fine vibrating sieve of various sizes to allow the drill cuttings to pass into a covered skip for disposal and the drilling fluid to drop through and return to the closed loop system. This separates the solid drill cuttings from the fluid so that it can be re-circulated back down the wellbore. In oilfield industry, linear motion shale shakers are widely used.
- Cyclone - The drilling fluid is spun in a hydro cyclone close system to remove the finer grained material from the system. The fine drilling cuttings drop out into a covered skip for disposal at a licensed facility.
- At the end of the drilling operation all excess drilling fluid will be tankered off site to a licensed disposal facility.

Due to the fact all drilling fluids are maintained in a closed loop system, this can easily be monitored for leaks. In the event of a loss of fluid to the system then the source of that loss will be investigated. If there is a leak to a tank/pipe then this will be repaired as soon as practical. The tanks will be placed so that they can be observed by the drilling crew and site staff. In the event that there is an increase in drilling fluid that may allow a spillage from the tanks, drilling will cease until additional tanks can allow for the increase in fluid or the additional fluid is tankered off site to an appropriate facility. The drilling fluid will not be allowed to enter the existing water course on the south side of the site.

The drilling fluids will be constantly monitored by the drilling crew. Drilling operations would be conducted on a 24 hour basis at the borehole.

Following the drilling and in-ground testing of the borehole, the well will be sealed with an appropriate valve arrangement or well head that is connected to the casing to prevent the release of Methane. During this time the site will be monitored for:-

- Well Pressure
- Differential Pressure
- Atmospheric Pressure
- Gas levels – oxygen, carbon dioxide, methane, hydrogen sulphide
- Water Level
- Water Samples

These tests will be conducted manually with regular checks of the condition of the site and its surroundings.

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All the drilling equipment and cabins will be de-mobilised from the site. As the well head is located in the well cellar there will be no visual impact. The well will be inspected on a weekly basis during the monitoring phase. During this phase of operations, there will be no need for a 24 hour site presence; the well cellar will be covered with a concrete lid. The concrete cover will restrict access to the well head and will be locked and bolted.

Lighting will be provided on stands no more than 3m in height; the lights will be hooded and will point downwards so that light cannot spill over the site boundary. No lights will be allowed to point directly at an existing dwelling or onto the highway. No lights will be allowed within 15m of the borehole unless certified flameproof.

### **Main Issues**

The main issues for consideration with regards this application are the national and local policy context and the potential environmental and amenity impacts (including visual impact, ecology, noise, access and highway safety, water environment and air quality). There are no additional issues arising from the provisions of the Human Rights Act.

### **Relevant Planning Policies**

National Planning Guidance;

Mineral Planning Policy Wales  
MTAN2: Coal (January 2009)

The above documents set out the land use planning policy guidance of the Welsh Assembly Government in relation to mineral extraction and related development in Wales. This includes all minerals and substances in, on, or under land extracted either by underground or surface working.

Unitary Development Plan

Policy EV21 - Rural Development  
Policy EV22 - Countryside General Policy  
Policy R3 - Coal Bed Methane Gas  
EC1(10) – General Employment Sites

Policy EV22 provides that the countryside will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment, and agricultural and recreational value.

In support of this overarching Policy, Policy EV21 says that in the countryside non-residential development will only be permitted where, inter alia, it is essential for minerals energy generation.

Policy R3 as drafted is in relation to the drilling for coal bed methane gas rather than for the proposed appraisal borehole to extract a core of coal for further study for the presence of gas. Nevertheless it is a criteria based policy which seeks to support drilling for coal bed methane where:

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- (i) there would be not significant adverse effect on natural heritage and the historic environment;
- (ii) the function and character of any green wedge would not be prejudiced;
- (iii) access arrangements are adequate and the volume and type of traffic generated can be safely accommodated on the highway network;
- (iv) no significant danger, damage or disruption would arise from subsidence or ground instability; and
- (v) there would be no adverse impact on the quality and/or quantity of controlled waters.

### **Environmental & Amenity Considerations**

#### Visual and Landscape Impacts

The proposed site is located within the countryside approximately 850m west of the urban area of Llangyfelach and 270m north of the small collection of dwellings at Bryntywod and the M4 motorway. UDP Policy EV22 provides that the countryside will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment, and agricultural and recreational value. In support of this overarching Policy, Policy EV21 provides that in the countryside non-residential development will only be permitted where, inter alia, it is essential for minerals energy generation.

The proposed site is in an area of open land and is sited in a relatively rural location, adjacent to the Dwr Cymru Welsh Water pumping station.

The site, is not visually prominent from the main highway and as such views to the site are long distance and limited. The site is, therefore, not easily viewed from public viewpoints. There are unlikely to be prominent views of the site from nearby dwellings and there will only be limited long distance views of the site from nearby settlements.

It is therefore considered that any impact on the wider visual amenity, character and appearance of the landscape would be minimal, particular when taking into account the rural location, the temporary nature of the operations and the fact that the site would be reinstated once the works have been completed.

### **Protected Species and Ecology**

The application site is of relatively low ecological value. The original ecological survey was found to be over 2 years old and as such an updated report was requested. The Council's ecologist also requested that the survey made reference to otters, bats, reptiles and that the site forms part of the Penllergaer to Llangyfelach Railway Line SINC. The updated report was submitted and included reference to the areas lacking in the first survey and concluded that there would be no undue impact upon protected species in the area. The Council's Ecologist and Natural Resources Wales were re-consulted on the report and raised no objection to its contents, subject to the imposition of conditions as stated in their original response and an appropriately worded condition to secure good working practices with respect to otters.

In view of the above, it is considered that the proposed temporary appraisal borehole, will not have an unacceptable impact on the ecology of the area or upon any protected species



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### Noise

The drilling of the borehole is potentially the noisiest operation associated with this proposal and would take place 24 hours per day for approximately 8 weeks. The applicant maintains that the noise vibration associated with the drilling will be minimal. This is based on previous experience, early drilling is through soft ground which will absorb vibration and the fact that once the sandstone is entered by the drill bit vibration will be cushioned by the over burden and distributed through low ground pressure tracks on the drill rig.

The location of the site has been selected to ensure that there will be minimal impact on any receptors. The site is in a rural location and the nearest potential receptors are dwellings approximately 270m from the site. A noise impact assessment has been conducted and submitted in support of this application. This report identified critical noise sensitive premises and background noise levels have been measured at locations that can be deemed to have a noise climate representative to that at a critical noise sensitive premises. Drill rig noise levels have then been predicted to the noise sensitive premises. Local topography is indicated to remove line of sight to the drill site and therefore predicted noise levels are likely to be 10dB quieter. Predicted noise levels with the inclusion of this barrier are indicated to fall below the World Health Organisation (WHO) night-time noise criteria within bedrooms of 30dB(A). Good practice will be applied with the aim of reducing noise associated with the drilling operations i.e.

- Avoid unnecessary revving of engines and switch off equipment when not required.
- Ensure plant and vehicles are properly maintained, check silencers and bearings.
- If the noise is directional, point the source away from noise-sensitive locations.
- Limit the use of particularly noisy plant or vehicles.
- Start-up plant sequentially rather than together.
- Ensure the plant is operated with any noise control hoods closed.
- Use broadband reversing alarms on mobile plant.

Having considered the content of this report, Pollution Control Officers have raised no objection to the proposed development as the Noise Impact Assessment reports that the predicted noise levels are compliant with the current noise guidance without additional screening. The planning statement also advises that additional screening will be utilised around the plant and so further reduction in sound level will occur.

Notwithstanding the above, it should also be noted that the applicant has a duty of care to ensure the noise is not audible beyond the site boundary which would ultimately be deemed a noise nuisance. Should this issue arise, the Local Authority has the power to impose specified hours by operation of an enforcement notice. Any breaches of the conditions attached to any such notice would lead to formal action against the person named on the said notice.

### Access & Highway Safety

There is limited traffic generation by this proposal which has been quantified by the applicant. Access to the site is acceptable to accommodate the original influx of vehicle to deliver the drilling equipment.

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Daily movements will be from 2 or 3 staff per 12 hour shift and therefore is considered minimal. Access to the water pumping station will also be retained. Weekly movements are indicated to be approximately 8 vehicles ranging from 1 tanker to 3 transit van sized vehicle.

On balance it is not considered that the number and type of movements indicated would have an adverse effect on local highway safety conditions and therefore no highway objection has been raised subject to the applicant ensuring that vehicles leaving the site do not deposit mud or other debris on the adopted highway.

### **Water Environment**

No objection has been received from Natural Resources Wales (NRW). They have commented that the site is very close to the river Llan which contains both brown trout (a BAP species) and eels (critically endangered Red List species). They note that the documentation mentions that the drilling would be 24hrs, although this would be the open bore drilling, rather than the sections with casing, and are concerned that drilling can impact through noise and vibration on fish movement in the nearby Llan. However, they state that if there are breaks in operation whilst the casing is installed this will allow any temporal effect to be minimised. The likely zone of impact is quite small so once the deeper layers are reached, there will be less concern about 24 hour operation.

In addition, NRW has recommended the inclusion of conditions and informatives in respect of investigation boreholes, disposal of waste and the storage of oils, fuels and chemicals on site. Subject to the inclusion of these conditions and informatives it is not considered that the proposal would have an adverse impact on the water environment.

### **Air Quality**

The purpose of the borehole is to remove a core of coal and retrieve it to surface for analysis for the presence of gas within coals, its permeability and cleat structure. Taking into account the fact that this development is for a temporary exploratory borehole and not a production well, it is considered that the development would not have an adverse impact on air quality.

### **Archaeology and Cultural Heritage**

There are no Scheduled Monuments, Listed Buildings or Conservation Areas within the surrounding area of the proposed appraisal borehole. It is unlikely, therefore, that any archaeological material would be disturbed by the proposed development.

The record is not definitive, however, and features may be disturbed during the course of the work. In this event, the applicant is advised to contact the Glamorgan Gwent Archaeological Trust Ltd.

### **Response to Consultations**

Notwithstanding the objections were received which raised concerns relating to environmental concerns, water pollution, the toxic nature of the proposal, noise issues, ecology, light pollution, principle of development that the proposed use is out of keeping with its rural location and the impact upon local residents.

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The issues pertaining to which have been addressed in the main body of the report. Concern has also been raised that the consultation process was not carried out correctly but the Local Planning Authority maintains that all appropriate bodies were consulted.

Concern has been raised with regard to potential Health and Safety issues, however planning permission is only one form of consent required to carry out the borehole operations including additional approval from the Health and Safety Executive.

Concern has been raised regarding the potential for future methane gas extraction and likely issues this could raise at this urban/rural location, potential future changes to Central Government and Welsh Government legislation regarding fracking. The current application is for a trial borehole only and does not seek consent for methane gas extraction. As such the implications of this type of enterprise cannot be taken into consideration during the determination of this application. Should the applicant seek to commercially extract methane gas, a separate planning application would be required and considered on its own merits.

### Conclusion

In conclusion, it is considered that subject to appropriate planning conditions and any permission being granted for a temporary period only, the proposal is considered to comply with the provisions of Unitary Development Plan Policies EV1, EV2, EV21, EV22 and R3. Furthermore, it is considered that the following consideration of the nature of the proposal and the response to consultations, in recommending approval, the Local Planning Authority has complied with its duties under the Well-being of Future Generations (Wales) Act 2015 and NERC Act.

### 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 planning permission hereby granted is for a period of twelve months only from the date of commencement of development. Written notification of the date of commencement of development shall be sent to the Local Planning Authority a minimum of 14 days prior to the commencement of development on site.

For the avoidance of doubt, commencement of development shall be taken as the date of commencement of site preparation works.

Reason: To define the extent of the permission granted

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- 3 The development shall be carried out in accordance with the following approved plans and documents: borehole location plan, bund location plan, detailed location plan, drilling method statement, east/west section, echo barrier, fencing, lighting layout, north/south section, oil and fuel tank specification, site layout plan, specification of drill-sorb, specification of pure bore, 81136-04 site office plans and elevations, 81136-16 site cabins plans and elevations received on 22nd July 2015.

Reason: To define the extent of the permission granted.

- 4 No development shall take place until the following schemes have been submitted to and approved in writing by the Local Planning Authority:

(i) A scheme detailing the removal of all surface elements of the development

(ii) A scheme detailing the restoration of the site

(iii) A timetable for the works.

The schemes shall be implemented and completed in accordance with the approved schemes and timetable.

Reason: To ensure the site is re-instated, in the interests of visual amenity.

- 5 All works and ancillary operations which are required for the site preparation stage only shall be carried out between the hours of 08.00 and 18.00 hours on Monday to Fridays and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties.

- 6 No development shall commence until a Pollution Prevention Method Statement detailing all necessary pollution control measures for the construction and operational phases 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: In interest of protecting the water environment.

- 7 Prior to the commencement of work on site details of a wheel wash system for all vehicles leaving the site shall be submitted to and approved in writing by the Local Planning Authority. The wheel wash system shall be provided in accordance with the agreed scheme prior to the commencement of work on site and shall be retained and maintained throughout the duration of operations on site.

Reason: In the interest of highway safety.

- 8 The measures as detailed in the Method Statement for Drilling July 2015 shall be implemented in accordance with the approved details.

Reason: To minimise the risk of loss of drilling fluid during the drilling process and measures for the collection and disposal of drilling fluid.

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- 9 Notwithstanding the details on the approved plans , the fuel store shall be relocated to the opposite side of the site as far away as possible from the river and borehole, in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The fuel store shall be constructed in accordance with the approved details.  
Reason: To allow greater protection of the river and investigation borehole should an accidental release occur.
- 10 An 8 metre buffer between the watercourse and the development shall be marked out on site before the commencement of development and retained as such at all times. No vegetation shall be removed within this buffer during the duration of the development hereby approved.  
Reason: To protect otter habitat
- 11 Notwithstanding the details on the approved plans, the river corridor shall not be illuminated.  
Reason: To prevent disturbance of otters and other wildlife
- 12 Notwithstanding the details on the approved plans, the cut off drain shall be increased in capacity to negate the need for the bund in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The cut off drain shall be completed in accordance with the approved details prior to the commencement of the development hereby approved and retained as such for the duration of this permission.  
Reason: To ensure that there will not be any impact upon fluvial flood flow across the site
- 13 Any facilities for the storage of oils, fuels and chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tanks, the compound shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses shall be located within the bund and there shall be no drain through the bund floor or walls.  
Reason: To afford greater protection to the river and prevent pollution.

### INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 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, EV21, EV22, R3.

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- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

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

Care should be taken when working on buildings particularly during the bird nesting season March-August.
- 5 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 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 All appropriate pollution controls must be adopted during the site preparation, construction and operation of the development to ensure the integrity of the water environment. It is the responsibility of the developer to ensure no contaminated material or water be allowed to enter and pollute controlled waters. The applicant should refer to pollution prevention guidance notes (PPGs) for further pollution prevention advice.  
These are available from [www.netregs.gov.uk/netregs/links/107968.aspx](http://www.netregs.gov.uk/netregs/links/107968.aspx)
- 8 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.

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- 9 The method statement detailing the pollution prevention methods should identify as a minimum:-
- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
  - How each of those watercourses and pathways will be protected from site run off during construction.
  - How the water quality of the watercourses will be monitored and recorded.
  - How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
  - Storage facilities for all fuels, oils and chemicals
  - Construction compounds, car parks, offices etc
  - details of the nature, type and quantity of materials to be imported on to the site
  - Measures for dealing with any contaminated material (demolition waste or excavated waste)
  - Identification of any buried services, such as foul sewers, so that they are protected
  - Details of emergency contacts, for example Natural Resources Wales hotline 0800 807 060
- 10 Pollution prevention guidance is available from the Environment Agency's website <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>
- 11 The applicant should be aware that there is a Grant of Easement in place dated 19th August 2003 between Penllergaer Estates Limited and Dwr Cymru Cyfyngedig giving Dwr Cymru rights of access to their Assets at all times.
- 12 The applicant should be aware that the proposed site is crossed by a public sewer. The position of the public sewer shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer. Please contact our Operations Team on 0800 085 3968 in order to arrange for the public sewer to be traced prior to any work commencing.
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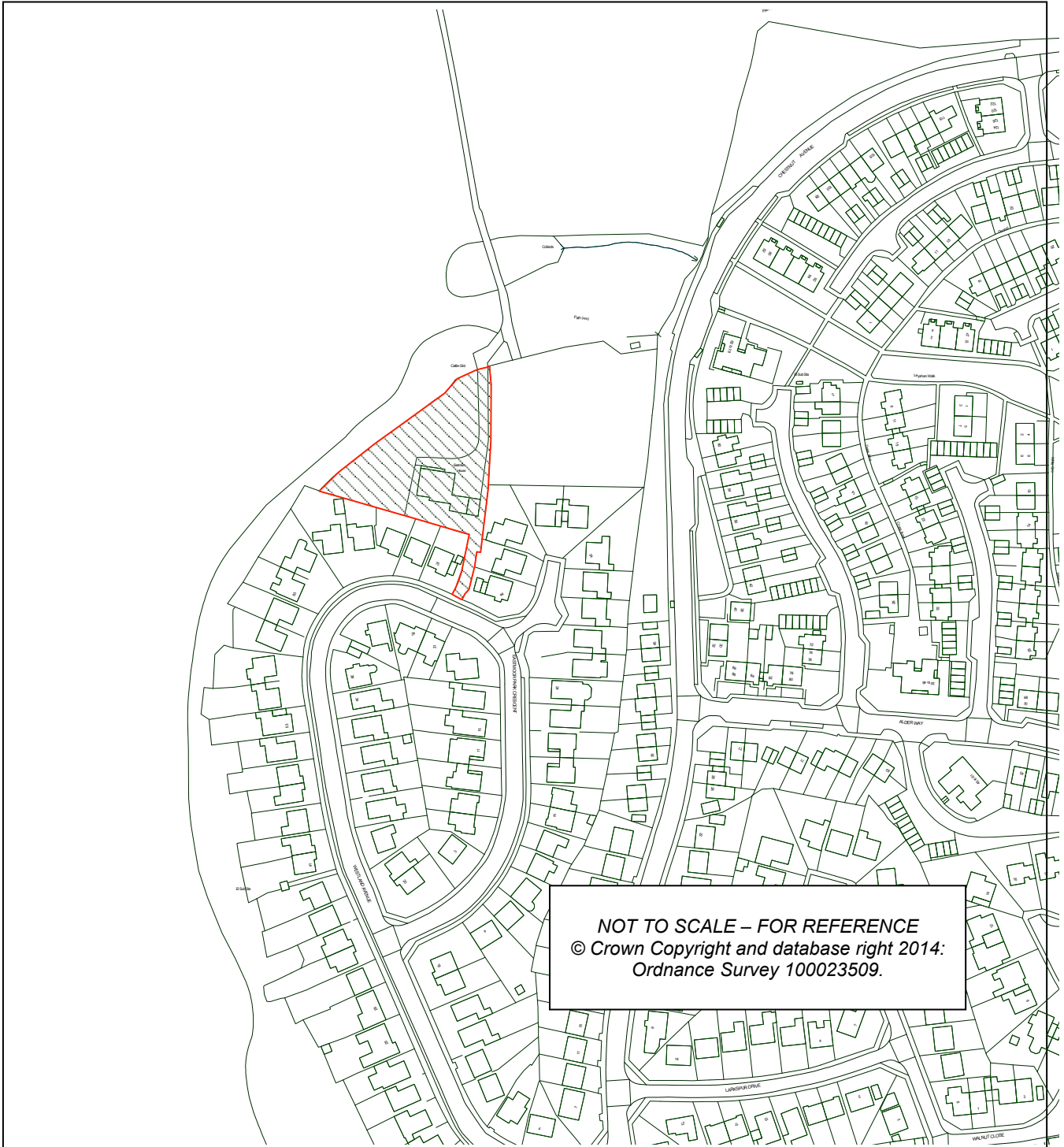
WARD:

West Cross

**Location:** Eastmoor House Westlands Avenue West Cross Swansea SA3 3JA

**Proposal:** Demolition of existing dwelling and construction of 4 detached dwellings (outline)

**Applicant:** Mr Alun Powe





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### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy 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**

There is no relevant planning history relating to the site.

#### **RESPONSE TO CONSULTATIONS**

##### Original scheme – 5 dwellings

EIGHT neighbouring properties were consulted and the proposal was advertised on site. THIRTY SEVEN LETTERS OF OBJECTION have been received, including one from Cllr Mark Child, which are summarised as follows:

- 1) Unsuitable access
- 2) The existing house is accessed from Mayals, not West Cross
- 3) Highway safety concerns
- 4) Overintensive development
- 5) Inadequate sewerage/drainage
- 6) Noise and disturbance from new access
- 7) Loss of privacy
- 8) Concern over the number of bats in the area

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- 9) There are trees nearby
- 10) Demolition/construction will cause nuisance
- 11) Security and Safety concerns during construction
- 12) The existing trees will overshadow the proposed houses
- 13) Concerns that a historic permission could also be built in addition to the current scheme
- 14) The site is located in Mayals not West Cross
- 15) Lack of visibility splays
- 16) Poor spelling and grammar on the application form
- 17) Effect on adjacent common land, SSSI and AONB needs to be considered.
- 18) All residents on the cul de sac should be consulted.
- 19) Construction vehicles would cause danger and be inconvenient
- 20) Changing the date to receive objections is sneaky and perhaps illegal
- 21) The land is boggy and surface water runs off into our property. Development would make this worse
- 22) The application should be viewed in conjunction with the candidate site next door.
- 23) The DAS reads as a copy and paste exercise from planning policy with little attempt to set out how the application meets the criteria
- 24) The layout does not conform to the SPG in terms of separation distances
- 25) The dwellings should be occupied for private housing not social housing

**Highway observations** - This proposal is for the demolition of Eastmoor House and its replacement with 5 new dwellings. The site is located off Westland Avenue and in order to access the new dwellings a shared private drive is proposed. Adopted standards recommend that a shared private drive can serve 5 dwellings and the standards indicated on the submitted plans comply with recommendations. Drive width is acceptable and there are turning facilities within the site so all vehicles can enter and leave in a forward gear.

