

PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 1

APPLICATION NO.

2016/1051

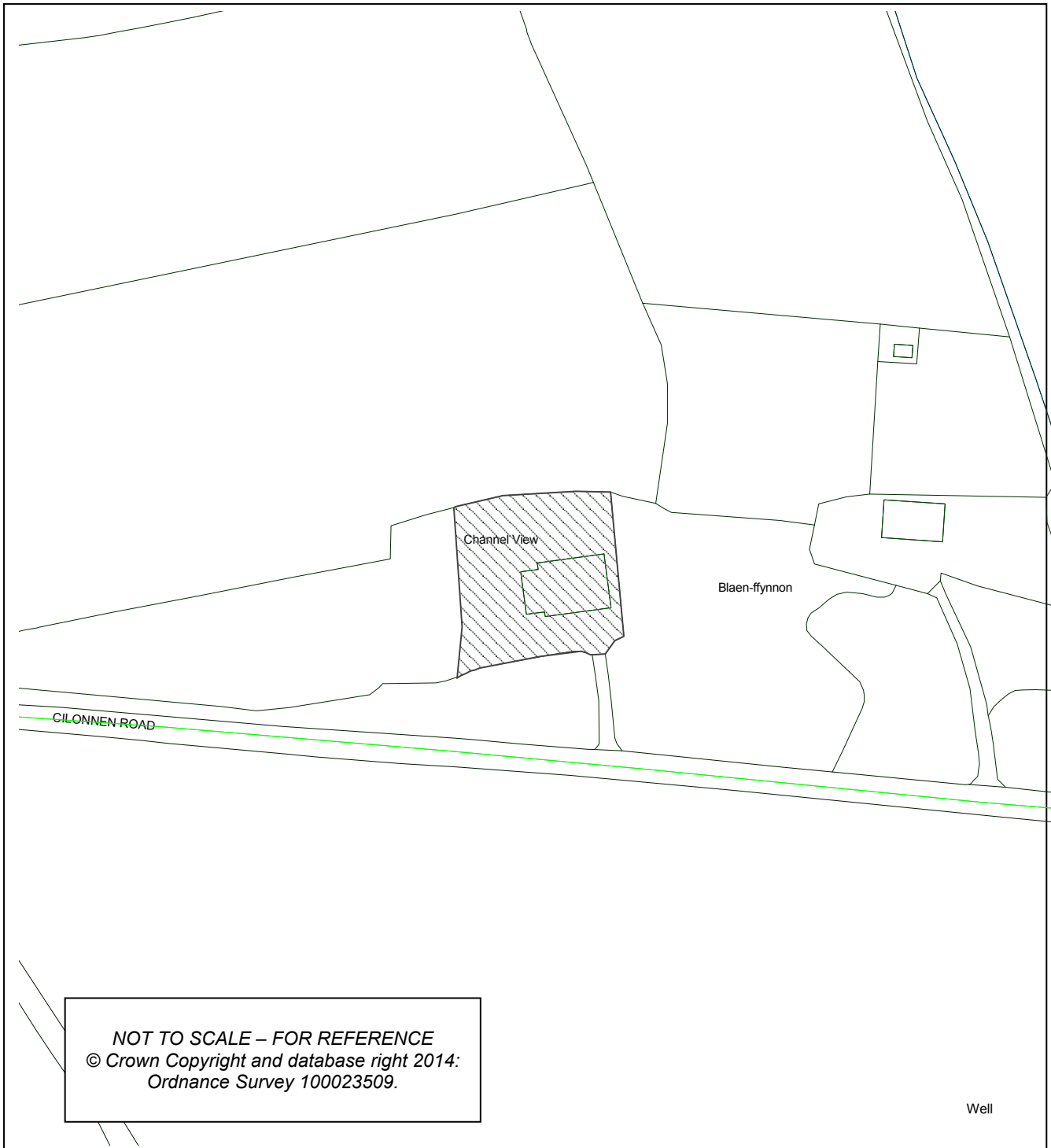
WARD:

Penclawdd

Location: Channel View, Three Crosses, Swansea SA4 3UR

Proposal: Replacement detached dwelling

Applicant: Mr and Mrs Ngiaw and Kavitha Saw



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BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
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 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 EV19	Replacement dwellings in the countryside, including residential chalets, will only be permitted where the residential use has not been abandoned, the proposed new dwelling is similar in terms of siting, scale, design and character and compliments the character of the surrounding area. (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 EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
2016/0163	Pre-application - replacement detached dwelling Decision: Negative Response Decision Date: 23/02/2016
90/0784/03	DOMESTIC EXTENSION. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 19/06/1990

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APPLICATION NO.

