

ITEM 1

APPLICATION NO.

2015/2527

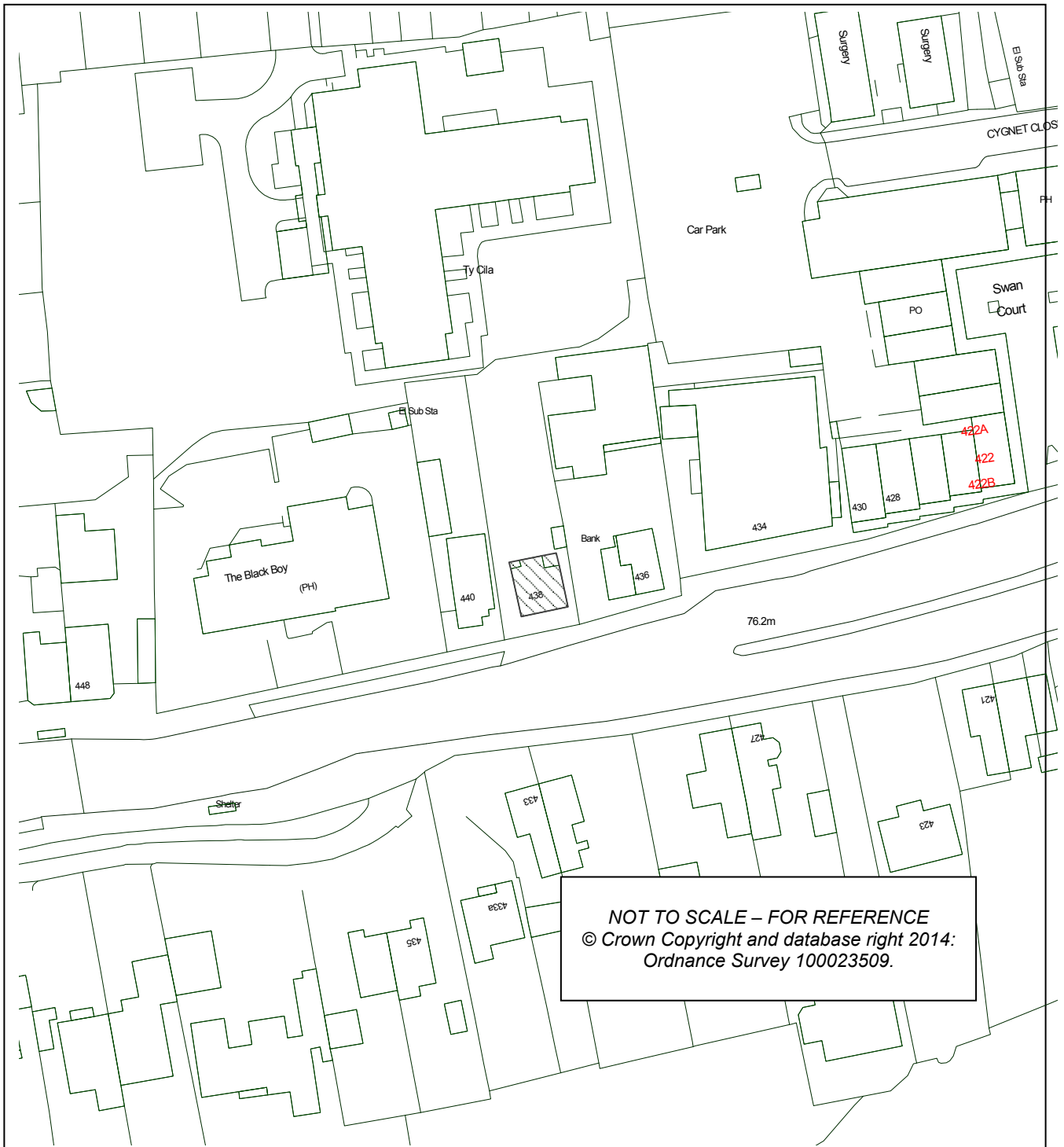
WARD:

Killay South

**Location:** 438 Gower Road Killay Swansea SA2 7AJ

**Proposal:** Retention and completion of a new shop front, two storey rear extension and change of use of ground floor residential (Class C3) to hot food take away (Class A3) and installation of external flue