Each plot has room for 4 cars and therefore parking provision is above the maximum number necessary. Whilst the removal of the existing dwelling and its replacement with 5 new dwellings will inevitably result in additional traffic movements, the number of movements associated with 5 dwellings is relatively low and the roads in the vicinity are more than capable of accommodating the extra movements.

No highway objections are raised subject to the drive access being maintained at 4.5m in width.

Amended scheme – 4 dwellings does not impact upon original highway comments and is considered acceptable.

**Council's Ecologist** –An ecological survey has been submitted and the Council's ecologist has raised no objection to the scheme subject to standard informatives.

**Glamorgan Gwent Archaeological Trust** – No objection. Condition recommended that records are made of existing dwelling prior to demolition.

**Welsh Water** – No objection subject to standard conditions.

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### Revised scheme – 4 dwellings

The indicative layout plans were amended, reducing the number of proposed dwellings to four instead of the originally proposed five dwellings, due to concerns raised as to the intensity of the development.

Following the receipt of the amended details, all previous consultees and objectors were reconsulted and the proposal was advertised on site.

An additional TWENTY TWO LETTERS OF OBJECTION have been received, one of which is from Cllr Mark Child. Additional points of objection raised are summarised as follows:

- 1) Area is already high density. This scheme will add to that
- 2) Noise and disturbance from access road to nearby houses
- 3) I'd prefer access for construction traffic off Mayals Road

### **APPRAISAL**

This application is called to Committee for determination at the request of Cllrs Des Thomas and Mark Child.

#### **Description**

The site is triangular in shape and is currently occupied by Eastmoor House which is to be demolished to facilitate the scheme. Access is via an historic access onto Westland Avenue, although the existing access to the site appears to be off Mayals Road. The site is lower than the properties to the south by approx. 1.5m. The area is characterised by relatively high density two storey dormer bungalows, two storey dwellings and some single storey bungalows of no definitive architectural style.

Outline consent is sought for the construction of 4 detached dwellings on the site. All matters are reserved for future consideration, although access is indicated as being off Westland Avenue.

The (amended) indicative layout plan submitted as part of the application indicates four detached dwellings.

The scale parameters of the dwellings are as follows; width 6-10m, depth 7.5-10m and height 8-9.5m.

### **ISSUES**

The main issues for consideration relate to the acceptability of new residential development at this location, the visual and residential amenity implications of the proposal and highway safety. There are, in this instance, no issues arising as a result of the Human Rights Act.

**Principle of development**

The site is located within the urban area and is currently occupied by a residential dwelling. As such, there are no policy reasons why this site cannot be developed for additional residential dwellings, subject to satisfactorily addressing visual and residential amenity implications and highway safety. The site is, in essence, backland development, although as there is already a residential dwelling on the site, the principle of using the site for residential backland development is already established.

**Visual Amenity**

Whilst no detailed plans are being considered at this stage, the submitted scale parameters suggest 4 dwellings of comparable footprints to the surrounding residential properties. Furthermore, it is noted that the properties are to be 2 storeys in height, which in light of the character of the surrounding properties would be considered appropriate in this instance.

Due to the restrictions of the site in terms of its shape, it would seem necessary to locate dwellings away from the corners of the site. The long flat site southern site boundary is likely to result in the future proposal of dwellings to that portion of the site. However, the land level of the site is lower than that of the surrounding properties and it is considered that given the site's size and relationship with neighbouring properties, the site is capable of comfortably accommodating 4 two storey dwellings without having a detrimental impact on the visual amenities of the area. The principle of the proposal is also considered to be in accordance with the Council's 'Infill and Backland Design Guide', which states that "generally the design of schemes should be informed by immediate buildings and by the character of the wider locality.

Furthermore, the immediate surrounding area is high density in nature and the proposal, whilst increasing the overall number of dwellings in the wider area, offers similar sized dwellings to the surrounding development on larger plots, thus representing a scheme that is less intensive than the neighbouring development. The proposal therefore represents an acceptable form of development in line with the criteria set out in Policies EV1, EV2 and HC2 of the City and County of Swansea Unitary Development Plan 2008.

**Residential Amenity**

The majority of dwellings likely to be impacted by the proposal are located to the south of the site, along Westland Avenue (ie.67-75). These properties have shallow rear gardens and are two storeys in nature. Furthermore the application site is lower than these neighbouring properties by approx. 1.5m.

Consequently there is a potential for overlooking to occur from the Westland Avenue properties onto amenity/garden spaces serving any new dwellings to be proposed in the southern sector of the site. However, and whilst indicative, the garden and outdoor amenity space of Plot 1 is large and it is considered that a dwelling could be accommodated in this plot that would achieve a satisfactory level of private amenity space for future occupiers. The same principle is also applied to Plot 4.

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In terms of the potential impact of the proposed dwellings on the existing properties along Westland Avenue, it is considered that subject to being sensitively designed, sited and orientated, the proposed development of 4 dwellings on the site would not have an adverse impact on neighbouring occupiers by means of overlooking, overbearance or loss of light.

Additionally, there is already a large dwelling on the site which is located relatively close to the properties to the south of the site. and the impact of this dwelling must be a consideration when assessing the proposal scheme.

With regard to the impact of the proposal to the properties to the east, it is also considered that the sensitive development of 4 dwellings on the site would not adversely impact upon the occupiers of the properties in Eastmoor Park Crescent, due to the separation distances involved.

The proposal, therefore, is considered acceptable on residential amenities grounds and, on balance, accords with the criteria set out in Policies EV1, EV2 and HC2 of the City and County of Swansea Unitary Development Plan 2008 and the guidance contained within the 'Infill and Backland Design Guide'.

The erection of 4 dwellings on the site (in lieu of the existing one dwelling) will inevitably give rise to increased levels of 'comings and goings' from the site. However, the increased level of activity associated with the erection of three additional dwellings is not considered to detract from the living conditions of local residents to such an extent that warrants the refusal of the application.

### **Highways & Safety**

The Head of Transportation has raised no objections to the scheme and considered access off Westland Avenue to be appropriate and acceptable in principle.

### **Response to consultation**

With regard to the issues raised in the initial set of letters of objection received (to the scheme for 5 dwellings), points 1, 2, 3, 4, 6, 7, 8 and 15 have been addressed above. Points 10, 11, 12, 14, 16, 19, 23 and 25 are not material planning considerations and therefore cannot be taken into consideration when determining this application.

With regard to point 5 i.e. drainage, Welsh Water have raised no objection to the scheme. With regard to the correct address, the site is clearly identified in red pen on the submitted plans and its address/postcode is not considered to have any bearing in the determination of this application.

In terms of the suitability of the access, the submitted plans clearly indicate an access road width of approx. 4.7m which satisfies the Council's Highway Authority Guidelines and the Head of Transportation and Engineering raises no objection to the proposal.

With regard to point 9, the applicant, at this stage is not proposing to fell trees and therefore it is premature to comment on this matter.

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In terms of point 13, the Council does not hold any records of historic planning permissions at this site on its computer database. It therefore appears that there are no historic permission relating to the site that could be implemented.

Point 17 relates to the effect on the neighbouring common land, SSSI and AONB. The application site is located within the urban area on already developed (brownfield) land. Further development within the parameters of the site is not considered to have any adverse impact on such designated sites

With regard to consultation (18 & 20), the Local Planning Authority has publicised the application in accordance with the statutory requirements.

With regard to point 21, Welsh Water have raised no objection to the scheme subject to standard conditions. Specific drainage details of the proposal have been requested by means of the use of a planning condition.

The application has been determined on its individual merits. The specific impact of the development on any neighbouring land (either already developed or undeveloped) can only be properly assessed at 'reserved matters' stage (objection point 22).

With regard to point 24, layout is reserved for future consideration and therefore there this matter is not under assessment at this stage.

With regard to the additional objections received (relating to the amended scheme of 4 dwellings), the Local planning Authority is in agreement that the area is dense in nature at present. It is considered that an additional 4 dwellings would have no tangible impact on the overall density of the area, particularly as the dwelling/plot ratio is superior to existing development in this instance.

With regard to the vehicular disturbance from the new dwellings, this matter is discussed above. In summary it is not considered that the increased level of noise and disturbance associated with three additional dwellings would warrant the refusal of the application on such grounds.

Finally, with regard to the means of construction traffic accessing the site (19), the applicant has indicated that he would be satisfied to entertain a condition requiring construction traffic to access the site from Mayals Road in order to mitigate any potential impact of utilising Westlands Avenue. This matter however cannot be controlled by means of a planning condition, as the imposition of such a condition would be unenforceable. The applicant/developer could however take steps to ensure that this took place voluntarily.

### **Conclusion**

Having regard to all material planning considerations including the Human Rights Act, the proposal is considered to represent an acceptable form of development according with the criteria set out in Policies EV1, EV2 and HC2 of the City and County of Swansea Unitary Development Plan 2008 and the infill and Backland Design Guide. Accordingly, approval is recommended.

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**RECOMMENDATION**

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

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

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

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

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 4 The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan (01) received 28th July 2015.

Reason: To define the extent of the permission granted.
- 5 Before the development hereby permitted is commenced, details of the levels of the building(s) and roads/footpaths in relation to the adjoining land and highway(s) together with any changes proposed in the levels of the site shall be submitted to and agreed by the Local Planning Authority in writing. The development shall be implemented in accordance with the agreed scheme.

Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.
- 6 The approved landscaping scheme approved as part of any subsequent reserved matters application shall be carried out within 12 months from the completion or occupation of the development, whichever is sooner. Any trees, shrubs or plant material which are part of the scheme, which die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.

Reason: In the interests of the visual amenity of the site.

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- 7 Before each dwelling hereby approved is occupied, the means of enclosing the boundaries of the individual curtilage of that dwelling 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.

- 8 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site (including the access lane and parking spaces) 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.

Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system (SuDS), and the results of the assessment provided to the Local Planning Authority. If the assessment indicates that a SuDS can be utilised, then such a system should be used.

Where a SuDS is to be utilised, full details of any soakaways being proposed shall be provided. The submitted information shall include details of the size of the soakaways, confirmation that they are not located within 10m of any watercourse/ditch and that they have sufficient permeability in accordance with BS 6297.

The agreed drainage scheme shall be implemented before the dwellings hereby approved are brought into beneficial use, unless otherwise agreed in writing by the Local Planning Authority. The drainage scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of drainage.

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

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

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

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

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

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



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- 12 No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed with the local planning authority, to be carried out by a specialist acceptable to the local planning authority and in accordance with an agreed written specification.

Reason: As the buildings are of architectural and cultural significance the specified records are required to mitigate the impact of the development.

### INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 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: Policies EV1, EV2, EV3, AS6 and HC2 of the City and County of Swansea Unitary Development Plan 2008.
- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.
- 5 Reptiles may be present. All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).
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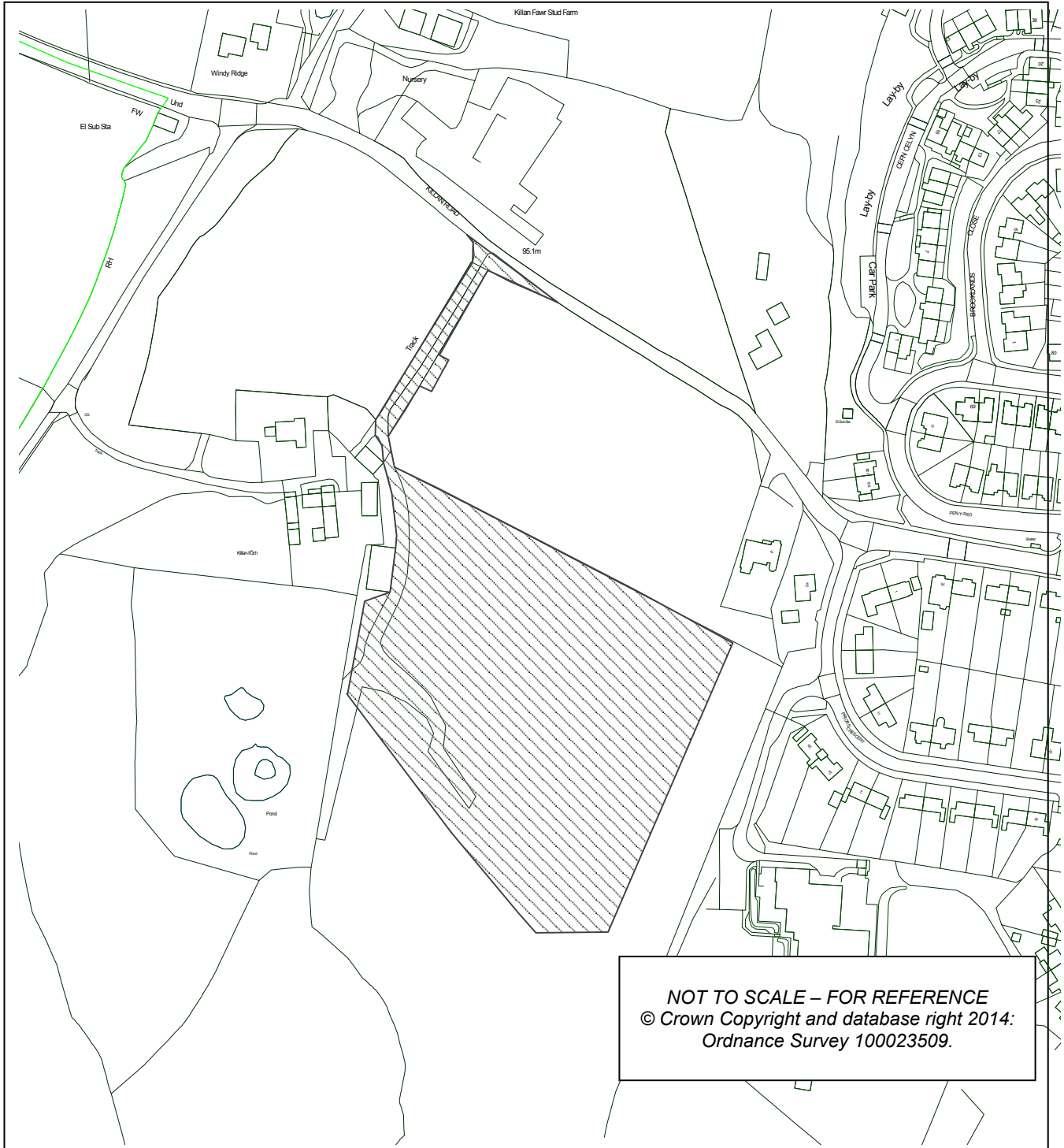
WARD:

Dunvant

**Location:** Killan Fach Farm Dunvant Swansea SA2 7US

**Proposal:** Installation of ground mounted solar array; capacity up to 1 megawatt; ancillary infrastructure including fencing, security cameras, inverter kiosk, construction compound, cabling, substation building and access, screening/landscaping

**Applicant:** Y Felin Ddwr Charitable Trust



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### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
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Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
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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).
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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)
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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)
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Policy EV23	Within green wedges development will only be permitted if it maintains the openness and character of the green wedge and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. (City & County of Swansea Unitary Development Plan 2008)
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Policy R11	Proposals for the provision of renewable energy resources, including ancillary infrastructure and buildings, will be permitted provided:
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(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,

- Continued -

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- Policy R11
- (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

<b>App No.</b>	<b>Proposal</b>
2012/0785	Installation of Solar Photovoltaic (PV) park, including inverter cabinet, 2.5 metre high security fencing and associated works Decision: Grant Permission Conditional Decision Date: 25/07/2012

### RESPONSE TO CONSULTATIONS

#### **Drainage Officer –**

We have reviewed the application and should permission be granted we would recommend that an appropriately worded condition requiring the submission of a construction method statement including how the risk of increased surface water run-off will be managed during the construction phase.

#### **Natural Resources Wales –**

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

#### **Ecology and Protected Species**

We welcome the submission of the document entitled; 'Killan Farm: Phase 1 Survey and Ecological Appraisal', dated 2 April 2015 by BSG Ecology.

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We note that the site is mainly composed of conifer plantation, with some grassland to the west of the site. The botanical value of the site is regarded as being low and the site is considered to offer limited potential for protected species. Trees at the site are regarded as being of insufficient age to provide roosting features for bats. We also note that results of an eDNA survey for Great Crested Newts on ponds adjacent to the proposal did not yield any positive results.

The report states that an earlier Phase 1 survey of the site identified two disused badger sett entrances. However, the most recent survey was only able to locate identified one entrance which displayed no indication of regular use. Nevertheless, we support the proposal to carry out a pre-commencement check to confirm that no re-occupation has occurred.

Badgers and their setts are protected under the Protection of Badgers Act 1992. It is an offence to kill, injure or take any badger or to disturb a badger whilst it occupies a sett. It is also an offence to damage, destroy or obstruct access to a badger sett.

Unless the proposal avoids these effects, the applicant will also require a license from NRW under Section 10 (d) of the Protection of Badgers Act 1992 before any development could proceed. A licence application should be accompanied by survey reports and, where necessary, an appropriate mitigation scheme. A scheme for the conservation of badgers should take account of the distance of any sett from the development, the status of the sett and the provision of suitable foraging area.

The report states that reptiles are likely to be present on the site and therefore we support the recommendation, that an appropriate Reptile Method Statement should be prepared and agreed with your Authority's Planning Ecologist.

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

### Protected Sites

The proposal is located a short distance from the Fairwood, Pengwern and Welshmoor Site of Special Scientific Interest (SSSI), which is part of the Gower Commons Special Area of Conservation (SAC). We consider it unlikely that the proposals would have an adverse effect on the SAC/SSSI. However, there is a requirement to assess any potential impacts under the Conservation of Habitats and Species Regulations 2010. Regulation 61 of the Regulations requires you, as the competent authority to undertake a test of the likely significant effects of the proposal on the SAC.

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

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### Landscape

The site lies approx. 0.5km north-west of the AONB boundary, within the Three Crosses visual & sensory aspect area identified by Landmap. The site is a former Christmas Tree growing area and as such benefits from screening to the site boundaries, which limit the visibility of the solar array within the landscape.

We note that the existing boundary screening would be retained and further screen planting is proposed to the north boundary (in the form of a Leylandii hedge) and to the western boundary (in the form of a Hazel & Hawthorn hedge). An existing 50kw solar array has been approved east of the farm buildings. This proposal would extend solar panels over a much larger area of the site.

Viewpoints 6 & 7 lie within the AONB at Fairwood Common, 1.2 and 1.7km away respectively. The views look across part of the common that lies within the AONB, with the valley slopes of the Clyne River forming a backdrop.

The landscape appraisal considers the susceptibility of receptors at viewpoints 6 & 7 on the common to be medium-high. Given that the area is within the AONB and receptors include walkers and potentially cyclists and horse riders enjoying the landscape, we would expect susceptibility to be high, value to be high and sensitivity high.

The appraisal states that the proposed mitigation would not have an effect on these views. A small part of the array would be visible in these views and the visual effect and effect on landscape character is considered to be moderate-minor and not significant. The proposal would be quite noticeable in comparison with the consented scheme and contrasts with the rural character of the valley sides.

We consider that the effects would be of moderate significance and that the sensitivity of the landscape and receptors has been underestimated. The appraisal photographs have been produced with an 80 degree field of view, which also tends to underestimate the visual impact. Single frame photographs with a 40 degree horizontal field of view, reproduced at A3 more accurately show the level of detail seen in the field.

With regards to cumulative effects, the main effects are from this proposal, with a slight cumulative effect with the consented array. We do not consider that the consented array limits the contrast with rural character or that nearby and consented residential development to the north limits the effects. Rather, the proposal would extend and intensify the visual effects of development in views from the AONB.

With regard to the proposed mitigation, the use of Leylandii for screening within the rural landscape is not advisable and does not reflect the positive character of native broadleaved woodland and trees in the Clyne Valley.

The use of native hedgerows, with a high percentage of native holly and native trees can provide effective screening in sufficient density. Christmas trees are a crop and often a short-term landscape feature. They are not usually allowed to grow to maturity.

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If these trees are to be retained as a screen for 25 years or more they will require thinning and management if they are to continue to provide an effective screen. Additional native hedgerow/tree planting to the boundaries is recommended to replace the conifer screen in time.

We do not consider that the landscape and visual effects on the AONB would be significant.

However, the visual effect on the setting of the AONB and on views from Fairwood Common could be almost completely removed by removing one or two rows of panels from the northern part of the site. We recommend that this proposal is considered in order to minimise the effect on the AONB. We also advise that a Landscape Management Plan for the proposed screen/boundary planting should be conditioned, if your Authority is minded to grant planning permission.

### Pollution Prevention

As best practice, we would advise the developer to produce a site specific construction management / pollution prevention plan. We recommend that this plan should pay particular attention to the prevention of erosion and silt pollution. Any discharge of sediment contaminated water into the environment is an offence under the Environmental Permitting regulations and may result in enforcement action.

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

For additional information, the applicant should refer to and make use of, the information within the CIRIA technical guidance on linear construction projects. Further supporting information can also be found in PPG 6. Please also refer to Environmental Good Practice - Site Guide.

To conclude, we would not object to the above proposal, providing that appropriately worded conditions are attached to any planning permission your Authority are minded to grant.

### Pollution Control –

No objection as long as the pollution control measures are carried out in accordance with the submitted documents.

### Coal Authority –

Following the submission of further details, the Coal Authority have provided the amended comments as indicated below:

The Coal Authority Response: Material Consideration

The application site falls within the defined Development High Risk Area. The Coal Authority has previously objected to this planning application in letters to the LPA, the last of which was dated 20 October 2015.

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Mr Orme (the applicant) has now submitted a revised layout plan for the solar farm development which identifies the recorded locations of the mine entries and their zones of influence on the site and removes solar panels from these locations.

In his e-mail Mr Orme notes that in order to locate the mine entries by intrusive site investigations they would have to clear the site of trees, which is major step without planning consent being agreed. The Coal Authority has taken account of these comments and appreciates the difficulties of carrying out intrusive investigations on this site prior to planning permission being granted. We are however pleased to see that the applicant has used the recorded positions of the mine entries to inform the revised layout in order to ensure that solar panels are not placed over or within close proximity to the mine entries.