**Applicant:** Mr Abdul Latif



**BACKGROUND INFORMATION****POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV13	Proposals for new or renovated shopfronts, including security grilles, should be sympathetic to the character of the building, adjacent properties and the surrounding area. (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 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 EC5	Development within designated district centres will be encouraged where it is of a type and scale that maintains or improves the range and quality of shopping facilities and meets other specified criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy ECNR	Proposals for non retail uses at ground floor level within shopping centres will be assessed against defined criteria, including their relationship to other existing or approved non retail uses; their effect upon the primary retail function of the centre; the proposed shop front and window display; the time the unit has been marketed for A1 uses, and its likelihood of continuing to be vacant; its location in relation to the primary shopping area; and its impact upon the vitality, viability and attractiveness of the centre. (City & County of Swansea Unitary Development Plan 2008)

**SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2015/1242	Change of use from residential dwelling to a ground floor retail unit (Class A1) with flat above (Class C3), new frontage and part two storey part single storey rear extension and first floor rear extension Decision: Grant Permission Conditional Decision Date: 28/07/2015

2014/1738 Change of use from residential dwelling to a ground floor retail unit (Class A1) with flat above (Class C3), new frontage and part two storey part single storey rear extension  
Decision: Grant Permission Conditional  
Decision Date: 05/01/2015

## RESPONSE TO CONSULTATION

SIX neighbouring properties were consulted and the proposal was advertised on site. TWENTY SIX LETTERS OF OBJECTION were initially received which are summarised as follows:

- 1) Parking concerns
- 2) No need for another food outlet
- 3) Highway safety concerns
- 4) Noise and disturbance
- 5) Odours
- 6) Impact on other businesses
- 7) Litter and refuse problems
- 8) Unhealthy eating
- 9) Late night issues
- 10) We need a retail unit

Additionally a petition of objection has been received containing 77 signatures, raising the following concerns:

- 1) Parking concerns
- 2) Too many food outlets in Killay

ONE LETTER OF SUPPORT has been received which states that a choice other than chips or Chinese food is supported and that only people with a vested financial interest could object to the proposal.

A re-consultation exercise was carried out due to a change in the description of development (the original description did not refer to the shopfront or extension) – ONE ADDITIONAL LETTER OF OBJECTION has been received. This letter repeated some of the points of objection listed above, but also contained the following additional comments:

- 1) The unit is big enough to be converted into a restaurant in the future
- 2) Consent should not be granted to someone who has been found to be employing staff illegally.

**Head of Transportation and Engineering** – The site is located next to the shopping precinct and is next to the parade of shops along the Gower Road frontage with a restaurant and bookmakers either side of it. There are no parking facilities along the highway fronting the premises but there is a lay-by nearby that serves customers of the adjacent shops. There is a pedestrian crossing near to the site.

The submitted details indicate that the first floor flat will have a side parking space with room for a second vehicle on the drive that can be used in connection with the ground floor use. Additionally, the front boundary wall is shown to be removed and space to park on the forecourt available albeit limited.

Local concern has been raised regarding illegal parking along the Gower Road frontage. There is a lay-by within 25m of the shop unit and a car park facility at the rear of the adjacent precinct together with some limited waiting bays on the other side of Gower Road. If illegal parking takes place outside the premises, this would be a matter for enforcement of the parking regulations in force and is not normally grounds for refusing consent. Refusal on illegal parking grounds therefore would likely be difficult to justify at appeal. Whilst additional traffic could be attracted to the site this is unlikely to be of such a high volume as to make the proposal unacceptable on highway safety grounds.

On balance therefore, whilst recognising the concerns raised locally, I consider that refusal for highway safety reasons is not justified and therefore recommend that no highway objections are raised.

**Head of Pollution Control** - No objection raised subject to the imposition of conditions.

## **APPRAISAL**

This application is presented to Committee for determination at the request of Councillor Jeff Jones.

Full planning permission is sought for the retention and completion of a new shop front, two storey rear extension and change of use of ground floor residential (Class C3) to hot food take away (Class A3) and installation of external flue.

Planning permission was granted (ref: 2015/1242) for the change of use from residential dwelling to a ground floor retail unit (Class A1) with flat above (Class C3), new frontage and part two storey part single storey rear extension at this site. Whilst works have commenced, the ground floor use granted has not been implemented and therefore the current, lawful use at this site is still that of residential. The new shop front has already been installed. A new rear extension has also been constructed, albeit not in accordance with the 2015/1242 planning permission.

The site is situated within the designated District Centre of Killay and forms part of a Secondary Frontage where there is a presumption to support the retention and where possible the creation of retail units.

The main issues for consideration during the determination the application is the principle of this form of use at this location, the impact of the proposed shopfront, extension and flue on the appearance of the host property and the wider street-scene, the impact of the external works and proposed use on the residential amenities of the neighbouring properties and highway safety, having regard for the provisions of the adopted City & County of Swansea Unitary Development Plan 2008.

There are approximately 45 shopping units within this recognised District Centre and there is a mix of differing commercial uses which complement one another. The District Centre, Local Centre and Community Facilities SPG acknowledges that whilst appropriate supporting uses can complement retail shops, the shopping function of District and Local Centres can be eroded by incremental planning consents for non-retail use. Killay is split into an area with a primary frontage (around the precinct) and secondary frontage (towards the Black Boy Public House). The SPG states that the primary frontage should maintain a high level of retail units in order to safeguard the shopping frontage. National Planning Policy also emphasises the importance of ensuring ground floor use class changes are not permitted where this would create a predominance of non-retail uses that would lead to an unacceptable dilution of the retail frontage or undermine the attractiveness of the Centre.

Killay is one of the most vibrant shopping centres within the City and County of Swansea and in order to maintain its retail function, the Local Planning Authority has historically sought to resist the change of use of retail units to non-retail. In this instance, the applicant seeks consent for the change of use of the ground floor element of the building to an A3 use. As there is no implemented A1 use, there would be no loss of a retail unit and therefore the SPG and Policy ECNR are not applicable in this instance in terms of resisting non A1 use. In principle, therefore, the change of use is supported and will support the vitality and viability of this District Centre, by providing an additional commercial unit into the shopping centre.

Given that the building is surrounded by commercial properties, the proposed use is not considered to adversely affect the residential amenities of neighbouring/local residents by virtue of noise and disturbance over and above that already experienced in the area, due to the current mix of uses present. In this respect it should be noted that there are three other A3 uses within close proximity to the site.

Furthermore, it is considered that the proposed use would not cause undue noise and disturbance to any future occupiers of the first floor element of the building that would warrant a refusal of this application. The Head of Pollution Control has however recommended the use of a planning condition that requires the use of sound insulation measures to mitigate noise from being transferred between the proposed ground floor use and first floor flat.

With regard to visual amenity, the proposal involves the retention and completion of a two storey rear extension, new shop front and external extractor flue. The shopfront and extension (as built) are similar to those shown in the drawings forming part of planning permission 2015/1242.

The 2015/1242 permission related to the property's original rear extension being adapted and extended to either side. However, the original extension has been demolished and a new full width rear extension (with a flat roof) has been built instead. This application seeks to retain the new extension as built.

When viewed from the front, the flat roof of the new extension would appear as the previously approved scheme, as the two rear extensions (either side of the original extension) featured within that scheme also had flat roofs. The entire flat roof of the new extension will however be evident when viewed from the rear.

However, it is not considered that the general appearance of the extension will be compromised as a result of its entire flat roof design and the proposal broadly reflects the previously consented scheme. As such there is not considered to be any reason to refuse the extension element of the proposal on visual grounds. The proposed shopfront is identical to that approved as part of the 2015/1242 permission and is again considered to be acceptable in design/visual terms and complies with Policy EV13.

An extraction flue is proposed to the rear elevation of the extension, although technical specifications of this have not been provided. The Head of Pollution Control has confirmed that the proposal would be acceptable subject to a condition requiring technical details of the extractor system to be used, prior to the proposed use commencing. It is considered that subject of the imposition of such a condition, any odours emanating from the proposed use will be mitigated to an unacceptable degree. The extraction flue is considered to be acceptable in visual terms, giving its siting to the rear elevation of the building. For this reason, it will not be unduly prominent within the street scene.

In terms of the physical impact of the proposed extension on the amenities of the occupiers of neighbouring properties, the siting, size and height of the extension is almost identical to that previously considered acceptable and approved as part of the 2015/1242 permission and the current scheme presents no additional adverse factors to consider in this respect. Therefore, the extension is considered to respect the living conditions of local occupiers and also respects nearby businesses.

On the basis that the Head of Transportation and Highways is satisfied with the proposal in parking/highway terms, the proposal is not considered to be to the detriment to highway safety (these issues are discussed above in the 'Response to Consultations' section of this report).

With regard to the points of objections listed in the Response to Consultations section of this report, points 1, 3, 4 and 5 have been addressed above. With regard to points 2, 6, 8 and 10, these are not material planning considerations and therefore cannot be taken into consideration when determining this planning application.