The Coal Authority also notes that Mr Orme has confirmed that if the intrusive site investigations establish that the positions of the mine entries vary from those recorded the applicant will apply for amendments to the planning permission to reflect any change in layout which may be required.

### The Coal Authority Recommendation to the LPA

The Coal Authority is satisfied that revised layout plan, Drawing No KF003V4, dated 8/10/15, takes account of the coal mining legacy issues on the site. The email from Mr Orme acknowledges the risk to the development from past coal mining activity and confirms that intrusive site investigations will be carried out in order to establish the exact situation in respect of 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, or revisions to the site layout, 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.

A condition should therefore require prior to the commencement of development:

- \* The submission of a scheme of intrusive site investigations for approval;
- \* The undertaking of that scheme of intrusive site investigations;
- \* The submission of a report of findings arising from the intrusive site investigations, including identified 'no-build' zones for the mine entries;
- \* The submission of a scheme of remedial works for approval; and
- \* Implementation of those remedial works.

On the basis of the information and revised layout now submitted the Coal Authority withdraws its original objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

### **Ecology Officer –**

The developers have commissioned an ecological survey of the site. This was carried out by BGS Ecology during 2015. The survey findings indicate that generally the site is of low ecological value although there are though some areas of interest.



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The developers intend to retain the hedges surrounding the site and will replace any hedges removed, the site will be reseeded as grassland, and overall there should be an improvement in its ecological value.

There are some ponds adjacent to the site which have potential to contain great crested newts. Great crested newts are protected and afforded the highest legal protection under European legislation. These have been surveyed for and no evidence of their presence has been found. No further action is needed.

There are reptiles present on the site. Please could we ask for the developers to submit a reptile mitigation statement for our approval prior to work starting on the site.

There is a badger sett on the site. This appears to be disused but it must be rechecked if any work is being carried out within 30m of it. If it appears to be active, work within 30 m of it must stop and NRW contacted for advice. Please could we add a condition to any permission we give ensuring this happens.

In addition the birds informative should be attached to any permission.

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

You will recall that we were consulted regarding a screening request for a solar farm at this location in 2011 and 2015; in our responses we noted that the area was crossed by the route of a 19th century tramway that connected a coalmine to the west, with the Swansea Section of the London and North Western Railway, as depicted on historic OS mapping of the late 19th century. This also shows spoil tips in the area indicating that coalmining had taken place in or immediately adjacent to the proposed development.

We have therefore looked carefully at the current proposed development area and note that the area does not lie within any statutorily protected areas and the boundary of the area characterised as part of the Gower Registered Historic Landscape is some 0.5km south. No other known archaeological sites will be affected by proposed development and therefore it is our opinion that no archaeological mitigation will be necessary in this case.

### **Gower Society –**

1. We attach an aerial photograph taken on 18th August and this raises a number of issues.
2. There appears to be a considerable amount of tree removal proposed although this is not (as far as we can determine) specifically referred to. There is a mention of Christmas trees but these are well past that description because of their overall size. We also dispute the claim that very little wild life is supported by such trees. An ecological survey should be requested.
3. The removal of these trees will certainly open up the area of land and make it considerably more visual than it is at present. Any mitigating landscaping will take years to have any real effect of mitigation. It will be seen from the adjacent AONB and we refer you to the Planning Inspector's Enquiry Decision relating to Webbsfield.

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4. We are concerned that the proposal is so close to domestic urban development and the adjacent school. This is purely an aesthetic point of view but we are advised that in heavy rainfall and wind there could be undesirable noise implications.
5. Whilst not in the Gower AONB it is very close and within EV23, an area specifically intended to preserve the Green Wedge. Whilst we appreciate that a recent decision for Cockett Valley Solar Panels has ignored such classification, we do think this at Duvant is creeping ever closer to the Jewel in Swansea's' Crown i.e. The AONB and will be seen from it.
6. We note that a previous application to construct 300 houses was refused, in 1986 planning permission to build 3 bungalows on this land was approved, in 1993 a barn conversion was approved, in 1994 that a Farm Managers Cottage was approved on the basis of managing land now to be covered in solar panels and a small solar panel installation in 2012 that was approved but has never been constructed.
7. Swansea has seen an increasing number of such applications and we have to ask where does it stop and why cannot they be placed on larger industrial and commercial roofs?

### **Head of Transportation and Engineering –**

This proposal is for a solar farm on land at Killan Fach Farm, Duvant. The site is accessed from Killan Road and details submitted with the application indicate that the construction phase is estimated to last for up to 14 weeks. Traffic movements during this phase are predicted to be up to 30 daily movements by light vehicles (staff by car etc.) and 8 daily HGV movements during the busiest phase of construction (weeks 3 - 11). Outside of this period, HGV movements are much lower and predicted to be 2 to 4 movements a day. Overall, the predicted movements are not considered to be of a high volume.

The indicated route for traffic accessing the site is J47, Llanelli link to Victoria Road, Cecil Road and finally Killan Road leading to the site access. Following completion of the construction phase, traffic movements will be minimal and relate to occasional maintenance visits only.

Consent has previously been granted for a much smaller solar farm at this location. This proposal will include the site area previously approved and there are proposals to provide a temporary improvement to the access to assist entry and exit from Killan Road.

Construction traffic has a temporary impact and in this instance is relatively minor. This is a matter that needs to be managed and is normally achieved through submission and approval of a detailed Construction Traffic Management Plan that will ensure suitable routing and timings of deliveries together with methods of construction to reduce impact on the surrounding highways to a minimum.

I recommend no highway objection, subject to the submission of a Construction Traffic Management Plan prior to commencement of any work at the site. All works shall be completed in accordance with the approved management plan.

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### **Councillor Jennifer Rayner – OBJECTION**

Killan Fach Farm has a long history of attempts to develop into the open countryside. These have been turned down, some at appeal because the land was recognised as open countryside and because the proposed development was visible from the Gower AONB.

The farm land was degraded by stripping off top soil and removing it from the site. Building rubble from the demolition of a primary school and a hotel have been buried on the farm. The Christmas tree business was short lived. A recent candidate site application made as part of the LDP process was refused.

This application is for a solar farm considerably larger than the consent given for the installations (2012/0785) to be used by the farm. The proposed site is well known to include mine entrances and workings.

The proposed site is covered with close planted trees. This application will require considerable felling work. Is this timber to be removed from the site? If it is to be burnt what licences are required and how are the school and houses to be protected from smoke and ash?

Access is via a narrow road which Dunvant residents consider important as it provides a rural setting between Dunvant and Three Crosses. The narrow road acts as a braking mechanism prior to entry into the village. The application includes plans to remove banks and hedges along the side the road. However, the entrance is not visible from either end of the narrow section. I am surprised Highways approve these alterations and changes in appearance to this rural road without properly considering the impact.

I do not think this application for development, on a site where refusal has consistently been applied, should be granted. It will set a precedent for building and further development in the open countryside contrary to Council policies. Subsidies for solar power are falling, there are enough large buildings in Dunvant where the owners and management committees have already indicated that they would like to support green energy schemes on their roofs. Development for houses on this site has been refused. Development for a solar farm should be refused for the same reasons. Consent for the development of a solar farm would establish the principle of a development site. That consent having been obtained, a fresh application for alternative use could easily be pursued.

This site has many of the characteristics of the site in Ilston where the application fell on appeal.

### **SCREENING OPINION**

In accordance with paragraph 4 of Part II of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and paragraph 32 of Circular 02/99(DETR) - Environmental Impact Assessments, the Local Planning Authority must screen every application for Schedule 2 Development, in order to determine whether or not an EIA is required.

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New developments such as this falls within the project category, "Energy Industry ", as defined by paragraph 3(a) of Schedule 2 to the EIA Regulations.

It is acknowledged that the proposed development falls under the provisions of paragraph 3(a) of Schedule 2 of the Regulations as the proposal exceeds the threshold level of 0.5ha and as such the development must be screened for the need for an Environmental Statement (ES).

Schedule 3 of the Regulations sets out the selection criteria which must be taken into account in determining whether a development is likely to have significant effects on the environment. Not all the criteria is relevant in every case. A detailed screening exercise was undertaken at pre-application stage prior to the formal submission of the planning application and on the basis of the information provided, subject to the submission of further detail at application stage it was considered that the potential impact from this development would not be significant on the surrounding area. In light of the above, it was considered that an ES is not required in this instance.

### APPRAISAL

Full planning permission is sought for the installation of a ground mounted solar array with capacity up to 1 megawatt. The proposal also includes ancillary infrastructure including fencing, security cameras, inverter kiosk, construction compound and cabling, substation building and access, screening/landscaping at Killan Fach Farm, Dunvant. The site is located in the open countryside and also lies in a Green Wedge.

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, and upon ecology and habitats, having regard to policies EV1, EV2, EV21, EV22, EV23 and R11 of the City & County of Swansea Unitary Development Plan 2008. There are no overriding issues with regard to the Human Rights Act.

The above considerations need to be balanced against the contribution that the proposal will provide in terms of providing renewable energy.

Solar energy is an established form of renewable power and in terms of its efficiency, Welsh Government has indicated that based on data for 2013, an output of roughly 10% of capacity for all types of solar panel in Wales was produced. This contribution to renewable energy targets has to be assessed and balanced against any detrimental impacts arising from the scheme, having regard to the above national and local planning policies.

In policy terms, Welsh Government advice in the form of TAN6 is relevant and makes reference to diversification schemes. Para. 3.7 states that many economic activities can be sustainable on farmland and includes renewable energy schemes as one of the options that are likely to be appropriate. TAN8 (Renewable Energy) is also relevant to the determination of the application.

The relevant UDP Policies are set out in more detail within the Background Information section of this report. For ease of reference, two of the most relevant policies are repeated below.

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

- (i) Be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density
- (ii) Integrate effectively with adjacent spaces and the public realm to create good quality townscape
- (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.

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.

Amended information was received during the course of the application which related to amended site layout plans, showing areas in which there would be no panels erected due to mine entries at these particular locations on the site. These plans were amended due to requests from the Coal Authority.

### Development Description

The proposals involve the siting of 4,000 individual solar panels on a site of 1.8 hectares. However, the panels will occupy only around 0.62 hectares of this area. They will be mounted on rows of frames, with a maximum height of 2.2m above the existing ground level.

It is proposed that the panel frames will be supported at a height of 0.8m from the ground to allow for sheep to graze underneath the panels.

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The solar panels are connected together in strings which are then connected to inverters to convert electricity to grid quality AC power. The housing required to protect the inverters from the elements will be located at intervals within the solar array to minimise cabling distance.

A transformer would be located in a glass reinforced plastic building located next to the 11 KV line along with necessary switchgear and protection equipment. The building will have maximum dimensions of 10.3m x 3m and a height of 3.15m.

Direct access to the solar array location and substation will be provided via an existing farm access track which will provide permanent access to the substation and array for the purpose of service and maintenance.

In order to provide suitable security, a 2m fence is proposed around the full perimeter of the development and supplemented with a number of security and monitoring systems, such as an infrared detection system and remote webcam surveillance system. These systems will be mounted no higher than 4m above the ground.

There will be a requirement for a construction compound which essentially is a retained hardstanding area which is required for the delivery and assembly of the solar array and will comprise of a compacted area measuring 350m<sup>2</sup>.

In terms of grid connection, the cable connecting the solar array to the proposed grid connection point would be buried where possible, to minimise visual impact. It is considered necessary, however, to impose a condition on this permission requiring all details pertaining to the grid connection (within the site) to be agreed in writing by the Local Planning Authority.

### Landscape and Visual Impact Assessment (LVIA)

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application which describes the site and its setting and examined the existing landscape elements, their character, condition quality and sensitivity to change.

The site of the proposed development is located at Killan Fach Farm on the western fringe of Dunvant, Swansea. Upper Killay is approximately 1 km to the south and Gowerton 1.7km to the north. Most of the site is under commercial Christmas tree production and occupies several irregular shaped fields. There is a cluster of farm buildings to the west of the site and a field of allotments to the north. A primary school and residential dwellings abut the eastern boundary and to the south there is a large area of woodland. The site slopes away from the north of the site.

There is a farm access track to the north of the site that opens out onto a local road that leads from Dunvant towards the nearby settlement of Three Crosses. To the south and south-west, the landscape is characterised by intimate partly wooded valley containing the Clyne River that then rises towards the settlement of Upper Killay with the open expanse of Fairwood Common to the south-west. To the east of the site, the landscape is characterised by extensive urban development across the western fringes of Swansea.

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The following areas are the visual and sensory aspect areas that are considered to be within the theoretical visibility of the proposed development. These are:

- Three Crosses
- Mynydd Carn Coch and surrounds
- Gorseinon
- Fairwood Common
- Swansea
- Clyne Valley
- South East Gower

Seven Viewpoints have been selected at various locations to undertake a detailed assessment of the landscape and visual effects of the proposed development. These represent the typical views experienced by a variety of visual receptors, at varying distances, and within a number of relevant areas. The viewpoints are listed below:

- Site entrance, Killan Road
- Public Footpath off Dunvant Road
- Public Footpath near Ddol Farm
- Llwyber Footpath
- Public Footpath off Gower Road
- B4271
- Fairwood

With regards to the 'Viewpoint Assessments' covered within the LVIA, all of the assessments concluded that the effects would not be significant, however, some viewpoints would allow for greater views of the site and the proposed scheme than others. The viewpoints assessed as having a moderate impact in the LVIA are considered to be the most significant and are, therefore, considered below.

The view from Llwyber Footpath (visual effect) has been indicated as having a moderate effect. The LVIA states that the development "would introduce a noticeable focus within a short range and framed view", however, it does subsequently confirm the following "It would occupy a moderate proportion of the view although intervening trees would screen most of the array". The View from the Public Footpath off Gower Road (Visual effect) has also been indicated as having a moderate effect stating "Walkers and residents would have open views of part of the array across the sloping ground. This would introduce a noticeable focus, occupying a small proportion of a wide view". The LVIA then however confirms "Intervening trees would partially screen some of the array and no glint or glare from the reflection of the sun's light would be experienced". The views from the 'B4271' (which is in the AONB) in terms of the visual effects have also been indicated as having a moderate impact stating "Walkers would have open views of a small part of the array across the sloping ground. This would introduce a minor focus, occupying a small proportion of a wide view". The LVIA does, however, confirm "Intervening trees would screen much of the array and no glint or glare from the reflection of the sun's light would be experienced". Lastly, the views from Fairwood (which is also in the AONB) in terms of visual effects are considered to give rise to a moderate effect with the Visual Assessment stating "Residents are likely to have open views of a very small part of the array across the sloping ground. This would introduce a minor focus, occupying a very small proportion of a wide view".

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The LVIA also claims that the intervening trees would screen nearly all of the array and no glint or glare from the reflection of the sun's light would be experienced.

It should be noted that most of these assessments refer to potential views of small parts of the array, which whilst is recognised as an impact, it is not considered to be significant enough to cause concern and warrant refusal of the application.

Each of the seven viewpoints have been individually assessed by Officers. In summary it is considered that the site is not highly visible from any of the viewpoints, given the foliage in place and the distance of the site from a majority of these viewpoints. Furthermore, a smaller solar farm scheme has been approved (2012/0785) for the northern section of the site, however, has not yet been constructed. It was evident when viewing the site from the designated viewpoints that the area in which the previous scheme was approved is the most visible part of the site. Therefore, as there is already a consent for a solar farm in the most visible area of the site, it is as such considered that the approval of a scheme for the remainder of the site would not be considered to give rise to an unacceptable impact over and above the impact of the already consented scheme. It is acknowledged that the currently proposed scheme is much larger than the previously consented scheme, however, as indicated above, given the most visible section of the array has previously been granted consent, it would, therefore, be difficult to have concerns over the visual impact of the scheme as a whole. Furthermore, as stated within the LVIA, the proposed solar scheme will also be viewed within the context of the surrounding residential properties, which comprise of a large residential development to the east of the site, which will lessen the impact of the scheme in terms of the additional impact on the landscape.

NRW have raised concerns in relation to the solar array being potentially viewed from locations within the AONB, namely Viewpoints 6 and 7. However, they have advised this will not have a major impact on the AONB. Whilst they have recommended that if one or two rows of panels were removed from the northern section of the site the impact would be almost completely removed, it is not considered necessary or reasonable in this instance to suggest this, given there is a current live approval for a solar park scheme in the northern section of the site, as referred to previously. Furthermore, both of these viewpoints were assessed by Officers and it was considered that the proposed array would not have an unacceptable impact on visual amenity or the landscape particularly given the foliage in place and also given the separation distance from these sites.

It should be noted that the Authority's Landscape Architect was consulted on the proposals; however, no response was forthcoming.

The proposed landscaping scheme involves the retention of the existing trees around a majority of the perimeter of the site, along with some strengthening of the stretch of hedgerow to the west of the site and new hedgerow planting along a section of the northern boundary near to the access into the site. Further specific detail with regards to the proposed landscaping can be found on Plan KF004V3. However, NRW have raised some concern over the submitted landscaping scheme and have suggested the use of alternative planting. This matter will therefore be addressed by means of a condition.

From the other locations where any open views are likely to be experienced, there would possibly be glimpses of the array and its associated infrastructure evident amongst nearby trees and hedges. In general however, the development would be viewed within a surrounding developed context of residential housing and nearby paraphernalia.



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The visual impact of the ancillary works including the substation, CCTV, and lighting and security fencing together with the site compound are generally considered to be acceptable, and can be partially mitigated through the use of conditions.

It is, therefore, considered that the size and location of the proposed solar array, including the ancillary works is acceptable in terms of its impact on the visual amenity of the area and is broadly compliant with the requirements of Policies EV1, EV2, EV21, EV22, EV23 and R11 of the City and County of Swansea Unitary Development Plan 2008.

### Green wedge

It is acknowledged that the site is located within a UDP designated Green Wedge and as such Policy EV23 of the Unitary Development Plan is relevant in this instance. It is considered that the proposals will fall under part (vii) of this Policy, as it is considered to be appropriate development within the green wedge comprising of “other uses of land and forms of development that maintain the openness of the green wedge and do not conflict with the purpose of including land within it.” This view is reached, given that the development is essentially ground mounted and at its highest point will reach 2.2m which is much lower than the heights of most housing developments. Furthermore, whilst the proposal will be in place for a number of years, it will be inevitably removed from the site and the land will revert back to its former state as a field. This will be secured via an appropriately worded condition.

### Residential Amenity

Turning now to residential amenity, the site is largely surrounded by fields. However, there are some residential properties within close proximity of the site, these being a property to the west of the site and a housing development and Dunvant school located to the east of the site. There is considered to be no direct impact on local residents, primarily due to the dense foliage surrounding these particular sections of the site in question which are adjacent to the surrounding properties. In this respect, and due to the relatively low lying nature of the scheme, it is not considered that the proposal would result in any adverse physical overbearing or overshadowing impact in this instance.

### Glint and Glare

In terms of the potential for glint and glare, particularly from private amenity spaces in nearby properties, Swansea Airport and in the wider surrounding area, a glint and glare assessment has been submitted which outlines the materials and principles of photovoltaic (PV) cells. Studies have been undertaken to compare the reflectivity of solar panels with other material, the most commonly reference source is a Federal Aviation Study into solar panels located at airports, which concludes that photovoltaic panels typically reflect just 2% of incident light as they are designed to absorb light and not reflect it. Although they can cause reflection under certain conditions, these are considerably less intense than direct sunlight.

A geometric assessment has also been undertaken to determine if and when local residents may be exposed to direct solar reflections from the proposed PV panels. Using this information in combination with the installation angle of the panels, the direction of reflections can be ascertained. The panels will be installed at around 22° and aligned facing directly to the south for maximum capture of light.

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In its track, the sun's rays approach the panels from the south of the array and the reflection directed upwards and to the north of the array.

Given the nearby properties are located to the east of the site they will not experience any harmful reflections.

The proposed panels are of a dark colour and covered in specially coated glass, which means that their reflectivity level is significantly lower than much material utilised in buildings and many naturally occurring features in the wider landscape.

In terms of any impact on Swansea Airport which is located approximately 2km to the south-west of the proposed scheme, it should be noted that solar installations are presently operating at a number of airports including megawatt-sized solar facilities covering multiple acres. The following international airports are known to have installations at them:

- " Boston
- " Denver
- " London Gatwick
- " Munich
- " San Francisco
- " Stuttgart
- " Zurich

As referenced earlier a Federal Aviation Authority study undertaken states that:

'Solar installations are presently operating at a number of airports including megawatt-sized solar facilities covering multiple acres. Project managers from six airports where solar has been in operation for one to three years were asked about glare complaints. Air traffic controllers were contacted from three of those airports and asked to comment on the effect of glare on their daily operations. To date there have been no serious complaints from pilots or air traffic control due to glare impacts from existing solar PV installations'.

Having regard to the above it is not considered that there would be any adversely unacceptable glint or glare impacts from this installation that would justify a refusal of this application in this instance.

It should be noted that the Aviation Society were consulted on the proposals, however, no response has been forthcoming.

### Access and Highway Safety

The site is accessed from Killan Road and details submitted with the application indicate that the construction phase is estimated to last for up to 14 weeks. Traffic movements during this phase are predicted to be up to 30 daily movements by light vehicles (staff by car etc.) and 8 daily HGV movements during the busiest phase of construction (weeks 3 - 11). Outside of this period, HGV movements are much lower and predicted to be 2 to 4 movements a day. Overall, the predicted movements are not considered to be of a high volume.

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The indicated route for traffic accessing the site is J47, Llanelli link to Victoria Road, Cecil Road and finally Killan Road leading to the site access. Following completion of the construction phase, traffic movements will be minimal and relate to occasional maintenance visits only.

Consent has previously been granted for a much smaller solar farm at this location. This proposal will include the site area previously approved and there are proposals to provide a temporary improvement to the access to assist entry and exit from Killan Road.