With regard to litter (objection point 7), it is not considered that the addition of an extra A3 unit in this area would give rise to a discernible rise in the level of litter being dropped in the area. Notwithstanding this, such matters are controlled via separate legislation and do not necessarily fall within the remit of the planning process. In terms of late night opening (objection point 9), the applicant has indicated that they are to cease trading at 11pm. This is considered appropriate for an A3 use and falls in line with other A3 units in the vicinity. A condition is recommended to ensure the opening times are controlled.

In terms of the issues raised in the petition of objection, the parking concerns are addressed above. With regard to the point highlighting the number of A3 premises in the area, it is unclear if this relates to competition of trade or impact upon amenity. In terms of competition, this does not fall within the remit of the planning process. In terms of the impact upon amenity, this has been addressed above.

With regard to illegal staff claims, this is non material to the determination of the planning application and therefore not taken into consideration. It is acknowledged that the building is large enough to operate as a small restaurant.

However, there would be no objection in principle to the use of the building as a restaurant and hence no justification in prohibiting the future use of the building for this purpose (in the event that this current application is approved).

In conclusion, the proposal will complement the existing offer in Killay and would likely help improve the vitality of Killay District Centre and is in compliance with Policies EV1, EV13, EV40, AS6, ECNR and EC5 of the Swansea UDP and the Supplementary Planning Guidance Document entitled 'District Centres, Local Centres and Community Facilities'. Accordingly, approval is recommended.

**RECOMMENDATION:**

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

- 1 This planning permission relates to the following approved plans and documents: Block Plan and Location Plan - 07, Proposed Elevations - 05, Proposed Ground and First Floor Plan - 06, received 21st December 2015.  
Reason: To define the extent of the permission granted.
- 2 The hot food takeaway hereby approved shall not be used by customers before 11:00am nor after 11:00pm on any day.  
Reason: To safeguard the amenities of the occupiers of neighbouring/local properties.
- 3 Notwithstanding the drawings hereby approved, before the hot food take away use hereby approved commences, a detailed scheme of ventilation and fume extraction, including full details of the equipment to be installed for that purpose, including its location, shall be implemented in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority.  
Reason: To prevent any nuisance from fumes and/or cooking odours to the occupiers of neighbouring premises.
- 4 Before the hot food take away use hereby approved commences, a scheme which specifies the provisions to be made for any condensing units relating to the refrigeration and freezing of products shall be submitted to and agreed by the Local Planning Authority in writing. The works that form part of the agreed scheme shall be completed before the hot food take away use commences  
Reason: In the interest of residential amenity.
- 5 Before the hot food take away use hereby approved commences, a scheme shall be submitted to and approved in writing by the Local Planning Authority that adequately restricts the flow of sound energy through party walls and floor between the proposed ground floor commercial use and first floor residential use within the building. The scheme supplied shall be designed to meet a minimum  $D_{nT,w} - (Ctr)$  of 48dB for the ceiling/floor between the commercial and residential uses. The agreed scheme shall be implemented before the hot food take away use hereby approved commences.  
Reason: In the interest of the residential amenity of the occupier(s) of the first floor flat.

**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: AS6, EV1, EV13, EV40, EC5 and ECNR.
  - 3 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.
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ITEM 2

APPLICATION NO.