Construction traffic has a temporary impact and in this instance is relatively minor. This is a matter that needs to be managed and is normally achieved through submission and approval of a detailed Construction Traffic Management Plan that will ensure suitable routing and timings of deliveries together with methods of construction to reduce impact on the surrounding highways to a minimum.

No highway objection is made, subject to the submission of a Construction Traffic Management Plan prior to commencement of any work at the site. All works shall be completed in accordance with the approved management plan.

### Response to consultations

One letter of comment from the Gower Society has been received and one letter of objection from the Ward Councillor, the comments and concerns of which are addressed below:

Visual amenity

Ecology

Impact on the AONB

Impact on Greenwedge

Pollution Control Issues

Highways

The above listed topics are addressed in detail above. Further issues are addressed below:

With regards to the concerns regarding tree removal, as stated above, the Landscape Officer was consulted on the application, however, no comments have been forthcoming. Therefore, it is assumed there were no concerns to be raised regarding the removal of trees. In addition, the agent has confirmed that if the solar farm was approved, the small number of trees being removed to allow the development to proceed would be intended to be sold as large Christmas trees as far as possible and any which are unsuitable will be cut into logs and sold locally. Furthermore, any issues with regards to the methods of disposing the trees would be pollution control matters and can be dealt with under pollution control legislation.

The previous history referred to is not considered relevant in this instance. The housing development which was refused would have been a permanent solution for the site. The proposed solar panels will be removed from site along with all associated equipment after 30 years, as confirmed in para 2.11 of the Supporting Environmental Document accompanying the application.

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With regards to the reference made to the Ilston site, this was actually in the AONB as opposed to this site which is not in the AONB.

### Conclusion

The scheme 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, open spaces and the general locality from the site (subject to conditions) and there would be no significantly adverse or detrimental impact on the ecology, habitats, highway safety or land drainage in the area.

On balance the scheme is considered acceptable and is in accordance with the criteria laid out in Policies EV1, EV2, EV21, EV22, EV23 and R11 of the City and County of Swansea Unitary Development Plan 2008 and accordingly approval is recommended.

### **RECOMMENDATION**

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

- 1        The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
  
- 2        The development shall be carried out in accordance with the following approved plans and documents: KF002V2 Site location plan, KF005 Access detail, KF006A Indicative Site Infrastructure, KF006B Indicative Substation Building, received 24th June 2015. KF003V4 Site layout Plan, received 8th October 2015, unless revised layout arrangements are required by Condition 12.  
Reason: To define the extent of the permission granted.
  
- 3        Prior to commencement of development, a Reptile Mitigation Statement (RMS) shall be submitted to and agreed in writing by the Local Planning Authority. The agreed RMS shall be implemented in full and any site management measures contained within the RMS shall be implemented thereafter, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of ecology.
  
- 4        Within two months of the use of the solar PV panels permanently ceasing, a scheme for their removal and the restoration of the land, including a timescale for the works, shall be submitted for the written approval of the Local Planning Authority. The removal and restoration scheme shall be implemented in accordance with the approved details.  
Reason: In the interest of visual amenity.

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- 5 The design, location, period of use and orientation of any/all new lighting provision and details of all security fencing and CCTV installed as a consequence of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any lighting, fencing or CCTV is erected, and the scheme shall be implemented and retained in accordance with the approved details.

Reason: To ensure that the development hereby approved does not result in unacceptable levels of light pollution to the surrounding area and is acceptable to the visual amenities of the area.

- 6 Prior to the commencement of development, details of the proposed grid connection and details of the connection between the solar array and the sub-station, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first use of the development hereby approved.

Reason: In the interests of visual amenity.

- 7 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 Construction 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.

- 8 No development approved by this permission shall be commenced until a Pollution Prevention Management Plan (PPMP) detailing all necessary pollution prevention measures for the construction phase of the development, paying particular attention to the prevention of erosion and silt pollution, is submitted to and approved in writing by the Local Planning Authority. The details of the plan shall be implemented thereafter.

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

- 9 Notwithstanding the drawings submitted as part of this planning application, 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 five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development.

- 10 No development approved by this permission shall be commenced until a Landscape Management Plan (LMP) is submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be managed in full accordance with the agreed LMP for the entire time that the proposed development is in situ.

Reason: To ensure that the proposed landscaping scheme is managed, having regard to its location and the nature of the proposed development, together with the need to reduce the visual impact of the proposed development.

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- 11 No development approved by this permission shall be commenced until a Construction Method Statement, detailing how the risk of increased surface water run-off will be managed during the construction phase, is submitted to and approved in writing by the Local Planning Authority. The details of the plan shall be implemented thereafter.

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.

- 12 No development shall take place until an intrusive site investigation has been carried out in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the local planning authority. These remedial measures should also include any revised site layout arrangements (if necessary) together with identifying 'no-build' zones for the mine entries. The agreed remedial measures shall be implemented in full prior to development works commencing on site and shall be retained in perpetuity.

Reason: To ascertain the stability of the site and to ensure that no development is undertaken which may be prejudiced by existing ground conditions.

- 13 Before, but no earlier than 3 months prior to development works commencing on site, a Badger and Badger Sett Survey (BBSS) of the site shall be carried out by a qualified ecologist. The findings of the BBSS together with any necessary mitigation measures required to protect badgers and their setts from the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed mitigation measures shall be implemented thereafter.

Reason: In the interests of protected badgers.

### 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: Policies EV1, EV2, EV21, EV22, EV23 and R11 of the Unitary Development Plan

- 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.

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- 3 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. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. 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>
- 4 Badgers and their setts are protected under the Protection of Badgers Act 1992. It is an offence to kill, injure or take any badger or to disturb a badger whilst it occupies a sett. It is also an offence to damage, destroy or obstruct access to a badger sett.
- 5 Natural Resources have advised that any discharge of sediment contaminated water into the environment is an offence under the Environmental Permitting regulations and may result in enforcement action.

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

For additional information, the applicant should refer to and make use of, the information within the CIRIA technical guidance on linear construction projects. Further supporting information can also be found in PPG 6. Please also refer to Environmental Good Practice - Site Guide.

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**PLANNING COMMITTEE – 8<sup>TH</sup> DECEMBER 2015**

ITEM 5

APPLICATION NO.

2015/1546

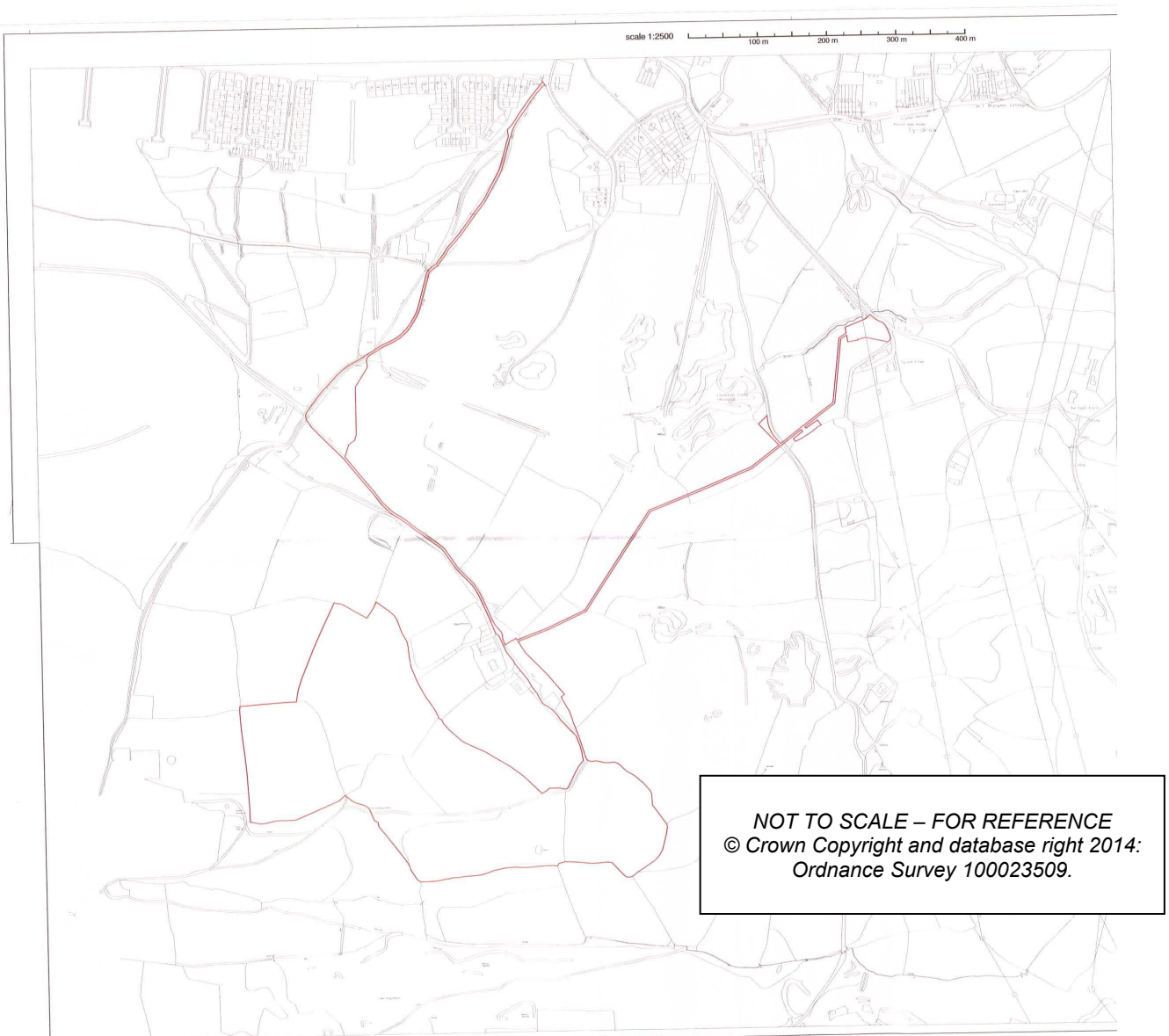
WARD:

St Thomas  
Bonymaen

**Location:** Land at Carn Nicholas Farm Bonymaen Swansea SA1 7BL

**Proposal:** Construction of solar farm to include the installation of solar panels to generate up to 5MW of electricity with substations, transformers, security fencing, grid connection and associated development.

**Applicant:** Suncredit UK Limited





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ITEM 5 (CONT'D)

APPLICATION NO.

2015/1546

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy 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 EV23	Within green wedges development will only be permitted if it maintains the openness and character of the green wedge and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. (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 EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy 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,

- Continued -

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Policy R11 (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)

Policy HC20 Swansea Urban Woodland will continue to be developed.

### SITE HISTORY

None

**This application is reported to Committee as it exceeds the development threshold**

### RESPONSE TO CONSULTATIONS

The application was advertised on site and in the press as a development that may have a substantial impact upon the area within which it is situated. 35 LETTERS OF SUPPORT have been submitted which state that:

1. The development will have a positive impact upon the environment, will help the fight against climate change and will provide clean energy to a large number of homes.
2. The Carn Nicholas site is right for this solar development and will not cause any long term disruption to local residents.
3. The benefits of this project will outweigh any negative impacts.
4. Support this development and encourage the Council to do the same.

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**The Gower Society** - Comment as follows:

1. The area that is proposed is on land described in the UDP as being designated as HC20, Swansea Urban Woodland. If this application is allowed, it would somewhat contradict the reasons for solar panels in the first place i.e. woodland would be more effective in preventing global warming as a *carbon sink* than solar panels.
2. It is accepted that this location will not have a great *effect* upon the landscape however we would prefer to see panels established upon the vast areas of roofs on commercial buildings within the Enterprise Zone not far from this location. We support those approved for the docks warehouses.
3. Your Council must prepare a protocol for 'renewables' because at the moment it is a haphazard approach that is currently beginning to surround Swansea and clutter up the landscape.

**Glamorgan Gwent Archaeological Trust** – In light of additional information provided by Cotswold Archaeology in their letter of 16th September 2015 we are writing to you to provide our revised archaeological advice. It remains the case that the application will require mitigation.

As previously noted there are a number of archaeological features of varied date within the development area. This includes possible Bronze Age cairns within the site, along with a number of other cairns which cannot be securely dated. There is a suggestion that these cairns taken together may be part of a wider funerary landscape. A series of WWII anti-glider trenches are also present within the development area. The cable route for the solar farm will impact on several linear features relating to the 19th century industrial landscape of Kilvey Hill.

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.

**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.

### Ecology and Protected Species

We welcome the submission of the document entitled; '*Carn Nicholas Solar Farm on Behalf of Sun Credit: Preliminary Ecological Appraisal (Project No. SunCr-085-209)*' dated 24 July 2015, by Avian Ecology Ltd.

The Ecological Appraisal notes that the habitats within the development boundary include; semi-improved (acid) grassland, marshy grassland and scrub. However, it is stated in Section 5.3.1 that the layout of the panels has been designed to avoid the highest quality features (marshy grassland, scrub, wetland and woodland).

We note that although the fields proposed to contain the solar panels do not form part of any statutory or non-statutory designated site, these do border onto the Kilvey Hill SINC. However, the access road, substation and grid connection works do fall within semi-improved grassland, which is part of the SINC. Therefore, we recommend that you discuss this with your Authority's Planning Ecologist.

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The survey also states that no trees with bat roost potential were identified and the two buildings which were classified as having low potential are over 150m from the proposed working area, with poor connectivity. No signs of dormouse were noted and the development will not require the removal of any suitable hedgerow or woodland habitat. It is also stated that no badger setts or evidence of badger activity were recorded and that no suitable habitat for; otter, water vole were noted.

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

We recommend that you seek further advice from your authority's internal ecological adviser and/or nature conservation organizations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's website has guidance for assessing proposals that have implications for section 42 habitats and species.

### Habitat Management Plan

We are supportive of the proposals laid down in the document entitled; '*Carn Nicholas Solar Farm on Behalf of Sun Credit: Habitat Management Plan (Project No. SunCr-085-209)*' dated 22 July 2015, by Avian Ecology Ltd.

Should the proposed grassland management involve grazing, then it must be ensured that all hedgerows subject to creation or enhancement are protected from livestock. Any existing hedgerow fencing should be of an appropriate standard to deliver protection from grazing animals, if this is not the cases, then new fencing should be put in place.

We recommend that the Habitat Management Plan (HMP) is discussed and agreed with your Authority's Planning Ecologist and advise that it is delivered via an enforceable condition or other suitable mechanism, should your Authority be minded to grant planning permission.

### Protected Sites

The proposal is located close (approximately 0.3km) to the Cors Crymlyn SAC and SSSI, which also includes the Crymlyn Bog and Pant y Sais NNR and Crymlyn Bog Ramsar site. We consider it unlikely that the proposals would have an adverse effect on the SAC/SSSI, providing that an appropriate Construction Management Plan and Pollution Prevention measures are implemented.

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

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

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### Pollution Prevention

Given that the SAC/SSSI is located a short distance away, it is vital that appropriate Pollution Prevention measures are in place. Therefore, we advise that a robust Construction Environmental Management Plan (CEMP) is provided.

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

As best practice, we would advise the developer to produce a site specific construction management / pollution prevention plan with particular reference given to silt control and the protection of watercourses. If planning permission is granted, we would ask that the following condition is included.

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

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

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

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

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

### Landscape

Having reviewed the LVIA and associated information provided with the application, we do not consider that there would be any visual effect on the Gower AONB at Mumbles or Clyne/Fairwood Common at these distances (approximately 8km).

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However, we have not fully considered the possible effects of the proposal on all local or regional landscapes. Therefore, your Authority should not rule out the possibility of adverse effects on the landscape.

### Japanese Knotweed

Information provided in the document entitled "*Carn Nicholas Solar Farm on Behalf of Sun Credit: Preliminary Ecological Appraisal (Project No. SunCr-085-209)*" dated 24 July 2015, by Avian Ecology Ltd, states that Japanese knotweed is present on the site. If this invasive plant species is present on site, then appropriate measures must be implemented for the removal or long-term management. Japanese knotweed is classed as a controlled waste under the Environmental Protection Act 1990 and as such must be disposed of in a suitable manner.

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

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

### Drainage Strategy

We note that the proposal is for a solar farm of approximately 8.8 hectares in size, which can be classed as less vulnerable development according to TAN15.

A Drainage Strategy (Ref. S544) and dated 20 July 2015 has been prepared by PFA Consulting and submitted in support of the application. The document proposes to install swales in order to manage surface water runoff. In addition, the solar panels will have rainwater gaps between the modules to allow rainwater to fall beneath the panels and infiltrate into the ground. We would be in favour of this SUDs approach as swales are advocated in Section 8 of TAN15.

However, ultimately, the drainage system design is a matter for Local Authority Engineers. Nevertheless, we would advise that 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.

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** - The proposed development is crossed by a 12" and 15" Trunk main, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times.

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I enclose our Conditions for Development near Watermain(s). An easement of 6m is required (a minimum of 6 m from the Centre Line of the main) and no obstruction temporary or permanent to encroach this area, access required at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

**The Coal Authority** - The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

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

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- \* The submission of a scheme of intrusive site investigations for approval;
- \* The undertaking of that scheme of intrusive site investigations;
- \* The submission of a report of findings arising from the intrusive site investigations;
- \* The submission of a scheme of remedial works for approval; and
- \* The implementation of those remedial works.

A recorded mine entry is located in close proximity to Temporary Compound Area 2 and therefore The Coal Authority considers that a further condition should also require prior to the commencement of development:

- \* The submission for approval of a detailed layout plan of Temporary Compound Area 2 identifying a fenced temporary exclusion zone around recorded mine entry ref.267194-021 in order to prevent access to this area during construction works; andThe implementation of the exclusion zone;

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 meet the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of conditions to secure the above.

**Neath Port Talbot County Borough Council** – No objection

**Council's Drainage Section** - We have reviewed the application and recommend that a condition be appended to any permission given.

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**Council's Pollution Control Division** - No grounds for objection regarding this application. The glint and glare assessment shows that there is the potential for effect but that screening in place is likely to reduce the occurrence.

**Council's Planning Ecologist** - The site at Carn Nicholas has had an ecological survey carried out on it. The survey is comprehensive and no further work is needed. The main impact from the development is likely to be on the Kilvey Hill SINC. The trees and hedges on the site are to be retained and the fields where the PV panels are to go are of relatively low ecological value. The ecological surveyors have produced a habitat management plan; if this is followed the habitats on the site will be enhanced and most losses will only be short term. The management plan also includes precautions necessary to protect nesting birds. We should make the Habitat Management plan a condition of any permission we give this will ensure there is no wildlife loss. The ecological survey mentions that there is a likely hood of low numbers of reptiles being found on the grid connection corridor, there is no mitigation plan for these. Please could we request one is drawn up for our approval, this could be done as a condition.

**Council's Japanese Knotweed Officer** - Planning condition must be placed upon this application.

**Highways Observations** - The site is located on Kilvey Hill between Bonymaen to the north and Port Tennant to the south. It is 800m to the north of the A483 and 1.6km east of the A4217. The developable area of the site is 8.79 hectares.

The Construction Traffic Management Plan submitted with the application indicates that the construction phase is estimated to last for 9 weeks. Hours of operation will be 0800 to 1800 Monday to Friday and 0800 to 1600 Saturdays.

A construction phase traffic management plan has been submitted and the content is such that it is adequate to enable formal comments on the Planning Application but will need to be upgraded prior to works commencing on site. This can be secured by condition and during this process the temporary traffic management and signage will also be covered.

The indicated route for traffic accessing the site is off the A4217 which connects to the A483 at its southern end and the A48 at its northern end. There are two existing routes to the main site from the A4217 both of which converge at the Mansel Road/ /Bonymaen Road junction. In the main the access roads run thru residential areas with effective speed limits of 20mph and 30mph. Traffic Calming is also in operation which will help keep the speeds down for construction traffic. The access to the main site during construction operation and decommissioning is via the existing access to Carn Nicholas Farm, which is accessed off Llanerch Road. Resurfacing of the access track is part of the proposal and access to the telecom towers served by the track will be maintained throughout. The construction access will need to be upgraded to allow use by a rigid truck and given that Coch-y-Cwm Road is adopted then a section 278 agreement with the Highway Authority will be required.

Traffic movements during this phase for the contractors has been estimated at 10 minibuses/vans maximum at any one time, hence the level of traffic movements is expected to be low. In terms of deliveries there will be an average of 16 daily HGV movements spread over the period. Overall, the total predicted movements are not considered to be of a high volume.



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Following completion of the construction phase, traffic movements will be minimal and relate to occasional maintenance visits only, approximately 10-20 visits per year.

A temporary car parking area for contractor's vehicles will be made available during the construction phase. The document also makes reference to an appropriate scheme of signage and this will require separate approval. Temporary Traffic management will also be used and again approval will be required (these will be both covered under the condition relating to approval of the Construction Traffic Management plan. Whilst not specifically mentioned a condition survey will be being required to be undertaken to chart and repair if required, any deterioration in the road construction. There will also be wheel washing facilities to ensure that the highway is kept clear of dirt and this can be secured by condition.

Given the limited traffic movements associated with the development I recommend no highway objection, subject to:

1. The submission of a Construction Traffic Management Plan prior to commencement of any work at the site. All works shall be completed in accordance with the approved management plan.
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 Local Planning Authority. The dilapidation surveys shall be undertaken in accordance with the approved details and the results together with any remediation works proposed shall be submitted to and approved in writing by the Local Planning Authority within two months of completion of the dilapidation surveys. Any remediation works shall be undertaken in accordance with the approved details within 6 months of the date of approval of such details.
3. Wheel washing facilities in accordance with details to be submitted for approval shall be available at all times to ensure that the highway is kept clear of dirt and debris.

### APPRAISAL

#### Description

Full planning permission is sought for the installation of a solar photovoltaic (PV) array on land at Carn Nicholas Farm, Bonymaen for an operational period of 30 years. The array would comprise of the installation of approximately 19,584 individual solar panels and associated works and structures over a site area of approximately 13.32 hectares, (although the developable area is approximately 8.79 ha) and will have a total installed capacity of 5MW. Ancillary development would include 3 transformer stations placed amongst the solar panels, two small substations located adjacent to Tycoch Y Cwm with a new access into the compound, security fencing up to 2.2m in height and two temporary construction compounds.

#### Site Location and Use

The application site is pastoral farmland, generally sub divided by low earth banks, fragmented hedgerows and gorse scrub, or stock proof fencing.

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The site is enclosed to the west by plantation woodland and to the north east by a pine treebelt and fragmented hedgerow separating the site from Rose Cottage and Carn Nicholas Farm. The site is defined to the south by the steeply falling scarp with two pastoral fields to the south of the site.

Two residential properties are located within close proximity to the north east of the site at Rose Cottage and Carn Nicholas Farm. Vehicular access to the site is via an existing access track leading off Mansel Road at Bonymaen to the north of the site. Temporary construction compounds would be located at the junction of the access track near the disused quarry and near Carn Nicholas Farm at the end of the access track passing into the site on the elevated plateau. The grid connection route descends Kilvey Hill to the north east of the site passing to the north of Rose Cottage through existing field gates and the disused quarry at Llanerch Slant to reach the substation and WPD point of connection near Coch-Y-Cwm Road and Tycoch y Cwm Farm lower down the valley near the pylons and transmission lines. The site forms part of the Kilvey Green Wedge and is located approximately 1k north of Port Tennant, Pentrechwyth and Bonymaen.

Access to the site from the wider highway network is from the A4217, which connects to the A483 at its southern end and the A48 at its northern end. There are two potential routes to the site from the A4217, both of which converge at the Mansel Road/Ty Draw Road/Llanerch Road/Bonymaen Road junction.

The first route to the Mansel Road/Bonymaen Road junction is northeast along the B5444 for 1.3km and then east along Bonymaen Road for 400m. The B5444 is accessed from the A4217 via a priority junction with ghost island right-turn lane, located approximately 1.4km to the north of the A4217 / A483 junction. The second route to the Mansel Road/Bonymaen Road junction is east along Carmel Road for 200m and then south along Mansel Road for 1.4km. Carmel Road is accessed from the A4217 via a roundabout junction, located approximately 1.2km to the south of the A4217/A48 junction. The two routes to the site from the A4217 converge at the Mansel Road/Bonymaen Road junction. The route to the main site continues south along Llanerch Road for approximately 100m and joins a track. The route continues southwest along the track for approximately 600m before turning southeast, continuing a further 400m to Carn Nicholas Farm and the main site.

The route to the site of the proposed DNO and Client substation is also from the Mansel Road/Bon-y-maen Road junction. It is proposed that construction traffic will travel to the site to/from the A4217, and then east along Carmel Road and south along Mansel Road to the Mansel Road/Bonymaen Road junction. This is considered more appropriate than the route northeast along the B5444 and east along Bonymaen Road, which experiences a higher level of on-street parking and resulting narrowing. Construction traffic travelling to the main site will then route south along Llanerch Road, while construction traffic travelling to DNO and Client substation will route southeast along Ty Draw Road and then Coch-y-cwm Road.

The nearest residential properties to the main solar site, apart from Rose Cottage and Carn Nicholas Farmhouse as indicated above, are over 340m away, and Tycoch y Cwm is within 60m of the substation off Coch Y Cwm Road.

### **Screening Opinion**

In February 2014, prior to the submission of the application, the local planning authority was approached for a Screening Opinion for a 10MW capacity solar farm at the site over 22ha. 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 the site area has been reduced and as such this has resulted in the generation capacity of the scheme being lower than envisaged at the screening stage. The Authority has undertaken a further screening opinion on the submitted scheme and it has been determined that an EIA is still not required for the proposal.

### **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 proposed development would not generally be visible from residential areas within Port Tennant, Dan-y-graig and St Thomas to the south of Kilvey Hill (Viewpoints 9, 11 and 12). This is due to the steeply rising landform of Kilvey Hill that foreshortens views from the coastal plain. Partial views of the proposals would be perceptible from Bon-y-maen, Ty Draw, Cefn Hengoed within approximately 1.5km to the north east of the site. However, from this distance the solar panels and security fencing would be visible as a faint outline on the crest of Kilvey Hill and would appear absorbed within the dark backdrop of plantation woodland. Within more distant views from Pentre dwr, Llandarcy and Jersey Marine to the east of the site the proposals would appear as a faint outline on the crest of Kilvey Hill and would be barely perceptible.

Intermittent, transient and oblique views of the solar panels and security fencing would be perceptible from a limited number of highways including Brokesby Road/Mansel Road to the north, Dinam Road/Coch-Y-Cwm Road to the north east, the M4 motorway to the east, and the A483 Fabian Way to the south east of the site. The proposals would be perceptible in the medium distance from Brokesby Road/Mansel Road and Dinam Road/Coch-Y-Cwm Road, from the A483 Fabian Way (Viewpoint 6) and the M4 motorway on the approach to Swansea from the east. Views from the A483 Fabian Way and the M4 motorway are distracted by the large scale industrial areas on Baglan Bay and Swansea Dockyard. The proposals would be distantly perceptible on the approach to Swansea, however, would form a minor element of the view and faint outline on the crest of Kilvey Hill against the dark backdrop of plantation woodland.

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.

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A Transport Statement has been submitted which sets out details of the anticipated construction programme, anticipated activity and site parking and manoeuvring arrangements and the proposed access routes. Construction works will involve the delivery of equipment and material to and from the site and will take approximately 9 weeks.

During the construction phases it is anticipated there will be 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 construction of the solar farm will result in approximately 200 deliveries to the site, spread over the 9 week construction period. The most intense period of construction is anticipated to be in Week 3, during which there will be no more than 8 deliveries (16 HGV movements) per day. The frequency of trips associated with the monitoring and upkeep of the site is expected to be about 10-20 times a year.

A Glint and Glare Assessment has been included in the Planning Statement and covers the potential effects on potential visual receptors within the vicinity of the site. It states that there is currently some potential for glint effects to be visible from individual properties and nearby roads around the site. It is possible that the natural screening present around the site, in the form of retained trees and hedgerows, will prevent most of these effects. Consequently it is assumed that at certain times of the day and year there is some potential for glint reflections to be experienced by both residents and motorists. Effects are modelled as being of a low intensity.

There are two licensed civilian aerodromes within 30km of the site, Swansea and Pembrey aerodromes. Swansea has been modelled with respect to aircraft on final approach, taxiing and the ATC tower. Although some instances of low intensity glint was found for aircraft on final approach to Swansea Airport, the glint modelled is outside the standard aerodrome operating hours and is not expected to present any negative problem.

A Coal Mining Risk Assessment has been submitted. This establishes that the application site has been subjected to previous underground coal mining. The Coal Authority has considered the report and does not object providing a condition requiring the applicant to carry out intrusive site investigation works prior to the commencement of works is imposed. Surface water will be managed through a number of swales located across the site.

A Heritage Desk-Based Assessment has been submitted which identifies possible Bronze Age cairns within the site. The assessment states however, that the areas of the cairns and possible archaeological features, have been removed from the proposed development footprint, and will therefore not be impacted upon. The Glamorgan Gwent Archaeological Trust Ltd have requested that, notwithstanding the above conclusion of the report, the proposal should have a standard archaeological condition imposed.

An Agricultural Assessment has been submitted which indicates that the land, under the Agricultural Land Classification is classed as Grade 4 or Grade 5 which is poor or very poor quality respectively. The landowners are looking to graze the land with sheep and if the solar development goes ahead the sheep will be able to graze under the panels and a part-time farm will therefore continue but it is not considered that there would be significant impacts on local agricultural interests.

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### 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 with regard to policies EV1, EV2, EV21, EV23, EV30, EV35, HC20 and R11 of the City & County of Swansea Unitary Development Plan 2008. There are no overriding issues with regard to the Human Rights Act.

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

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

Policy R11 supports the provision of renewable energy resources including ancillary buildings and infrastructure subject to criteria as detailed above.

Policy EV2 states that the siting of new development should give preference to the use of previously developed land over greenfield sites and must have regard to the physical character and topography of the site and its surroundings. Policy EV21 refers to criteria for non-residential development in the countryside being permitted where it can be demonstrated that (v) it is essential for communications, telecommunications or renewable energy generation.

Policy EV23 refers to developments within Green Wedges and states that within these areas development will only be permitted if it maintains the openness and character of the green wedge and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. EV30 states that 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. Policy EV35 relates specifically to considerations of surface water run-off. HC20 relates to the further development of Swansea Urban Woodland.

### 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 1.6m above ground. The rows will be placed approximately 6.5m apart.

The solar panels will be bolt anchored to a metal frame (table) mounted on steel posts drive or screwed into the ground. No substantial areas of concrete construction will be required, with the possible exception of foundations for the inverter and transformer station.

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The panels will be connected by cable via inverters to the off-site substation that will subsequently connect with the electricity grid. The application site will be secured using a 2.2m mesh steel panel fence that will protect the equipment from theft, vandalism or damage.

The ground surface below the PV panels will remain vegetated, the existing boundary hedgerows will be strengthened and native hedgerows will be planted around the boundary of the development between the edge of the arrays and the perimeter of the site.

The operational life of the solar farm will be approximately 30 years.

### Construction Phase & Access

The anticipated construction period for the proposed solar farm will be approximately nine weeks and will consist of the following operations:

- Site facilities in weeks 1-3 and weeks 8-9
- Groundworks in weeks 1-3 and weeks 8-9
- Fence in weeks 1-3
- Mounting systems, racks, etc in weeks 3-6
- Modules in weeks 4-6
- Electrical installation, cables, trenching in weeks 3-4
- Inverter stations and crane in weeks 4-5
- Client substation in weeks 3-6
- DNO substation in weeks 3-6
- Site maintenance, waste disposal in weeks 1-9

SuDS will be installed in the form of shallow swales along the site boundary as a series of discrete stepped units to the site's contours to ensure flows are not concentrated or conveyed downhill. It is therefore considered that the swales would adequately mitigate any increase in runoff volume generated as a result of the minor increase in impermeable area. The provision of swales has a benefit in reducing overland flows during extreme rainfall events. On this basis the proposed development would not increase flood risk onsite or elsewhere and would preserve the application site's natural drainage regime.

The swales will be constructed before construction of the solar array commences and planted with covering vegetation to protect against soil erosion. The swales will be maintained throughout the design life of the development by the land owner/ tenant.

During construction works hedgerows and ditches will be avoided. The existing hedgerows will be supplemented and new hedgerows will be planted along the boundary of the site to provide further screening of the proposed apparatus. Details are described in the Landscape and Visual Impact Statement.

HGV's will be used to deliver all equipment and materials to and from the site. The potential number of 16.5m long 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 approximately 8 two-way movements per day. Staff trips will be made by cars, vans or minibuses. At the peak of activity, there could be 10 minibuses/vans on the site.

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Temporary traffic management measures will be in place during construction to enable the safe movement of construction traffic along the public highway to the site. These will include temporary signage to direct construction traffic to/from both the main site and the site of the proposed DNO and Client substation, and signage to warn other road users of construction traffic; management of movements between the main site and Llanerch Road; and management of movements along Coch-y-cwm Road between the site of the proposed DNO and Client substation and Ty Draw Road.

### Decommissioning

When the panels reach the end of their lifetime (approximately 30 years), the solar farm would be decommissioned, all equipment would be dismantled and removed from the site and the site restored.

### **Visual Amenity**

Turing to visual amenity, the site lies within the Kilvey Green Wedge which was designated to prevent coalescing of villages and retaining the openness and character of the area. It is considered that as this proposal is for a specific time period i.e. 30 years and that the land could be reinstated after this time, the requirements of this Policy will be met in the long term.

In terms of the impact of the scheme upon the character and appearance of the open countryside, the Landscape and Visual Assessment 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. The proposed development is located on the elevated plateau and north east slopes of Kilvey Hill within pastoral farmland near Carn Nicholas Farm and has been assessed as follows:

### Effects on Landscape Elements

The landscape elements that constitute the landscape character of the site would remain largely unaffected by the proposed development. Site topography, field pattern and enclosure, plantation woodland, earth banks, hedgerows and pastoral farmland would generally remain physically intact with the proposals in place. Enhancements to landscape elements would be made in terms of the maintenance and infilling of hedgerows with the provision of a new hedgerow planting to the north east to reinforce the pine treebelt near Rose Cottage and to the west of the site to reinforce the plantation woodland near the cairn on Kilvey Hill. The proposals would provide a net gain of +261 linear metres of native hedgerow that would enhance the landscape character and biodiversity of the site beyond the operational lifespan of the development. Owing to the ease of removal of all above ground structures, ground fixings and associated infrastructure, any effects upon landscape elements resulting from the proposals are reversible with the land being returnable to the agricultural land use on decommissioning of the proposed development.

### Effects on Landscape Character

The landscape elements that constitute the landscape character of the LANDMAP geological, habitats, historic or cultural aspect areas within the site would generally remain physically unaffected by the proposals.

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The effects on landscape character would therefore result from the visual influence of the proposals on the LANDMAP visual and sensory aspect areas including the Kilvey Hill SWNSVS428 aspect covering the site, and the [No Name] SWNSVS429 and Crymlyn SWNSVS955 aspects areas to the north east of the site as shown in Figure 10.

These key characteristics of the Kilvey Hill SWNSVS428 aspect area are considered to limit views of the proposals as the site is located on an elevated plateau with steep scarp edges that foreshorten views from the coastal plain to the south within Port Tennant and from the south west within Swansea Marina and Swansea city centre. The proposals are visually contained to the west by plantation woodland covering the summit of Kilvey Hill. The proposals are located within the visual influence of other built infrastructure, most notably including the transmitter mast on the summit of Kilvey Hill, the pylons and transmission lines between Port Tennant, Ty Draw and Cefn Hengoed, and the industrial areas on Swansea Dockyard and Baglan Bay.

The Zone of Theoretical Visibility (ZTV) within Figure 10 and the representative viewpoints/photomontages in Figure 12 demonstrate that a relatively small geographical area of the Kilvey Hill SWNSVS428, [No Name] SWNSVS429 and Crymlyn SWNSVS955 aspects would be visually affected to the north east of the proposals. Due to the limited visibility of the proposals within the 5km study area, the landscape character of the LANDMAP evaluated aspects would prevail with the proposals in place.

### Effects on Visual Amenity

The ZTV for the proposals reflects the elevated plateau of Kilvey Hill and the visual enclosure provided by plantation woodland to the west and the steep scarps to the south of the site which limits views of the proposals from Port Tennant to the south and from Swansea Marina and the city centre to the south west of the proposals. The solar panels and security fencing have been set back from the edge of the scarp to reduce the visibility of the proposals from Port Tennant, Dan-y-graig, St Thomas and Swansea Marina. As the topography of the site slopes towards the north east, the ZTV also extends towards Bon-y-maen, Ty Draw and Cefn Hengoed (Viewpoints 1 to 5).

The 'actual' visibility of the proposals is less than illustrated in the ZTV in Figure 11 as shown by the representative viewpoints/photomontages in Figure 12. The reduced geographical extent and pattern of visibility of the proposals is due to the visual containment provided by the steeply rising scarp of Kilvey Hill to the south and plantation woodland to the west of the site. As part of the proposed development is located on the higher plateau and is visually contained to the west by plantation woodland, it is not possible to observe the entirety of the solar arrays within the same field of view at any particular viewpoint.

The proposed development would not generally be visible from residential areas within Port Tennant, Dan-y-graig and St Thomas to the south of Kilvey Hill (Viewpoints 9, 11 and 12). This is due to the steeply rising landform of Kilvey Hill that foreshortens views from the coastal plain. Partial views of the proposals would be perceptible from Bonymaen, Ty Draw and Cefn Hengoed within approximately 1.5km to the north east of the site. However, from this distance the solar panels and security fencing would be visible as a faint outline on the crest of Kilvey Hill and would appear absorbed within the dark backdrop of plantation woodland (Viewpoints 1 to 5).



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Within more distant views from Pentre dwr, Llandarcy and Jersey Marine to the east of the site the proposals would appear as a faint outline on the crest of Kilvey Hill and would be barely perceptible (Viewpoint 7). Due to the location of the proposals on the higher plateau of Kilvey Hill, the enclosure provided by the steeply rising landform, and the separation distance from surrounding residential properties, the visual effects on residential properties would generally be limited to Carn Nicholas Farm (involved property) and Rose Cottage to the north east of the site. However, views from Rose Cottage are generally orientated to the north east across Crymlyn Bogs in the opposite direction to the solar arrays. Residential properties within Bonymaen, Ty Draw and Cefn Hengoed (Viewpoints 1, 2 and 4) would experience partial views of the solar panels and security fencing within the middle distance, however, these would be apparent as a faint outline on the crest of Kilvey Hill. Views from Tir-isaf, Cwmbach, Caemerch Einon and Pen-y-craig Farms to the east of the site would be limited by the steeply rising scarp, gorse scrub and the pine treebelt above Rose Cottage (Viewpoint 5). The proposals would not generally be visible from Robert Owen Gardens, David Williams Terrace and Dan-y-graig Road within Port Tennant to the south (Viewpoint 9) or from the Dan-y-Beacon residential property within St. Thomas to the south of the scarp.

Intermittent, transient and oblique views of the solar panels and security fencing would be perceptible from a limited number of highways including Brokesby Road/Mansel Road to the north, Dinam Road/Coch-Y-Cwm Road to the north east, the M4 motorway to the east, and the A483 Fabian Way to the south east of the site. The proposals would be perceptible in the medium distance from Brokesby Road/Mansel Road (Viewpoint 1) and Dinam Road/Coch-Y-Cwm Road (Viewpoint 4), from the A483 Fabian Way (Viewpoint 6) and the M4 motorway on the approach to Swansea from the east. Views from the A483 Fabian Way and the M4 motorway are distracted by the large scale industrial areas on Baglan Bay and Swansea Dockyard. The proposals would be distantly perceptible on the approach to Swansea, however, would form a minor element of the view and faint outline on the crest of Kilvey Hill against the dark backdrop of plantation woodland (Appendix 4). The proposals would not harm the settlement gateway leading into Swansea on the A483 Fabian Way or the M4 motorway approaching Swansea from Baglan and Port Talbot.

Partial views of the upper solar panels and security fencing would be perceptible from surrounding public rights of way (PROW) including the restricted byways between the disused Llanerch Slant quarry and Pen-y-graig to the east (Viewpoint 5), the byway following the edge of the Kilvey Hill scarp to the south (Viewpoint 8), and the network of byways surrounding the cairn and windmill remnants to the west of the site near the transmitter mast on Kilvey Hill (Viewpoint 10). In all cases, the main focus of the panoramic views across Baglan and Swansea Bays would remain uninterrupted by the solar arrays. The proposed solar panels and security fencing have been set back from the edge of the scarp to reduce the visual effects on the surrounding PROW traversing Kilvey Hill to the south of the site. The solar panels and security fencing would be visible at close proximity from the cairn near the transmitter mast, however, the majority of PROW would remain unaffected by the proposals.

### **Residential Amenity**

Turning to residential amenity, apart from the farm house itself and the other dwelling on the site, Rose Cottage, there are no immediate residential properties close to the boundaries of the site, the nearest being over 340m away as previously indicated.

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The LVIA however, considers the visual impact of the proposed development from the surrounding residential properties and concludes that whilst it will be visible from these properties, no undue harm will be experienced by the occupiers. The planting of additional hedgerows and supplementing the existing 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 and it has been concluded that this would not result in any undue impact upon the nearest residential properties.

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 nine weeks 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. It should also be noted that no adverse comments have been received from neighbours in response to this application.

### **Public Right Of Way**

There are no public rights of way across the application site.

### **Hedgerow Planting and Management**

The Design and Access Statement makes reference to enhancements to landscape elements being made in terms of the maintenance and infilling of hedgerows with the provision of a new hedgerow planting to the north east to reinforce the pine tree belt near Rose Cottage and to the west of the site to reinforce the plantation woodland near the cairn on Kilvey Hill. The proposals would therefore provide a net gain of +261 linear metres of native hedgerow that would enhance the landscape character and biodiversity of the site beyond the operational lifespan of the development. However, no further details of exactly what species will be used and where the hedgerows will be planted are included. It is considered therefore that a condition be imposed to require the applicant to submit details for future consideration.

### **Access and Highway Safety**

As detailed previously, the Head of Transportation and Engineering raises no highway objection subject to the submission of a Construction Traffic Management Plan, details of the methodology for the scope and nature of the dilapidation surveys on the adopted highway prior to commencement of any work at the site and the provision of wheel washing facilities.

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### **Other Issues**

The Council's Planning Ecologist has advised the Ecological survey undertaken is comprehensive and no further work is needed. However, he noted that no mitigation plan was included for the likelihood of reptiles being found on the grid corridor and recommends that a condition be imposed to request this is submitted for approval prior to commencement of works on site.

The Council's Drainage Officer offers no objection subject to the swales being constructed prior to the installation of the solar panels. An appropriate condition is therefore recommended.

The Coal Authority raises no objections to the proposal following consideration of the Coal Mining Risk Assessment subject to intrusive coal mining investigation works being undertaken prior to commencement of development. An appropriate condition is therefore recommended.

The Glamorgan Gwent Archaeological Trust has reviewed the Heritage Assessment and have requested a condition regarding a historical photographic record is undertaken prior to development. Natural Resources Wales have requested conditions regarding the submission of a Construction Environmental Management Plan, a pollution prevention management plan and Japanese Knotweed and these would be attached to any grant of consent.

### Other Relevant Local Appeal Decisions

There have been two appeal decisions this year for solar parks within the authority's boundaries, both of which have been dismissed. The first at Webbsfield, Ilston (Planning Ref: 2014/0876) lies within the Gower AONB where the planning inspector, in reaching his decision on the 1MW development, was mindful of the statutory duty to in relation to the protection of the AONB and found the development would be significantly harmful in visual and landscape terms, which is of national importance given its statutory designation. The Inspector did note that the amount of renewable energy that would be generated by the scheme would equate to the needs of 300 households...and contrary to the views of objectors, considered that it was a significant contribution. Clearly the current application site is not located within AONB and therefore in assessing the current proposal the authority is not bound by this statutory duty. Instead the policy test outlined in Policy R11 is whether the development would have a significant adverse effect. For the reasons outlined above it is not considered the development would conflict with the criteria of R11.