2016/0055

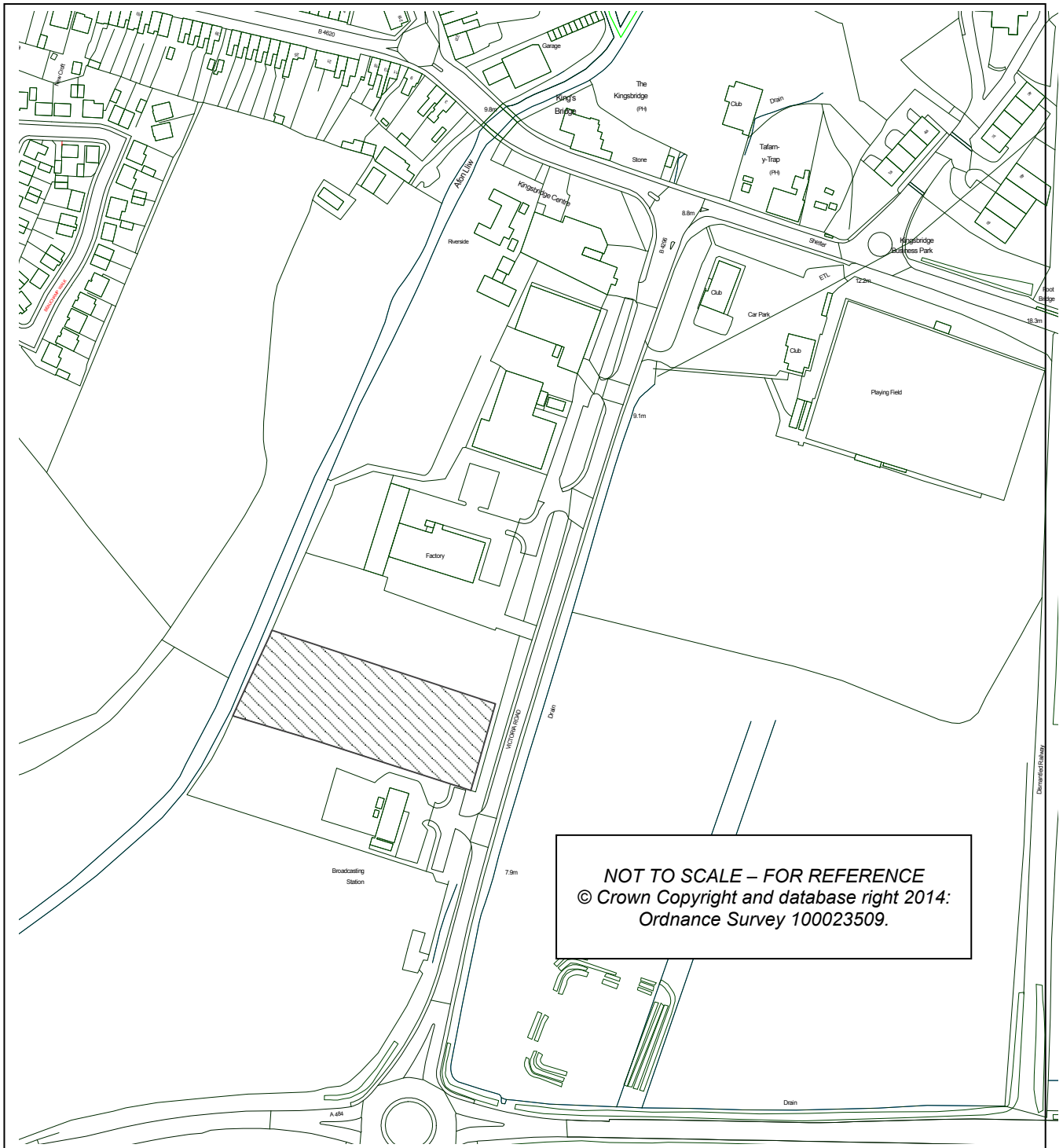
WARD:

Kingsbridge

**Location:** Land West of Victoria Road Victoria Road Gowerton Swansea

**Proposal:** Creation of Trampoline Centre (Class D2) associated car parking and access

**Applicant:** CZ Investments



**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 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 HC18	New leisure facilities will be permitted at suitable locations within the urban area subject to compliance with a defined list of criteria including proven need, no harm being caused to vitality and viability of city centre and district shopping centres, passing the sequential test, acceptable access and car parking, and capacity of the local highway network. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

**SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2006/2819	One industrial unit (Class B8) Decision: Grant Permission Conditional Decision Date: 30/11/2007
2007/1728	Mixed use development comprising of general industrial (Class B2) car valet, storage (Class B8) and public house/restaurant (Class A3) and associated parking (outline) Decision: Grant Permission Conditional Decision Date: 03/12/2008
2002/0066	Construction of Motor vehicle dealership comprising car showroom, workshop and ancillary offices with associated car parking areas, landscaping etc Decision: Grant Permission Conditional Decision Date: 06/08/2002
2015/1090	Pre-application - Use of land as a Travelling Showpersons Site Decision: Mixed Response Decision Date: 04/08/2015

**RESPONSE TO CONSULTATIONS**

Two neighbouring properties were directly notified, and the application was advertised by way of a site notice and a press notice

No objections have been received.

**Natural Resources Wales (NRW)**

Having reviewed the additional information provided, we do not object to the above proposal, but wish to make the following comments.

**Flood Risk**

We note the provision of the Flood Consequences Assessment (Ref: 5124/MNJ/FCA), dated 15 March 2016, by Vale Consultancy. The FCA has utilized existing information from NRW and from a site level survey, in order to provide an assessment of flood risk to the proposed development. The site is marginally affected by zone C2 (the FCA incorrectly states C1), at the entrance point to the site. Nevertheless, we consider the scope of the FCA to be appropriate, given the less vulnerable nature of the development and the elevated nature of the majority of the site (where development is to occur), along with the intention to retain existing levels on other parts of the site, in order to minimize changes. The FCA also confirms that the vast majority of the site is above known and predicted flood levels and therefore the proposed development is likely to remain flood free over its lifetime. We advise that the recommendations within the FCA regarding; floor levels, flood management and resilience form part of any planning permission that your Authority may be minded to grant.

**Memorandum of Understanding (MOU)**

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

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

### Ecology

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. The Wales Biodiversity Partnership's website has guidance for assessing proposals that have implications for section 42 habitats and species.

### River Corridor

In addition, we would advise that as the Afon Lliw is adjacent to the site and is a designated a Main River, formal consent will be required from NRW for any works in, under or over the channel or within 7m of the top of the banks. We would not normally grant consent for activities within the 7m berm that would restrict access along the river bank.

### Pollution Prevention & Waste Management

Given the proximity of the Afon Lliw any works should be carefully planned, so that contaminated water cannot run uncontrolled into any watercourses (including ditches). As best practice, we would advise the developer to produce a site specific construction management plan / 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) 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.

**Welsh Water / Dwr Cymry** – Standard condition and informatives

**Loughor Town Council** – No objection.

### **Gwent Glamorgan Archaeological Trust (GGAT)**

We noted this application when we reviewed your weekly planning list; consequently we have consulted the detailed information contained on your website and identified that the proposal has an archaeological restraint. As you may remember we commented on previous application for this site (2007/1728), in our letter dated 18th October 2007, and our understanding of the archaeological resource of the area remains unchanged.

Information in the Historic Environment Record indicates that the proposed development is located approximately 95m to the northwest of the Roman Practice Camp on Stafford Common, a Scheduled Ancient Monument (Cadw ref. GM502) and approximately 230m south of the Roman road (RR60d) linking the forts at Loughor and Neath, and along which archaeological material has been discovered.

However, it is unlikely that archaeological features of major significance would be located within the proposed development area, although this does remain a possibility. As the application is located within such close proximity to a Scheduled Ancient Monument, Cadw should be consulted over the proposals.

In order to mitigate the impact of the development on the archaeological resource we recommend that a condition, requiring an archaeological watching brief to be conducted during the groundworks for the development should be attached to any planning consent granted in respect to the current application. This should include all ground breaking activities. This recommendation is made following the guidance given in Planning Policy Wales 2016 (Edition 8) Section 6.5.3 with additional advice being provided in Welsh Office Circular 60/96, section 22. It is suggested that the condition should be worded in a manner similar to model condition 22 given in Welsh Government Circular 016/2014.

No development or site clearance shall commence until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed. 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.

We also recommend that a note should be attached to the planning consent explaining that: The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA), "Standard and Guidance for an Archaeological Watching Brief" ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.

### **Highway Observations**

This proposal is for a leisure facility on land off Victoria Road, Gowerton. The applicant has submitted a Transport Statement in support of the development. The facility is intended to accommodate 80-100 users and includes access to a car park of 106 spaces, including disabled user spaces. Servicing and refuse collection is also catered for. The projected number of users and the car parking will cater adequately for the proposed use and will enable new users to park whilst existing users are vacating the premises.

There is not expected to be any am peak time use and afternoon peak users are indicated to generate 20 movements in and 20 movement out on average. There is likely to be higher usage during school holidays where pm usage will likely amount to 50 in and 50 out. This volume of use is unlikely to result in any significant detriment to traffic movements on the highways in the vicinity of the site.

The applicant has indicated a priority junction accessing the site with an alignment that encourages left -in and left-out only. However, this is reliant on compliance by users and cannot be enforced and it is my view that a safer option would be for a dedicated right turn lane to be installed at the access point. This may require extending to accommodate the adjacent junction (The Wave) depending on detailed design. This option would also be able to accommodate pedestrian crossing facilities which would otherwise be lacking.

On balance, I recommend no highway objection subject to the following;

1. No work shall commence on site until detailed access design plans have been submitted and approved. Such plans to include for dedicated right turn lane and pedestrian crossing facilities. All access works must be completed in accordance with approved plans prior to beneficial use commencing.
2. All internal access and parking facilities shall be completed and ready for use prior to beneficial use commencing.

Note: The Developer must contact the Highway Management Group , The City and County of Swansea , c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Access works will require a temporary access licence and an agreement under Section 278 of the Highways Act 1980 for works in the highway. Please contact the Senior Engineer (Development) , e-mails to [mark.jones@swansea.gov.uk](mailto:mark.jones@swansea.gov.uk) , tel. no. 01792 636091

### **Japanese Knotweed**

Planning condition CL12 must be placed upon this application. A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

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

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

### **Drainage Observations**

We have reviewed the submitted application and would recommend the following.