The most recent decision relates to a proposed 3.6MW development at land at Pencefnarda Uchaf Farm, Gorseinon (Planning Ref: 2014/0761). The appeal was dismissed on the grounds that the development would be in-appropriate within a green wedge, the inspector considered the proposed development would appear as modern industrial engineered structures that would be in contrast to the rural landscape surrounding it. He found the development would detract from and unacceptably harm the open character and appearance of the area. Moreover, the inspector found that the development would result in a significant level of harm to the outlook of occupiers of properties near to the site on Pencefnarda Road.

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The current development proposed is within a green wedge as such this aspect of the Pencefnarda Farm decision is relevant to the consideration of this application. Clearly, the provision of solar panels and their associated infrastructure within the Green Wedge will result in some local and potentially wider visual and landscape impacts. Policy EV23 states that development will only be permitted within Green Wedge if it maintains the openness and character of the green wedge and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. It is not considered that the installation of the solar panels on this section of the Kilvey Green Wedge would affect the openness of the green wedge nor impact upon its character to a degree that would warrant a recommendation of refusal in this particular instance. Whilst the Appeal Inspector's comments are noted, it is considered that a balance must be struck between supporting renewable energy proposals and avoiding significant impacts to the environment. Paragraph 2.13 of TAN8 recognises that there is this balance to be struck between the desirability of renewable energy and landscape protection. In terms of visual and landscape impacts, for the above reasons, the proposed development would not, it is considered, result in any significant harmful impacts to the character and appearance of the green wedge in this particular area. Moreover, it is well established that planning applications will be considered on their own individual merits.

Notwithstanding the above, the applicant has submitted a Green Wedge addendum to address the Appeal Inspector's comments above. The Applicant argues that the proposal would not affect the perception of settlement coalescence or openness between the urban areas, in particular due to the steeply rising landform and plantation forestry on Kilvey Hill. In addition the report states that the proposal is not a permanent feature as it would be removed once the arrays were decommissioned.

In terms of residential amenity impacts, it is considered that the distance to the development from the nearest properties, together with the existing screening which would be supplemented, would ensure that, unlike the Pencefnarda Farm development, the current proposals would not result in any material loss of outlook to neighbouring occupiers.

### **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](http://uksolarenergy.co.uk)).

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

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Correspondence from Welsh Government has indicated that based on data for 2013, an output of roughly 10% of capacity for all types of solar panel in Wales was produced. This contribution to renewable energy targets has to be assessed against the impact of such schemes.

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. On balance therefore the scheme is considered acceptable and is in accordance with the criteria laid out in Policies EV1, EV2, EV21, EV23, EV30, EV35, HC20 and R11 of the City and County of Swansea Unitary Development Plan 2008. Approval is recommended.

### RECOMMENDATION

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

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

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

- 2 The planning permission is for a period from the date of this permission until the date occurring 30 years after the date of commissioning of the development. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority no later than 1 calendar month after the date of commissioning.

Commissioning is defined as the point at which the solar farm is put into active service or becomes active, or is in a usable condition.

Reason: To ensure the landscape impact of the development exists only for the lifetime of the development.

- 3 The development shall be carried out in accordance with the following approved plans and documents: drainage strategy, environmental report, glint assessment, heritage assessment, transport statement, landscape and visual assessment, 2193.AP.004.2.0 transformer station, 2193.AP.006.03.00 fence details, 2193.AP.007.4.00 cross section, 2193.AP.31.1.DD site location plan received 22nd July 2015, ecological survey, habitat survey received 10th August 2015, 2193.AP.001J module array layout, 2193.AP.009.1A DHO and client substations received 25th November 2015.

Reason: To define the extent of the permission granted.

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- 4 Prior to the commencement of the development hereby approved, a Landscape and Habitat Management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the exact seed mix to re-establish the grassland and include the specific mix of wildflower species to be used. The plan shall also include details of the hedgerows to be supplemented and the location of the new hedgerows to be planted and the species to be used. The scheme shall be implemented in accordance with the approved details.  
Reason: In the interests of biodiversity and habitat management.
- 5 Prior to the commencement of the development hereby approved, a Construction Traffic Management plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.  
Reason: In the interests of highway safety.
- 6 Prior to the commencement of the development hereby approved, a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details  
Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.
- 7 The swales as detailed on the 'Proposed Drainage Arrangements' drawing, S544/02 Rev A shall be constructed prior to the installation of the solar panels and retained as approved for the duration of the development hereby approved.  
Reason: To mitigate any increase in surface water run-off from the development.
- 8 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.
- 9 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the approved details prior to the commencement of the development hereby approved.  
Reason: In the interests of the ecology and amenity of the area

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- 10 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.
  - (iii) A timetable for completion of the works
- 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, and completed in accordance with the approved timetable for completion of the works.
- Reason: In the interest of visual amenity and to ensure the land is restored in an acceptable manner
- 11 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. 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.
- 12 No development hereby approved shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to 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.
- 13 A mitigation plan for reptiles that may be found on the grid connection corridor must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The mitigation plan shall be implemented in accordance with the approved details.
- Reason: In order to ensure that the development complies with the Conservation (Natural Habitats & c) Regulations 1994, and to secure the protection of Listed European Protected Species on site

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- 14 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.

- 15 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 and the results together with any remediation works proposed shall be submitted to and approved in writing by the Local Planning Authority within two months of completion of the dilapidation surveys. Any remediation works shall be undertaken in accordance with the approved details within 6 months of the date of approval of such details

Reason: In the interest of highway safety.

- 16 Prior to the development hereby approved commencing on site a method statement shall be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority detailing the provision of suitable facilities on site to ensure vehicles leaving the site do not deposit mud or debris on the adjacent highway.

Reason: In the interest of highway safety.

### INFORMATIVES

- 1 The proposed development is crossed by a 12" and 15" Trunk main. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. An easement of 6m is required (a minimum of 6 m from the Centre Line of the main) and no obstruction temporary or permanent to encroach this area, access required at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.
- 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, EV21, EV23, EV30, EV35, R11 & HC20.
- 3 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.



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4 The development of the site with our water main located as shown on the attached plan will involve certain conditions which must be strictly adhered to. These are:-

1. No structure is to be sited within a minimum distance of 6 metres from the centre line of the pipe. The pipeline must therefore be located and marked up accurately at an early stage so that the Developer or others understand clearly the limits to which they are confined with respect to the Company's apparatus. Arrangements can be made for Company staff to trace and peg out such water mains on request of the Developer.
2. Adequate precautions are to be taken to ensure the protection of the water main during the course of site development.
3. If heavy earthmoving machinery is to be employed, then the routes to be used in moving plant around the site should be clearly indicated. Suitable ramps or other protection will need to be provided to protect the water main from heavy plant.
4. The water main is to be kept free from all temporary buildings, building material and spoil heaps etc.
5. The existing ground cover on the water main should not be increased or decreased.
6. All chambers, covers, marker posts etc. are to be preserved in their present position.
7. Access to the Company's apparatus must be maintained at all times for inspection and maintenance purposes and must not be restricted in any way as a result of the development.
8. No work is to be carried out before this Company has approved the final plans and sections.

These are general conditions only and where appropriate, will be applied in conjunction with specific terms and conditions provided with our quotation and other associated documentation relating to this development.

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ITEM 6

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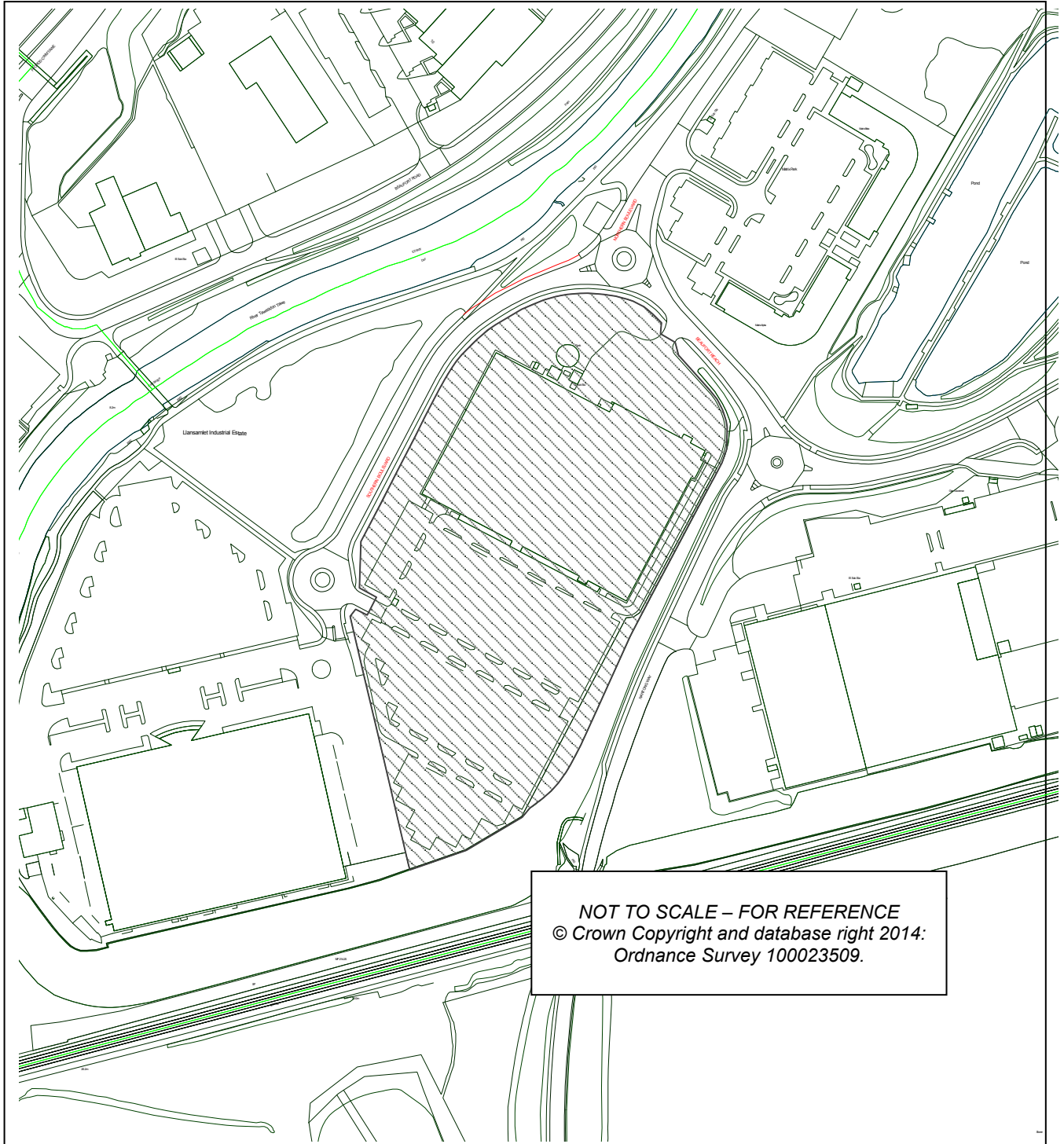
WARD:

Llansamlet

**Location: Beaufort Reach Siemens Way Swansea Enterprise Park Swansea SA7 9BB**

**Proposal: Storage facility building (Class B8)**

**Applicant: Mr David Love**



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### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EC3	Improvement and enhancement of the established industrial and commercial areas will be encouraged where appropriate through building enhancement, environmental improvement, infrastructure works, development opportunities and targeted business support. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy 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 EV36	New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)
Policy EV38	Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)

## PLANNING COMMITTEE – 8<sup>TH</sup> DECEMBER 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2015/1739

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)

### SITE HISTORY

#### App No.

#### Proposal

2010/0064

Change of use to include Use Classes B1, B2 and B8 and installation of two industrial doors to the rear elevation

Decision: Grant Permission Conditional

Decision Date: 25/02/2010

**This application is reported to Committee as it exceeds the development threshold.**

### RESPONSE TO CONSULTATIONS

The application was advertised by a press notice and site notice. One neighbouring occupier was also consulted. No responses have been received to the public consultation.

Other consultation responses:

#### Highways Observations 25.11.15

The planning application is for a new storage facility at Lyte Ladders, Siemens Way, Swansea. The unit was formerly Makro (wholesale retail distribution) but was a subject to the change of use application in 2010 to allow B1, B2 and B8 use class categories.

There is a substantial parking loss arising from the proposed siting of the storage unit but the car parking area being retained caters for in excess of 200 spaces.

A parking assessment has been submitted by the agent. A formal assessment related to the adopted parking supplementary planning guidance (SPG) has shown that the parking demand generated by the storage unit together with the light industrial unit equates to 113 spaces plus space for commercial vehicles servicing/deliveries. Given that the parking to be retained is in excess of adopted guidelines, the parking provision is considered to be appropriate. There is adequate space to the rear of the units to accommodate the deliveries (as per the existing situation).

The site is located at the end of a cul de sac (which is adopted) and the access off an existing roundabout is barrier controlled.

Given the existing uses at the site, and parking levels being retained I do not consider that there would be any highway safety issues arising, particularly in view that storage currently takes place at remote sites in the enterprise zone that need to be transported to and from this site.

## PLANNING COMMITTEE – 8<sup>TH</sup> DECEMBER 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2015/1739

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

1. 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.
2. The remaining car parking areas being retained for parking purposes only in perpetuity.

### Natural Resources Wales (NRW) 16.09.15

On review of the submitted application we object to the proposed development pending the provision of an appropriate flood consequences assessment (FCA), for review and comment.

### Natural Resources Wales (NRW) 16.11.15

We do not object to the above proposal, however we wish to make the following comments.

#### **Flood Risk**

We note the submission of the document entitled; '*Lyte Ladders Swansea: Proposed Storage Unit Extension: Flood Consequences Assessment*', dated October 2015, by ateb Consult.

Having reviewed the FCA, we wish to make your Authority aware that aspects of the assessment are flawed, due to the fact in that it quotes flood levels supplied by EA Wales in 2012 for a different site. One which is approximately 1km downstream. (Section 5.4.1 (ii) and (iii)).

However, our most recent modelling indicates the site is flood free in a 1000 year event. In addition, it would appear that access is also not affected in a 1000 year event.

As the land is currently a paved carpark, there will be no increased run-off by constructing the building. As a result we do not wish to comment further in relation to this matter.

#### **Contaminated Land**

It is our understanding that parts of the site may be contaminated and that these contaminants could be mobilised during the construction phase and have an impact on controlled waters. We note the comments made in the Design and Access Statement, dated July 2015, by ateb Consult. However in order to take a precautionary approach, your Authority may wish to consider the following

#### **Pollution Prevention & Waste Management**

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.

## PLANNING COMMITTEE – 8<sup>TH</sup> DECEMBER 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2015/1739

As best practice, we would advise that the developer to produces a site specific Construction Environmental Management Plan (CEMP), with particular reference given to the protection of the surrounding land & water environments.

We would also recommend that a Site Waste Management Plan (SWMP) for the project is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. Guidance for SWMPs are available from the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)).

### Pollution Control 4.09.15

Can we add the following condition to this application please?

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

### Dwr Cymru Welsh Water 14.09.15

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

### Drainage and Coastal 1.09.15

Based on the plans and details submitted we would recommend that an appropriately worded surface water condition be 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.

### Glamorgan Gwent Archaeological Trust 6.11.15

The information held in the Historic Environment Record shows that the application area is on the site of the Landore Silver and Spelter Work which operated from 1867 to 1869.

## PLANNING COMMITTEE – 8<sup>TH</sup> DECEMBER 2015

ITEM 6 (CONT'D)

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It was developed by William Siemens and by 1870 the Siemens Steel Works was producing steel rails. By 1873 it was one of the largest steel works in the world, finally closing in 1888. It was acquired by Baldwin's in 1899 as the Swansea Haematite Works with parts of the original works being taken over by the Mannesmann Tube Company. In 1915 it was offered to the newly former Ministry of Munitions as a National Shell Factory, continuing in production until 1919. The site continued to operate as a foundry until 1980, although tube production ceased in 1961.

The site has been remediated prior to the construction of the current building to the north of the application area. The current application is for a steel framed building which will be constructed on concrete pads. It is unlikely that the current proposal will significantly disturb buried archaeological resource. Therefore, as the archaeological advisors to your Members, we have no objection to the positive determination of this application.

### APPRAISAL

This application seeks planning permission for the construction of a storage building at Lyte Ladders, Beaufort Reach, Swansea. The business, which manufactures ladders, occupies the former Macro building located on the western side of Beaufort Reach. The site is surrounded by existing commercial uses including Virgin offices to the south west, office accommodation at Matrix House and Matrix Alpha to the north and the Royal Mail sorting office to the south east. The site is surrounded for the most part on all sides by mature trees.

The proposed development would be sited to the south of the existing building on part of the extensive car park area. The main body of the building would be sited some 9m from the main building with a single connection being provided between the two. The building would have a rectangular footprint and a double gable pitched roof form. The building would measure 46m in width, 88m in depth and 8.5m in height. The materials proposed are metal cladding to the external walls and roof to match the existing building.

The proposed building will allow for the storage of equipment and products that are currently stored externally. According to the submission, this is partially driven by an increase in commercial customers and the layout of the building will allow ease of collection and delivery in bulk batches rather than in smaller goods vehicles.

### MAIN ISSUES

The main issues are the impacts of the development on the character and appearance of the area, the impacts on parking and highway safety and the impacts on the environment. The nearest residential properties on Neath Road are sited some 400m from the application site. In view of this significant separation distance, it is not considered the proposed development would result in any material impacts to the living conditions of the nearest residential properties.

The City and County of Swansea Unitary Development Plan (2008) (UDP) is the adopted development plan and the following planning policies are considered to be relevant to the determination of this planning application: AS6, EC3, EV1, EV2, EV3, EV35, EV34, EV36, EV38.

## PLANNING COMMITTEE – 8<sup>TH</sup> DECEMBER 2015

ITEM 6 (CONT'D)

APPLICATION NO.

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Policy EC3 (Established Industrial and Commercial Areas) supports the improvement and enhancement of established industrial and commercial areas. The application site is located within Zone D of the Swansea Enterprise Park as described within the supplementary planning guidance document 'Swansea Enterprise Park Planning Policies' (SPG). Zone D is specified for mixed uses including storage and distribution. In broad land use terms, therefore, the proposed storage building would accord with the SPG and UDP Policy EC3.

### **Visual Amenity**

In terms of the visual impact of the development, the site adjoins Siemens Way, Nantong Way and Beafourt Reach. UDP policies EV1 (Design) and EV2 (Siting and Location) require developments to accord with good design principles and to have regard to the physical character and topography of the site. Whilst the building is significant in size with a floor area of some 4118m it would be subordinate to the existing building in terms of its footprint and height, furthermore the site is well screened by mature vegetation on all sides, which would limit public views, other than distant views from higher ground. In terms of the visual impact of the development, therefore, it is not considered the proposal would result in any significant impacts upon the commercial/industrial character and appearance of this area.

### **Access and Highway Safety**

Turning to access and highway safety, the development must be in accordance with UDP Policies AS6 and EV3, which require developments to provide satisfactory access and parking provision.

The proposed building would be sited on land that is currently used for car parking and would potentially add to parking demand at the site. It must therefore be demonstrated that the development can be accommodated without resulting in any detriment to parking and highway safety.

The applicant has provided supporting information which demonstrates that there would be in excess of 200 residual parking spaces post development. This parking provision would be above the levels specified within the adopted 'Car Parking Standards' SPG. As such the proposed parking provision is considered to be satisfactory.

The existing access points would continue to be utilised and in terms of traffic generation, the storage requirements for the existing business currently takes place at remote sites in the enterprise zone that need to be transported to and from this site. As such it is not considered the proposals would result in any significant additional trips on the highway network. The development is therefore considered to be acceptable in terms of parking and highway safety and would accord with UDP Policies EV3 and AS6.

The Head of Highways and Transportation has raised no objection to the proposals subject to the submission of a construction traffic management plan and the parking areas being retained for parking purposes only. The former requirement can be dealt with by an informative note and the latter by way of a planning condition to ensure satisfactory parking provision would be retained at the site.



### **Flooding**

The application site is located within zone C1, as defined by the development advice maps referred to under TAN15 (July 2004). In this regard UDP policy EV36 (Development and Flood Risk) is relevant and requires applications to be supported by sufficient information to assess the consequences of flooding at the site and to consider whether the consequences associated with flooding are acceptable. The application has been supported by a Flooding consequences assessment, which has been assessed by NRW.

In terms of the justification test outlined in national guidance Technical Advice Note 15: Development and Flood Risk (TAN 15), whilst the development is not part of a local authority re-generation initiative or strategy to sustain an existing settlement, the development would be on an existing commercial site within zone C and would contribute to key employment objectives by supporting an existing business which employs some 165 people. The development is located on previously developed land and it is considered the potential consequences of flooding are acceptable as the development is classed as less vulnerable development under TAN 15 and, according to NRW recent indicates the site and its access are flood free in the 1 in 1000 year flood level.

Appendix 1 C of TAN 15 lists the criteria and conditions which developments must meet in order for the consequences of flooding to be acceptable, however, given NRW's comments that the development is outside the 1 in 1000 year flood level, these criteria are not relevant to the consideration of this proposal. In light of the above, it is considered that the development is justified and acceptable in terms of flood risk and would be in accordance with UDP Policy EV36.

### **Contaminated Land**

Owing to the past heavy industrial uses that have taken place on the site there may be the potential for contaminants to be mobilised during the construction and operation phase (depending on the drainage strategy). UDP Policy EV34 states that 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. Moreover, Policy EV38 states that on sites where there is a risk of contamination development will not be permitted unless measures can be taken to overcome any danger to life, health, property, controlled waters or the natural and historic environment.