#### **Condition 1**

Finished floor levels shall be set no lower than 8.50mAOD as stated in the Flood Consequence Assessment ref 5124/MNJ/FCA dated 15<sup>th</sup> March 2016. Reason : To protect the development from fluvial flooding.

#### **Condition 2**

No development shall take place within 7 metres of the Afon Lliw measured from the top of the bank. Reason : To protect maintenance access to the Afon Lliw to enable flood risk maintenance activities and works.

#### **Condition 3**

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, details of any connections to a surface water drainage network and maintenance plans for said 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.

**Ecology Observations**

There is a water course at the far end of the site; it is likely that this is used by animals including otters and bats. The stream corridor should remain undisturbed and unlit. Informatives relating to birds and reptiles should be attached.

**APPRAISAL**

The proposal is classed as a major development incorporating over 2,000 square metres in floorspace and, therefore, the application is reported to Committee for determination for this reason.

Full planning permission is sought for the creation of a Trampoline Centre at Land West of Victoria Road, Gowerton. The application site is located on the western side of Victoria Road some 160m north of the roundabout controlled junction which links Gowerton with Gorseinon. There is broadcasting station located to the south of the site and a range of commercial activities to the north of the site.

The ground floor of the proposed building will include the trampoline area, storage space, an office, toilets and video games area, and within the first floor area there will be a combination of 'party rooms', a kids play area, toilets and a kitchen area with seating. The kitchen area with seating is considered to be an ancillary cafeteria and this will be conditioned as such..

The main issues for consideration are the principle of the proposed use in this locality, impacts upon the visual amenities of the area, impacts upon residential amenity, impacts upon parking and highway safety and impacts upon flooding and ecology with regard to Policies EV1, EV36, HC18, and AS6 of the City and County Unitary Development Plan 2008. There are considered to be no overriding issues with regard to the Human Rights Act.

Policy HC18 of the Swansea Unitary Development Plan states that new leisure facilities will be permitted at suitable locations within the urban area subject to the policy criteria. The general thrust of the policy is to direct leisure facilities to city centre, district centre and edge of centre sites. Away from such location at out-of-centre locations, the need for facilities must be assessed and justified. Proposals must not either singularly or cumulatively undermine the vitality and viability of the city centre and district shopping centres. Sites must be accessible by a number of modes of transport, provide appropriate levels of parking and not result in any significant effect on traffic flows.

As the site is located outside the defined Gorseinon District Centre, in accordance with the policy criteria, the applicant has submitted a sequential evaluation to demonstrate both the need for the facility and that a sequential approach has been applied in selecting the site.

A sequential assessment has been submitted which includes the analysis of four areas in Swansea and the suitability of the potential sites located within those areas. It was concluded that the proposed site is the most suitable as it has good transportation links and is surrounded by similar leisure uses being the Gym located further up Victoria Road towards Gorseinon and Garden Village AFC. Furthermore, given the size of the proposed building it was considered difficult finding a suitably sized site to accommodate a building of this size and scale. Overall therefore the proposal is considered to accord with the provisions of Policy HC18.

In terms of the impacts upon visual amenity, the building whilst large in terms of its size, (approximately 80m in length x 30m in width) is not considered to have a negative impact on the surrounding area given that the area comprises of a mixture of building styles which are mostly relatively utilitarian in appearance. The proposed building incorporates a ridge height of approximately 7.2m which whilst considered relatively high for a building of this scale, is not considered to have a harmful impact given the nature of the surrounding area. Similarly the proposed materials are considered suitable for a building of this type. These comprise of steel faced roof and wall panels. The proposals, therefore, are considered to be in keeping with the character and appearance of the surrounding area and, therefore, comply with the relevant Development Plan Policies.

In terms of residential amenity considerations, given there are no residential properties located within the immediate surrounding area it is not as such considered that the proposed building would result in any such implications.

### **Burry Inlet Habitat Regulations Assessment**

#### Introduction

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

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

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

#### Water Quality

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

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

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



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

#### Other Possible Effects on CBEEMS features

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

#### Conclusion

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

#### Ecology Issues

The Authority's Ecologist has stated that the water course at the far end of the site is likely to be used by animals including otters and bats and, therefore, the stream corridor should remain undisturbed and unlit. The development is not considered to cause any disturbance to the stream corridor given the distance between the rear of the building and the rear boundary; however, to ensure it is left unlit a condition is attached requiring a lighting scheme to be submitted.