The application site is covered by a hard surface car park and it is proposed to expose areas of ground around the perimeter of the proposed building footprint in order to construct the pad foundations for the steel framed building. Mindful of the proximity of the site to the River Tawe, and following a precautionary approach, NRW have raised no objection to the application on land contamination grounds subject to conditions to secure the provision of further information to assess the risks arising from contamination on the site. The pollution control division have also requested a condition regarding unforeseen contamination at the site, should it be found during the development of the site.

It is considered that any residual risks to the environment, people and property can be appropriately managed through planning conditions to mitigate any significant impacts. Subject to conditions, therefore, it is considered that the proposed development would not be in conflict with UDP Polices EV34 and EV38.

**Drainage**

The applicant has indicated that the site drains to the storm drainage serving the enterprise park and has confirmed the proposed development would follow the current arrangements. Both the Council's drainage engineer and Dwr Cymru Welsh Water have requested further drainage information by condition, in principle, however it is considered that the proposed development would not conflict with UDP Policy EV35, which broadly requires that developments should not have an adverse impact on the water environment and encourages the use of sustainable drainage systems.

**Archaeology**

Glamorgan Gwent Archaeological Trust (GGAT) have confirmed that it is unlikely the current proposals will significantly disturb the buried archaeological resource associated with the former heavy industry on the site, which at one time formed part of the largest steel works in the world. In accordance with the advice from GGAT, no archaeological mitigation is considered to be required for this development.

**Conclusion**

The proposed development is considered to be acceptable in terms of its impacts on the character and appearance of the area, its impacts on access and highway safety and its impacts on the living conditions of the nearest residents. Moreover, the development would not be at a significant risk of flooding and, subject to conditions, it is considered the development would not result in any significant environmental impacts. In light of the above, the proposed development is considered to be in accordance with UDP policies and is therefore recommended for conditional approval.

**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: 101 Rev A - Site Location Plan, 105 Rev B - Proposed Extension Layout Option 3, 106 Rev B - Proposed Extension Elevations, 108-1 - Site Cross Sections (1 of 2), 108-2 - Site Cross Sections (2 of 2). 112 - Proposed Floor Plan, 113 - Enabling and Preparatory Works received 19th October 2015.  
Reason: To define the extent of the permission granted.

**PLANNING COMMITTEE – 8<sup>TH</sup> DECEMBER 2015**

ITEM 6 (CONT'D)

APPLICATION NO.

2015/1739

- 3 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 and to minimise surface water run-off.

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

1. A preliminary risk assessment which has identified:

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

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

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

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

Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved.

Reason: Natural Resources Wales considers that the controlled waters at this site are of a sensitivity nature and contamination is known/strongly suspected at the site due to its previous mixed industrial uses.

**PLANNING COMMITTEE – 8<sup>TH</sup> DECEMBER 2015**

ITEM 6 (CONT'D)

APPLICATION NO.

2015/1739

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

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

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

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

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

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

- 8 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

## PLANNING COMMITTEE – 8<sup>TH</sup> DECEMBER 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2015/1739

- 9 The parking areas shall be laid out in accordance with details to be submitted to and approved in writing by the local planning authority. The approved parking layout shall be implemented prior to the beneficial use of the building hereby approved and shall thereafter be retained as approved. The parking areas shall be used for the parking of vehicles only and for no other purpose.

Reason: In the interests of providing satisfactory parking provision to serve the development in the interests of highway safety.

- 10 The material used for the external finishes shall be in accordance with the details specified on the approved plans.

Reason: In the interests of visual amenity.

### INFORMATIVES

- 1 Highways Management require the submission of a Construction Traffic Management Plan prior to commencement of any work at the site. All works shall be completed in accordance with the approved management plan.

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

- 3 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: AS6, EC3, EV1, EV2, EV3, EV34, EV35, EV36, EV38. Supplementary planning guidance document 'Swansea Enterprise Park Planning Policies'.

- 4 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption" [ ] 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps

of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

**PLANNING COMMITTEE – 8<sup>TH</sup> DECEMBER 2015**

ITEM 6 (CONT'D)

APPLICATION NO.

2015/1739

5 STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

This Standing Advice is valid from 1st January 2015 until 31st December 2016

6 As best practice, we would advise that the developer to produces a site specific Construction Environmental Management Plan (CEMP), with particular reference given to the protection of the surrounding land & water environments.

We would also recommend that a Site Waste Management Plan (SWMP) for the project is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. Guidance for SWMPs are available from the DEFRA website ( [www.defra.gov.uk](http://www.defra.gov.uk) ).

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**PLANNING COMMITTEE – 8<sup>TH</sup> DECEMBER 2015**

ITEM 7

APPLICATION NO.

2015/2119

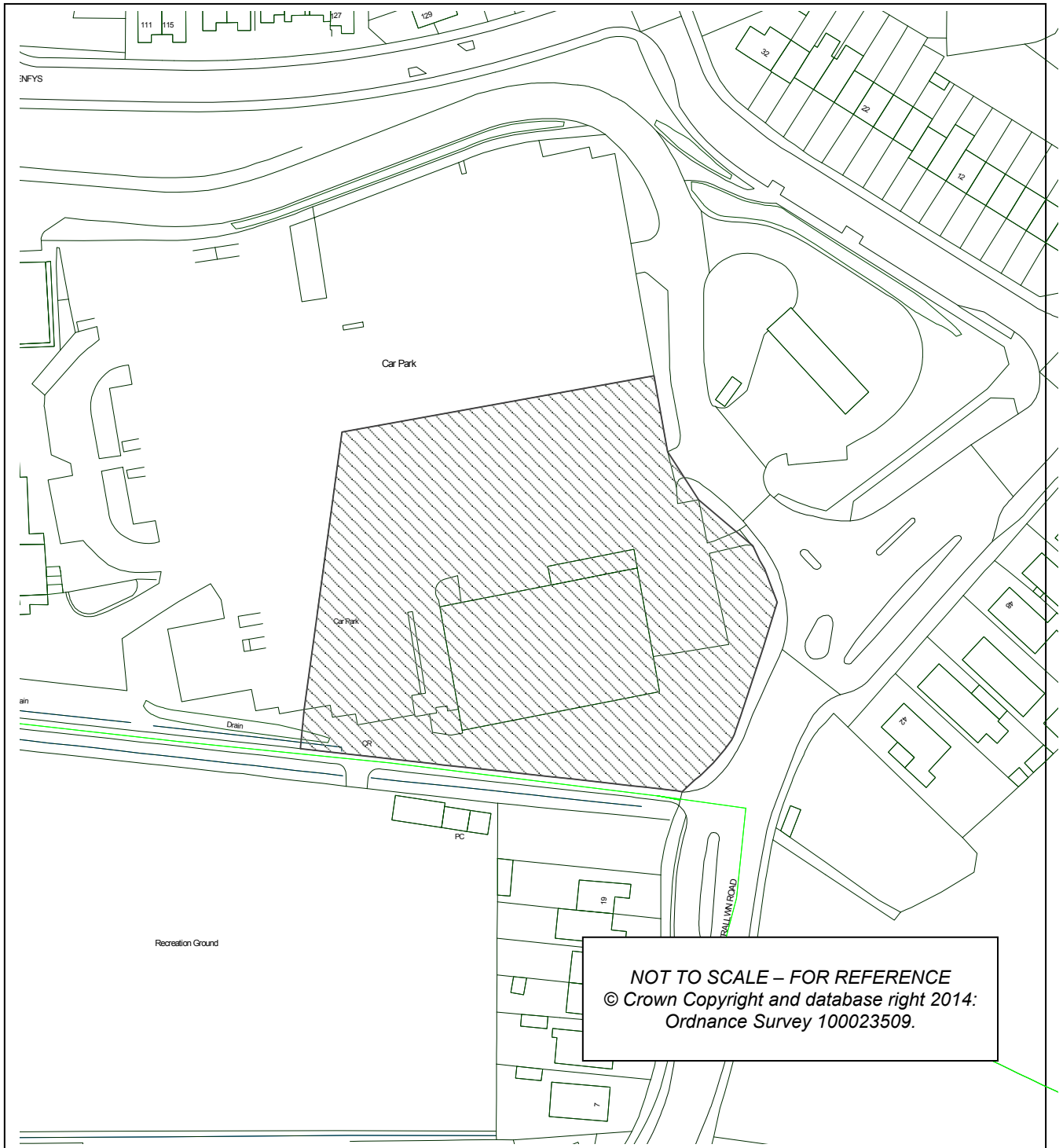
WARD:

Llansamlet

**Location:** Lidl UK Gmbh Trallwn Road Llansamlet Swansea SA7 9WL

**Proposal:** Demolition of existing food store (1083sqm gross internal floorspace) and construction of a new food store (2471sqm gross internal floorspace) with associated access, parking and landscaping

**Applicant:** Dr Wendy Hurst, Lidl UK GmbH



## PLANNING COMMITTEE – 8<sup>TH</sup> DECEMBER 2015

ITEM 7 (CONT'D)

APPLICATION NO.

2015/2119

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EC4	All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EC9	Retail development at out of centre locations will be restricted. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy 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)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
99/0173	ERECTION OF COVERED BICYCLE STORE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 15/03/1999



## PLANNING COMMITTEE – 8<sup>TH</sup> DECEMBER 2015

ITEM 7 (CONT'D)	APPLICATION NO.	2015/2119
98/0973	ERECTION OF A SINGLE STOREY RETAIL STORE WITH CAR PARKING AND SERVICING Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 28/09/1998	
99/0517	FORMATION OF 2 NO. EXTERNAL GARDEN PRODUCT DISPLAY AREAS AND ERECTION OF TWO STOREY HIGH REAR EXTENSION FOR THE DISPLAY AND SALE OF GARDEN PRODUCTS Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 18/06/1999	
2015/0070	Demolition of existing food store (1082sqm gross internal floorspace) and construction of a new food store (2130sqm gross internal floorspace) with associated access, parking and servicing arrangements Decision: Grant Permission Conditional Decision Date: 17/08/2015	
2010/1751	One non illuminated wall mounted sign Decision: Refuse Advertisement Consent Decision Date: 19/01/2011	
99/6060	ERECTION OF 3NO EXTERNALLY ILLUMINATED AND 1no INTERNALLY ILLUMINATED SIGNS ON FRONT AND SIDE ELEVATIONS AND 1no NON ILLUMINATED SIGN ON FRONT ELEVATION Decision: *HGCC - GRANT CONSENT WITH CONDITIONS Decision Date: 30/07/1999	
2012/0158	One non-illuminated, free-standing, double-sided advertisement hoarding Decision: Grant Advertisement Consent (C) Decision Date: 20/03/2012	
2015/2175	Discharge of conditions 2, 3 & 4 of planning permission 2011/1380 granted 13th January 2012 (finishes, landscaping and protected species) Decision: Grant Permission Conditional Decision Date: 18/11/2015	

**This application is reported to Committee as the proposal exceeds the development threshold.**

### RESPONSE TO CONSULTATIONS

The application was advertised by site notice and press notice. No responses have been received to the public consultation.

## PLANNING COMMITTEE – 8<sup>TH</sup> DECEMBER 2015

ITEM 7 (CONT'D)

APPLICATION NO.

2015/2119

### **Other consultation responses:**

#### Highways Observations 26.11.15

##### 1. Introduction

The site is currently occupied by an existing Lidl with associated car parking and landscaping. A previous application was recently approved which took the floor area up to 2130 square metres (Planning application reference 2015-0070).

At the request of CCS Highways a Transport Statement (TS) has been submitted in support of the application to quantify the increase in movements expected as a result of the extended store. The TS has used survey data taken in the field and thus has provided a site specific analysis of this store. The document is mainly concerned with the impact in the peak hours 08.00-09.00 and 17.00-18.00 although for retail developments the flows are greatest during the Saturday morning/lunchtime

The redevelopment of the site will see the store orientation shifted and to update/improve the warehousing and operational functions within the site.

Access will remain as previously proposed directly off Trallwn Road

##### 2. Site location

The site is located to the south east of Llansamlet. The overall site covers 6782 square metres and includes an existing food-store with a gross internal area of 1083 square metres of which 871 sq.m is sales area.

To the north and west of the site is the Range retail unit and associated car park, to the east by Trallwn Road and to the south by residential properties and playing fields.

Vehicular access to the site is gained off a priority junction which links to Trallwn Road. Established pedestrian and cycle access is also available to the site.

The site is well served by public transport with regular services running along Trallwn Road.

The existing vehicular access is being retained so there are no highway safety issues arising by virtue of a new access being created.

The latest personal injury statistics show that there has been one reported accident in the last five years, as such it not considered that there is any specific highway safety issue at this site.

Part of the application site is shown to be on highway maintainable at public expense (adopted). This may necessitate 'Stopping up' under the Town and Country Planning Act section 247. This is administered by Welsh Government, the Highway Authority is a Consultee. A condition can be sought to address this aspect.

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### 3. Trip generation.

Trips to the existing store have been derived from on-site surveys undertaken in March 2015 between 08.00 and 20.00 on a Friday and a Saturday. The Friday movements showed peaks coinciding with the afternoon peak (approx. 204 movements) and the Saturday movements showed peak trips at approximately 12.00 (229 movements) and again at 16.00 (215 movements).

For the proposed store the GFA will increase to 2471 square metres with an increase in floor area of the sales part from 871 to 1420 square metres.

### 4. Car parking

Currently there are 99 car parking spaces. The surveys showed that on the Saturday in question the maximum car park usage was 57% between 13.00 and 14.00, thus there is spare capacity currently at the site.

The proposals include parking for 117 cars which includes 5 for use by a disabled person, and 4 for parent and child. As you would expect they are situated closest to the store access. The disabled parking provision should be 6% of the total provision and this would result in an additional 3 spaces being required (7 spaces in total)

The car park has now been detailed with the correct size parking spaces sizes and we are satisfied with the proposed layout.

### 5. Cycle and pedestrian access

The site is located in a sustainable position and pedestrian access to the site is good. Long term and short term cycle parking is referenced within the supporting documents although it is not shown on the layout. This should help promote non car travel to the site for both staff and shoppers. A suitable condition can be added to ensure that these are provided.

### 6. Servicing

An Autotrack run has been submitted showing that delivery vehicles can enter, turn within the site and exit in a forward gear. Given that the access is existing and there appears to be adequate space for turning I do not consider that this will give rise to any highway safety issues.

### 7. Impact

The main bulk of the proposed extension will be for backroom activities, storage etc. The Design and Access Statement makes reference to the fact that there will be no new lines stocked therefore the increase in traffic movements is expected to be negligible. Notwithstanding this assumption in order to provide a robust case for the impact of the development I have considered the scheme to have an impact of between 10-15% additional vehicles and I have outlined the details in the following text.

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Traffic on Trallwn Road is currently approaching 7000 movements over a 12 hr survey period with 1250 movements in the morning peak and 1500 in the afternoon peak (CCS tube survey December 2014 ). The mean speed reported was 26mph.

From dealing with similar retail expansions for Tesco's and Sainsbury's it has been demonstrated that a percentage expansion of floor space does not generate an equivalent percentage increase in trips. Thus an approximate increase in floor space of 50% will not result in an extra 50% of trips. From experience an increase of approximately 10-15% may be generated. This would equate to an additional 20-30 vehicles in the Friday peak p.m. hour. Given the existing flows leaving/arriving at Lidl of 204 vehicles over the hour then this is equivalent to an extra one vehicle every 2-3 minutes. It is not considered that this is a significant impact given that the baseline flows are 1500 vehicles on Trallwn Road (which includes the existing flows generated by the current Lidl) so the net increase is only 2% (based on the predicted additional trips).

The Transport Statement has assumed a figure of 19% additional trips and this has ensured that the TS is robust and again the impact on Trallwn Road in terms of traffic is negligible.

Given that the existing store operates without issue I do not consider that this minor increase in movements will have any detrimental impact on highway safety nor congestion in the area.

### 8. Recommendations

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

1. The front boundary wall at the access being kept below 1m in the interests of visibility.
2. An additional three parking spaces being made suitable for disabled users (to meet the 6% standard).
3. A scheme for cycle parking to be submitted for approval to the LPA, to be implemented prior to beneficial use of the store commencing.
4. The applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.
5. No work on the highway is to be carried out until stopping up of any part of the highway has been carried out via Section 247 of the Town and Country Planning Act.

### Natural Resources Wales 2.11.15

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

### **Protected Species (Bats)**

We welcome the submission of the document entitled; '*Trallwn Road: Bat Survey Report*', dated 26 June 2015, by BSG Ecology.

We note from the report that a dawn survey was carried out on the 18 June 2015 and that no bats used the tree. The survey also states it is very unlikely that the tree would support a bat roost and that it has been downgraded to a Category 2 tree – with no further survey works required or recommended.

### **Ecology**

We also support the recommendations made in Section 6 of the document entitled; '*Lidl, Trallwn Road, Swansea: Ecological Survey Report*', by BSG Ecology, in relation to: sensitive lighting design and the proposals for general enhancement.

### **Surface Water Drainage**

We note that it is proposed to discharge surface water to the mains sewer. Whilst we acknowledge that this may be the existing scenario, we would advise that should there be any opportunity to divert the surface water from the main sewer to, for example soakaway (if ground conditions are acceptable), then it should be taken in accordance with Section 8 of TAN15.

We would also advise that Dwr Cymru/Welsh Water (DCWW) should be consulted with regards to the potential increase in impermeable area and therefore any increase in surface water flows into the mains sewer.

### **Pollution Prevention & Waste Management**

As your Authority will be aware there can be no deterioration of water bodies under the Water Framework Directive. Given the nature of the proposals and the presence of a ditch close to the southern boundary of the site, it is 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. We would also recommend that a site waste management plan (SWMP) for the project is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. Guidance for SWMPs are available from the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)).

We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often '*live*' and as such may be best undertaken post permission

### **Japanese Knotweed**

Information provided in the document entitled '*Lidl, Trallwn Road, Swansea: Ecological Survey Report*', by BSG Ecology; states that Japanese knotweed is present on the site. If this invasive plant species is present, then appropriate measures must be implemented for its removal or long-term management. Japanese knotweed is classed as a controlled waste under the Environmental Protection Act 1990 and as such must be disposed of in a suitable manner. Furthermore, if not treated properly, Japanese knotweed will continue to grow and spread and can easily compromise the structural integrity of all hardstanding areas and built structures of the development.

**Condition:** Prior to the commencement of development, a detailed method statement for the removal or long-term management / eradication of Japanese knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed during any operations such as mowing, strimming or soil movement.

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It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

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

### Drainage and Coastal Management 30.10.15

Please see attached response to previous application on this site:

We have reviewed the submitted application and note that the new, larger store will utilise the existing SW connections to the DCWW sewers in the area, given the increase in impermeable area and consequential increase in discharged rates we strongly recommend that DCWW are consulted.

### Dwr Cymru Welsh Water (DCWW) 5.11.15

No objection to the proposal subject to standard conditions and advisory notes.

The proposed development is crossed by a trunk/distribution watermain and a fire main. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times.

### South Wales Police 24.11.15

Detailed comments provided in relation to designing out crime.

### Landscape Officer

No response received to date.

### Planning Ecologist 3.11.15

The ecological survey demonstrated that the site is largely of low ecological value, the majority of the ecological issues can be covered by informatives. There was no evidence of bat use of the building or the tree identified as having potential in initial ecological survey. It is likely that the area of shrubs and trees to the rear of the building are used by foraging bats this area should not be lit. The surveyors suggested a number of recommendations in section 5 of the survey these should be followed.

### Environment Officer 2.11.15

A planning condition must be placed upon this application.

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

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### APPRAISAL

This application seeks full planning permission for the demolition of the existing Lidl food store (1083sqm gross internal floorspace) and construction of a new food store (2471sqm gross internal floorspace) with associated access, parking and landscaping at Trallwn Road, Llansamlet.

Members may recall that planning permission was granted in May this year for a similar, albeit smaller development at the site, with the following description of development:

Demolition of the existing Lidl store (1082m<sup>2</sup>) on Trallwn Road and the construction of a new 2130m<sup>2</sup> food store (class A1) with parking, landscaping and associated works.

The main differences between the approved development and the current proposals are summarised below:

1. A 0.6m decrease in the maximum height of the building.
2. An increase in the width of the building of some 1.2m.
3. Staff accommodation re-located to a first floor mezzanine.
4. Additional glazing proposed to the north and east elevation.
5. Increase in the approved net sales area from 1286m<sup>2</sup> to 1420m<sup>2</sup>.

The justification for the proposed development put forward by the applicant is the same as for the approved development - to enable more efficient merchandising and stock handling based around the same core of product lines.

In view of the scale of the development, in accordance with paragraph 4 of Part II of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority must screen every application for Schedule 2 Development, in order to determine whether or not an Environmental Impact Assessment (EIA) is required. The application has been screened and it has been determined that the proposed development would not result in any significant environmental impacts to the extent that an Environmental Impact Assessment would be required to accompany the planning application.

### MAIN ISSUES

The main issues for consideration with this application are the principle of a larger retail store in this location, over and above that already approved, having regard to National Planning Policy and the Development Plan; the retail need and impact of the proposal on established stores and nearby shopping centres, including sequential considerations; the transport impact of the proposal in terms of traffic generation, public transport accessibility, accessibility for pedestrians and cyclists and car parking; the impact of the proposal on the residential amenities of neighbouring occupiers; the impact of the development on the character and appearance of the area; and any environmental implications arising from the development of the site.

### **The Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan is the City and County of Swansea Unitary Development Plan (UDP) (2008).

The following UDP policies are relevant to the consideration of this proposal: AS2 (Design and Layout), AS6 (Parking), EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV30 (Tree, Woodland and Hedgerow Protection), EV35 (Surface Water Run-off), EV40 (Air, Noise and Light Pollution), EC4 (New Retail Development) and EC9 (Out-of-Centre Retailing).

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

The application site lies in an out-of-centre location and is not allocated for any specific use within the adopted UDP.

The retail policies of the UDP are generally aimed at supporting the maintenance and enhancement of the established shopping structure. They aim to prevent the dispersal of major retail investment to locations outside established shopping centres where such development would serve to undermine the appeal and ultimately the success of nearby centres. The plan is fully consistent with national planning policy guidance in this regard. Strategic Policy SP6 emphasises that out of centre retailing will not generally be supported in the interests of the above stated aims. This is amplified by Policy EC9 which states that retail development at out of centre sites will be resisted except for certain exceptional forms, for example, small scale shopping facilities required to meet local needs (Policy EC6 refers). Small scale is defined as a maximum 1000 sqm, which is exceeded by the scheme proposed. Aside from the exceptions stipulated, Policy EC9 does also acknowledge that an out-of-centre retail scheme in excess of local needs provision may be considered appropriate if a clear deficiency in shopping provision exists and there are no sequentially preferable sites available. The key criteria against which all significant retail proposals are considered are set out in Policy EC4. As well as the standard tests of need and sequential suitability, the policy emphasises that schemes must not adversely impact on the vitality and viability of established centres; must be compatible with the function, scale and character of the centre near to which it is located; and be sited in a highly accessible location.

National planning policy guidance on retail policy is set out in PPW, Chapter 10. The guidance makes clear that town, district and local centres are the most appropriate locations for retailing, in the interests of sustaining communities, enhancing accessibility and safeguarding the vitality and viability of established shopping centres. The critical factors for determining a planning application for a retail scheme best located in a town centre are identified as: the need for the development; the sequential approach to site selection; the impact on existing centres; accessibility and transport implications; and compatibility with any community strategy or up to date development plan strategy. In terms of the sequential test, developers are required to demonstrate that all potential town centre locations have been thoroughly assessed before edge of centre sites are considered, requiring a flexibility of approach from both the developer and planning authority.



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The guidance makes clear that the retailer must be innovative about the format, design and scale of the proposed store, which should be tailored to fit local circumstances. In establishing the need for the development, the retailer is required to demonstrate quantitative need, in precedence of any qualitative need. Fundamentally, the guidance makes clear that the scale, type and location of out-of-centre retail developments should not be such as to be likely to undermine the vitality, attractiveness and viability of those town centres that would otherwise serve the community well.

PPW and TAN 23 also explain, for planning purposes, that Welsh Government defines economic development as development of land and buildings for activities that generate wealth, jobs and incomes. Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction and energy sectors are also important to the economy and are sensitive to planning policies. In addition PPW states that Local Planning Authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:

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

### Key Issues

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

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

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

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### Need for the store

The application is supported by a Retail Statement (RS), which assesses qualitative need in terms of the operational needs of the operator and quantitative need based on retail capacity within the catchment area of the store.

In terms of quantitative need taking into account the approved scheme for the new Aldi store on Samlet Road (Planning Ref: 2014/0275) and the proposed replacement store at Trallwn Road, the RS finds there is a residual retail capacity of £6.69m at 2019. This information suggests that there is sufficient surplus expenditure within the local area to accommodate the proposal. On the basis of the information provided within the RS, it is considered that a quantitative need has been established.

In terms of qualitative need reference is made to the existing store being a 'first generation' store which, according to the RS, no longer meets the preferred operational model for the operator. In particular it is claimed that the standard product range cannot be stocked in sufficient depth and stock handling cannot be carried out efficiently, particularly at peak times when the store is busy.

The RS emphasises, however, that there will not be a material increase in the range of products that are displayed for sale. Instead, the new store will allow more facings of the same product to be stocked. In addition, the RS considers the increase in trading floorspace will be small, for convenience goods this will be 439m<sup>2</sup> above the existing food store (107m<sup>2</sup> more than that permitted in August 2015) and for comparison goods 110m<sup>2</sup> more than the existing foodstore (and 27m<sup>2</sup> more than that permitted in August 2015).

The submission of this planning application demonstrates a desire by the applicant to continue to operate at this established location. The business model for the operator has evolved from when this store was first constructed and the growing popularity and success of deep discount stores is well reported in the media. Against this context, and in light of the information submitted, it is considered that the applicant has demonstrated a justifiable case for the need to increase the retail floor space at this location, as described.

### Impact

In relation to the impact on local stores and centres, the applicant's assessment includes convenience goods impacts and the impact on existing centres and stores.

This takes the form of a 'high level' assessment of potential trade diversion and resulting impacts with the trading of the replacement store. This draws upon the findings of the retail assessment submitted in support of the planning application for the new Aldi store at Llansamlet approved under Planning Ref: 2014/0275. The impact of the additional comparison goods turnover has not been assessed, this was considered to be negligible and outweighed by expenditure growth in the period up to and beyond 2019. In view of the limited increase in the floor space for comparison goods (110m<sup>2</sup>) and that the non-food range varies from week to week it is accepted that no further assessment of the impact from comparison goods is required.

The RS expects the majority of the proposed turnover would come from large out of centre stores in the catchment area particular the Tesco Extra store at Nantyffin Road and the Asda store at Upper Forest Way.

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The RS expects a negligible level of impact (0.2%) on the convenience goods turnover of Morriston which is the nearest centre with a tangible convenience store offer. When the combined trading effects of the replacement Lidl and proposed Aldi stores are considered, the impact on Morriston District Centre is estimated at 1.7%. The RS considers this is a small level of impact which can be sustained and offset by expenditure growth post 2019. The RS identified no perceptible impact on Trallwn Road Local Centre, given its limited retail offer and minimal influence over shopping patterns in the catchment area.

It is acknowledged there will be some trade diversion from these centres to the proposed store although, in the context of existing retail provision in the surrounding area, it is not considered that there would be an unacceptable impact upon the health of these centres.

Therefore, whilst there would be an adverse impact upon nearby district and local centres, it is considered the scale of impact would not lead to an unacceptable impact upon the health of these centres thus warranting a specific reason for refusal in relation to impact. On this basis, it is considered that with the provision of suitable conditions to restrict the occupation of the development to deep discount foodstore operators and to restrict the net sales area and range of goods to be sold, it is considered the proposed development would not have a significant impact on existing shopping centres.

### The Sequential Test

The consideration of alternative sites assessed by the applicant was limited to those within local centres in proximity to the site and the closes district centres of Morriston and Clydach. It is accepted, particularly when considering that this application is for a replacement store, that there are no alternative sites that would provide any satisfactory sequentially preferable locations for the development.

### Economic Benefits

The applicant has confirmed that the new store would result in two additional jobs. In line with the advice in PPW the potential economic benefits arising from the development is a material planning consideration, however, given the small increase in employment as a result of the proposed store only limited weight in favour of the proposal may be afforded in terms of its economic benefits.

### Conclusions on the principle of the development

UDP Policy EC9 allows for new out of centre retailing in excess of local needs where it would meet a deficiency. The applicant's retail statement has demonstrated a quantitative need, and there a justifiable need for the operator to increase the size of the premises to fit with their business model, which has evolved since the construction of the existing 'first generation' store. It is acknowledged that the proposal would have an adverse impact on surrounding centres, however, this would not be so significant as to recommend the proposal be refused for this reason. The application has demonstrated there are no sequentially preferable locations for the development and having regard to the limited positive economic benefits arising from the proposal, it is considered the principle of an increase in the size of the discount store at this location is considered to be satisfactory having regard to national and local planning policies.

### **Design and Visual Impact**

The existing store is single story in height with a duo-pitched gable roof form. The external materials are mainly profile cladding with rendered panels. The building has the following dimensions: width- 42m, depth-31m, height to ridge-7m. It is sited centrally within the site and is splayed away from the southern boundary. Between the store and this boundary is a mature landscaping screen comprising a mature hedge and trees which effectively screen the development from views when approaching the site from the south along Trallwn Road. This landscaped setting also frames and softens the development when approaching the site from the north.

The proposed building has a rectangular footprint with a mono-pitched roof form that rises to the north. The external materials proposed are profile metal sheeting to the roof, a cladding system to the upper parts of the structure with large areas of glazing within the side elevation facing Trallwn Road. The remainder of the building is generally faced in plasterwork infill panels with some high level glazing. The proposed building has the following approximate dimensions: width- 75m, depth-33m, height to ridge-7.5m. The proposed building would be sited some 7m from the southern boundary and at its closest would be approximately 5 metres from the footway on Trallwn Road. Parking provision is indicated to the north of the building within a revised parking layout. Servicing for the store would be from the western elevation. Plant and equipment would also be sited in this area.

In terms of its scale and design the proposed building would not be out of keeping with the surrounding commercial context, which includes the large commercial premises 'The Range' to the west of the site and the expansive areas of car parking associated with this premises. Notwithstanding this, as with the approved development on the site, the siting of the building in proximity to the southern boundary and the proximity to the Trallwn Road frontage would result in the loss of the existing hedge and tree screen together with a reduction in the landscaping area adjacent to Trallwn Road. It is acknowledged the site is located within a commercial area, however, it is surrounded to the east and south by residential and leisure uses as such there is a high sensitivity to change from these receptors. The existing landscape screen, whilst not protected by a tree preservation order, provides a good level of screening to the existing store and a pleasant contrast to the large expanses of car parking to the north. UDP Policy EV30 encourages the protection of both trees and hedgerows which are important for their visual amenity and natural heritage. A tree survey was submitted with the previous planning application which identified total 15 individual trees, a group of approximately 77 trees and a fragmented hedge. Five trees were assessed as being Category B trees mostly due to their landscape value. Seven trees were assessed as being Category C trees and according to the survey have little arboricultural, landscape or cultural benefit. Three trees were assessed as Category U trees meaning they are of such poor condition that retention is not a feasible option.

Without suitable mitigation for the loss of these landscaped areas, which positively contribute to the visual amenity of the area, there is a concern that the proposed development would be overly prominent and would have a harmful visual impact when viewed from Trallwn Road and the public right of way to the south. Furthermore, the use of paladine mesh fencing along the southern boundary is not supported.

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Given the location of this boundary adjacent to a public right of way which leads to a playing field, the use of vertical railings is considered to be more visually appropriate. This element of the scheme can be controlled by condition.

In order to address the above concerns the applicant has submitted a landscaping scheme for the site which proposes native block planting and tree planting along the southern boundary, a line of trees to the western boundary and tree and shrub planting along the eastern boundary. It is considered that the applicant has demonstrated that a landscaping scheme can be provided that would serve to soften the visual impact of the development and would provide satisfactory mitigation for the loss of the existing trees on the site. On balance, therefore, it is considered that any significant visual impacts arising from the proposed development can be adequately mitigated through the proposed landscaping scheme, the final details of which can be agreed by condition. In view of the commercial context of the site, on balance, therefore it is not considered the proposed development would have such a harmful visual impact that a refusal for these reasons could be sustained at appeal. In terms of the visual impact, therefore, the proposal would be in accordance with UDP Policies EV1 and EV2.

### **Residential Amenity**

The nearest residential property is sited to the south and has its gable end facing the site. There are also residential properties on the opposite side of Trallwn Road. A separation distance in excess of 25m would be maintained to these properties which is considered to be sufficient to ensure that there would be no significant overbearing, overshadowing or overlooking impacts to the occupiers of these properties.

The application has been accompanied by a noise survey which considers noise from delivery vehicles, customer vehicles and fixed plant/refrigeration equipment. The assessment covers day and night time periods. The plant noise assessment concludes that the specified plant for the store will represent a reduction in noise exposure to the closest properties. The assessment also identifies that noise from vehicle deliveries and full occupancy of the car park during the quietest measured period of the day is highly unlikely to change prevailing noise levels at the closest properties. In light of this information, it is not considered the proposed development would result in any significant noise or disturbance impacts to neighbouring occupiers over and above the existing situation. The proposed development would therefore be in accordance with UDP policies EV2 and EV40.

### **Access, Parking and Highway Safety**

The proposed development will utilise the existing access to the site off Trallwn Road. The service access is the same vehicular access that staff/customers will use.

The application has been supported by a Transport Statement which assesses the highways impacts of the development.

According to the applicant, as there will be no material increase in the product lines following the redevelopment, they do not anticipate a significant increase in customer numbers, thus they maintain the view that increasing the size of the sales area of the store will not be reflected in a directly proportional increase in customer volume and hence traffic attraction to the site

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The submitted analysis of trip generation to the development has been based on observed traffic data from Lidl. Trips to the existing store have been derived from on-site surveys undertaken in March 2015 between 08.00 and 20.00 on a Friday and a Saturday. The Friday movements showed peaks coinciding with the afternoon peak (approx. 204 movements) and the Saturday movements showed peak trips at approximately 12.00 (229 movements) and again at 16.00 (215 movements).

Traffic on Trallwn Road is currently approaching 7000 movements over a 12 hr survey period with 1250 movements in the morning peak and 1500 in the afternoon peak (CCS tube survey December 2014 ). The mean speed reported was 26mph.

The Head of Highways and Transportation has noted from dealing with similar retail expansions for Tesco's and Sainsbury's that it has been demonstrated that a percentage expansion of floor space does not generate an equivalent percentage increase in trips. Thus an approximate increase in floor space of 50% will not result in an extra 50% of trips. From experience, an increase of approximately 10-15% may be generated. This would equate to an additional 20-30 vehicles in the Friday peak p.m. hour. Given the existing flows leaving/arriving at Lidl of 204 vehicles over the hour then this equates to an extra one vehicle every 2-3 minutes. The Head of Highways and Transportation does not consider that this is a significant impact given that the baseline afternoon peak flows are 1500 vehicles on Trallwn Road (which includes the existing flows generated by the current Lidl) so the net increase is only 2% (based on the predicted additional trips).

The Transport Statement has assumed a figure of 19% additional trips and this has ensured that the TS is robust and again the impact on Trallwn Road in terms of traffic is negligible.

The proposals include parking for 117 cars which includes 5 for use by a disabled person, and 4 for parent and child. The disabled parking provision should be 6% of the total provision and this would result in an additional 3 spaces being required (7 spaces in total).

In view of the above the Head of Highways and Transportation considers that the proposed development would not result in any significant parking or highway safety impacts and has offer no objection to the proposal subject to the requirements outlined in the Highways observations (above), which may be secured by conditions and informatives. Having regard to these observation the proposal is considered to be in accordance with UDP policies EV1, EV2, EV3, AS2 and AS6.

### **Drainage**

The applicant's drainage strategy indicates that surface water would be discharged to the existing SW connections to the DCWW sewers in the area. It is noted that the proposed development would increase the impermeable area at the site as such it is considered necessary for drainage details to be agreed by condition. However, in principle DCWW have raised no objection to the proposal subject to standard conditions and advisory notes. Subject to conditions, therefore, it is considered the development can be accommodated on the site without resulting in any significant impacts to the water environment. The development would therefore be in accordance with UDP Policy EV35.

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### Ecology

The application has been accompanied by an ecological survey which found overall that the site is of low ecological value. One tree was identified as having the potential to support small numbers of roosting bats. A bat survey has been undertaken, no bats were recorded using the tree at the time of the survey and as such it was not considered necessary for further survey work. The removal of the trees along the southern boundary will result in some habitat loss. However, the landscaping scheme provides for replacement tree planting which will provide mitigation for this loss.

NRW support the recommendations within the ecological survey relating to bats and lighting, vegetation to be cleared outside of the breeding bird season, a roof check of the existing building prior to demolition, construction works to avoid impacts to the ditch to the south, and the provision of bat boxes to the new store. These mitigation measures can be secured by conditions and informatives. It will also be necessary for a condition to be imposed for a scheme to be implemented to eradicate Japanese knotweed from the site.

### Conclusion

Having regard to all material considerations it is considered that the proposal represents an acceptable form of development. For the reasons discussed in the main body of the report it is not considered that the likely level of adverse impact to existing shopping centres to be of such material significance to withhold planning permission for this reason. On balance the proposed development would not result in any significant harmful visual impacts upon the character and appearance of the area. The proposal would not result in any significant impacts to the residential amenities of neighbouring occupiers and the development is considered to be acceptable in terms of its impacts on parking and highway safety. Subject to conditions there would be no significant ecological impacts. In view of the above, therefore, the proposal is recommended for conditional approval.

### 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: 1000 PL.2 - Site Location Plan, 1020 PL8 - Proposed Site Layout, 1100 PL.2 Proposed Ground Floor Plan, 1101 PL.1 - Proposed First Floor Plan, 1200 PL.4 - Proposed Elevations, 1300 PL.3 - Proposed Site Section, 2015/43 Rev B Landscape Proposals and Section, 2015/48 Rev B Landscape Proposals Planting Details.  
Reason: To define the extent of the permission granted.

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- 3 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the approved scheme prior to the commencement of any ground disturbing works on site.

Reason: In the interests of the ecology and amenity of the area.
- 4 Notwithstanding the submitted details, prior to the commencement of development a landscaping scheme for the site shall be submitted to and approved in writing by the local planning authority. The approved scheme which relates to areas that will be affected by the Japanese Knotweed treatment scheme under condition 3 shall be planted in the first planting season following the completion of the Japanese Knotweed eradication scheme. The residual areas shall be planted in accordance with the approved scheme within the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner and shall be maintained as specified within the approved scheme. Any trees, shrubs or plant material which are part of the scheme, which die, become seriously damaged or diseased within four years of planting shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: In order to provide satisfactory landscaping for the development in the interests of visual amenity.
- 5 The development hereby approved shall not to be brought into beneficial use until a travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall be implemented in accordance with the approved details.

Reason: In the interests of promoting sustainable modes of transportation.
- 6 No development shall commence until details of lighting schemes for the construction phase and the operation phase have been submitted to and approved in writing by the Local Planning Authority. The lighting schemes shall be implemented as approved.

Reason: To ensure the lighting schemes are not detrimental to the ecology of the area.
- 7 No development shall commence until a Construction Pollution Management Plan (CPMP) has been submitted to and approved in writing by the local planning authority. The CPMP shall be implemented in accordance with the approved details (see Informatives for the information required for the CPMP).

Reason: To ensure minimal nuisance impact to surrounding occupiers from construction activities and no detriment to the environment nor highway safety.
- 8 The materials used for the external surfaces of the development shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority before any superstructure works are commenced. The development shall be implemented and retained in accordance with the approved details and shall be retained for the duration of the use.

Reason: In the interests of visual amenity.



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- 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 by the Local Planning Authority. The approved scheme shall be completed prior to the construction of any impermeable surfaces draining into the system and shall be retained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure the provision of a satisfactory means of surface water disposal and to protect the health and safety of existing residents and to ensure no detriment to the environment.
- 10 The building hereby approved shall only be occupied by a Limited Assortment Discounter retailer.  
Reason: To ensure the development does not have an adverse impact on the vitality and viability of existing shopping centres.
- 11 The gross retail floorspace hereby permitted shall not exceed 1420 square metres of which 284 square metres only may be used for the display and sale of comparison goods.  
Reason: To ensure the development does not have an adverse impact on the vitality and viability of existing shopping centres.
- 12 The retail unit hereby permitted shall not be sub-divided to form more than one retail unit.  
Reason: To ensure the development does not have an adverse impact on the vitality and viability of existing shopping centres.
- 13 The retail unit hereby permitted shall only be open to customers between the hours of 08:00am and 22:00pm on Mondays - Saturdays; 10:00am to 16:00pm on Sundays and Bank Holidays.  
Reason: In the interests of residential amenity.
- 14 A scheme of litter management for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of the building hereby approved. The premises shall be operated in accordance with the approved scheme for the duration of the use.  
Reason: To ensure reasonable steps are in place to prevent the generation of excessive litter from the site.
- 15 Two bat boxes shall be erected on the southern elevation of the building hereby approved in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed in accordance with the approved details on the completion of the construction of the development or prior to occupation, whichever occurs first, and shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of providing mitigation for the loss of a tree at the site which has the potential to support roosting bats.

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- 16 Notwithstanding the submitted details, 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 prior to the occupation of the development. The approved means of enclosure shall be erected prior to the use commencing and retained for the duration of the use.

Reason: In the interests of visual amenity and security.

- 17 Notwithstanding the details indicated in the approved plans, the development hereby approved shall not to be brought into beneficial use until a revised car parking layout has been completed on site in accordance with details to be submitted to and approved in writing by the local planning authority. The revised car parking layout shall include the following elements:

a) Cycle parking provision and an additional three disabled parking spaces (making seven in total).

The car parking layout as approved shall be retained for the duration of the use.

Reason: In order to provide a satisfactory parking layout for the development, in the interests of highway safety and sustainability..

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV30, EV35, EV40, EC4, EC9, AS2, AS6.
- 2 Bats may be present in the dead alder surveyed by BSG ecology on the 18th June. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation (Natural Habitats & c.) Regulations 1994. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly or intentionally disturb such an animal. If evidence of bat use is encountered (e.g. live or dead bats 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.

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- 4 A Limited Assortment Discounter is a retailer as defined in Part 1 of The Groceries Market Investigation (Controlled Land) Order 2010 and for the avoidance of doubt means a Grocery Retailer which sells a significantly more limited range of Groceries than a Large Grocery Retailer at a low price.
- 5 The front boundary wall shall be kept below 1m in the interests of visibility at all times.
- 6 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.
- 7 No work on the highway is to be carried out until stopping up of any part of the highway has been carried out via Section 247 of the Town and Country Planning Act.
- 8 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 , emails to mark.jones@swansea.gov.uk , tel. no. 01792 636091.
- 9 Before demolition of the building precedes a visual check should be made of the roof by contractors to ensure no breeding gulls or other roof nesting birds are utilising the roof for breeding purposes. If any birds are found to be nesting then works will have to cease and the advice from a suitably qualified ecologist should be sought for further guidance.
- 10 The ditch 4m south of the site boundary was assessed as offering potential to support water vole. Construction works should avoid impacts on this feature. If impacts are unavoidable then advice from a suitably qualified ecologist should be sought.
- 11 The Construction Pollution Management Plan shall include the following information:
  - 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 management 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;

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- 11
- 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.
  - l) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
  - m) How each of those watercourses and pathways will be protected from site run off.
  - n) How the water quality of the watercourses will be monitored and recorded.
  - o) How surface water runoff from the site will be managed during the construction phase. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- 12
- To protect the integrity of the Public Sewerage System, foul water and surface water discharges shall be drained separately from the site.
- 13
- 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.
- 14
- 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.
- 15
- The proposed development is crossed by a 110mm MOPVC trunk distribution main and a 160mm fire main. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be recharged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.
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