#### Flooding

Natural Resources Wales and the Authority's Drainage Officer have assessed the Flood Consequences Assessment (FCA) submitted and consider that it addresses their previous concerns. Therefore, conditions are attached regarding the implementation of recommendations made in the FCA.

#### Highways

The Head of Transportation and Engineering Services has recommended that no highway objections are raised subject to the the imposition of conditions relating to the submission of detailed access plans and that the parking facilitated shall be completed prior to the use commencing.

#### Conclusions

In conclusion, having regard to all material considerations including the provisions of the Human Rights Act, the proposal is considered an appropriate form of development that is compatible with the surrounding land uses and will not harm the visual amenities of the area nor compromise current highway safety standards. The proposal is therefore considered to comply with the requirements of Policies EV1, EV36, HC18 and AS6 of the Swansea Unitary Development Plan.

#### 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: [GTP01 Site location plan received 11th January 2016. GTP02 Rev B Block plan, GTP03 Rev A Site plan and elevations, GTP04 Rev E Site plan and GA building dimensions received 9th March 2016. GTP05 Rev A GA Plan - Ground and first floor plan received 31st March 2016]

Reason: To define the extent of the permission granted.
- 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 prior to the commencement of work on site.

Reason: In the interests of the ecology and amenity of the area.
- 4 No development or site clearance shall commence until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed.

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.
- 5 No development approved by this permission shall be commenced until a Pollution Prevention Management Plan (PPMP) with particular reference given to the protection of the surrounding land and water environments is submitted to and approved in writing by the Local Planning Authority.

Reason: Prevent pollution of controlled waters and the wider environment.
- 6 No development shall be commenced until a Site Waste Management Plan (SWMP) has been produced and submitted in writing for approval by the Local Planning Authority. The development shall thereafter be carried out in accordance with the recommendations contained within the approved SWMP.

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 Finished floor levels shall be set no lower than 8.50m AOD as stated in the Flood Consequence Assessment ref 5124/MNJ/FCA dated 15th March 2016.

Reason: To protect the development from fluvial flooding.

- 8 No development shall take place within 7 metres of the Afon Lliw measured from the top of the bank.  
Reason: To protect maintenance access to the Afon Lliw to enable flood risk maintenance activities and works.
- 9 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface and foul 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, details of any connections to a surface water drainage network and maintenance plans for said 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. No further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.  
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.
- 10 Prior to the commencement of development a lighting scheme for the whole shall be submitted to and agreed in writing with the Local Planning Authority and maintained thereafter in accordance with the details thereby approved.  
Reason: In the interests of safeguarding ecology.
- 11 Prior to the commencement of any development on site, full details of the flue extraction system, air conditioning units and any other associated plant and machinery (including means of enclosure) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the details thereby approved.  
Reason: In the interests of pollution control.
- 12 Prior to the commencement of any work on site, full detailed access design plans shall be submitted to and approved in writing by the Local Planning Authority. Such plans to include for dedicated right turn lane and pedestrian crossing facilities. All access works must be completed in accordance with agreed plans prior to beneficial use commencing.  
Reason: In the interests of highway safety.
- 13 All internal access and parking facilities shall be completed and ready for use prior to beneficial use commencing.  
Reason: In the interests of highway safety.

- 14 The cafeteria shall only be operated ancillary to the main use as a Trampoline Centre and shall not be open outside of the operational hours associated with the Centre.  
Reason: To safeguard the amenities of the occupiers of neighbouring properties.
- 15 No development shall take place without the prior written approval of the Local Planning Authority of a scheme for the landscaping of the site. The landscaping scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.  
Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 16 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.

## INFORMATIVES

- 1 The Developer must contact the Highway Management Group , The City and County of Swansea , c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Access works will require a temporary access licence and an agreement under Section 278 of the Highways Act 1980 for works in the highway. Please contact the Senior Engineer (Development), e-mails to [mark.jones@swansea.gov.uk](mailto:mark.jones@swansea.gov.uk), tel. no. 01792 636091

## 2 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

- 3 The applicant is advised of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which it is intended to display on the premises.
- 4 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, EV36, HC18 and AS6 of the Unitary Development Plan)
- 5 The archaeological work must be undertaken to the Chartered Institute for Archaeologists (ClfA), "Standard and Guidance for an Archaeological Watching Brief" ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a ClfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.
- 6 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.
- 7 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, trees and clearing bushes particularly during the bird nesting season, March to August
- 8 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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