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2001/1355 Erection of detached stable block
Decision: Refuse
Decision Date: 06/11/2001

INTRODUCTION

This application was originally presented to the Planning Committee on the 2nd August 2016, with a recommendation of conditional approval.

However, at the August meeting, Committee resolved to defer the application so that Members of the Committee could visit the site.

In addition, since the presentation of the application to the August meeting, one letter of objection and one letter of support have been received, the comments of which are summarised below in the 'Response to Consultations' section of the report. The points contained within the letter of objection are then addressed in the second 'Response to letters of objection' section of the report.

This application is therefore re-presented to Committee for consideration and decision. The recommendation previously made remains unchanged.

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the press as a Departure to the City and County of Swansea Unitary Development Plan (UDP). A neighbouring property was also consulted. One letter of objection and one letter of support have been received, the comments of which are summarised below.

Letter of objection –

Existing vernacular buildings, such as Channel View, enrich their surroundings and add to the character of the area. They should not be considered as expendable.

The building that is proposed neither enriches its surroundings nor contributes to the character of the area. The scale, massing and materials are inappropriate.

Approving such an application risks setting a precedent that would see all vernacular buildings regarded as potential development sites. Once such a precedent is established, it might prove hard to reverse.

Letter of support -

As a resident firstly I was disappointed that I did not receive any notification of the planning application as I understood that the Local Authority should write to all property owners in the vicinity.

I find the new dwelling very exciting and I am more than delighted with the contemporary and modern design which I think will enhance the housing in the area and greatly improve the run down appearance of the site and the house at present.

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I have lived in my present family dwelling house for in excess of 40 years and it will be a pleasure to see such an exciting addition to the housing stock in the area which in turn enhances the area and adds excitement to those interested in the property.

Gower Society – OBJECTION

1. Whatever is stated within the application, this development is on the 'ridge' between Three crosses and Welsh Moor and it is highly conspicuous.
2. We have no indication about the true state of the existing dwelling but it cannot be sustainable to demolish and rebuild on a 'sustainable ticket'.
3. The proposal will be seen and it will stick out within the AONB because it is simply not vernacular.
4. We have been misled before by similar applications (that have attracted praise from various quarters) and found that the end product, when finally constructed is simply at odds with the AONB.
5. To execute such a proposal within the open countryside demands that it will not be detrimental or improve to that landscape. If surrounded by trees (as indicated on the drawings) this may just merge into the landscape. However this proposal is all about bringing the landscape into the dwelling and not considering its impact upon the landscape.
6. Anyone who walks or drives down the Gower Way (that deliberately uses this ridge) will be aware of the magnificent views North and South. There are very few properties on the ridge line and a number that are tucked away to the Northern side and NOT viewed from the South. If this were the case we would be supporting this proposal because it would have no impact on the landscape.
7. We have to disagree (but respect his professional opinion) with Mr Nigel Jenkins' comments and suggest that such modern developments need not be so radical to be sustainable. How can it be sustainable to knock down a decent dwelling? Vernacular and sympathetic proposals can be equally sustainable as well as imaginative restorations. We must not be influenced by fashion.
8. As is the norm there are large expanses of glass on this design but the largest is to the North where it will be lit up like a superstore. Fortunately this side is the least damaging to the landscape. The Southern elevation also has a large window and again we refer to night pollution.
9. We appreciate the black shed type cladding and the dark grey lower masonry BUT we also refer to Stormy Castle that despite our initial thoughts and International Awards has damaged the AONB landscape.

Natural Resources Wales –

We have no objection to the application as submitted, providing that the requirement for a European Protected Species derogation licence for this development is secured by a suitably worded condition and attached to any planning permission your Authority is minded to grant.

Protected Species

We welcome the submission of the document entitled; 'Channel View, Cilonnen: Bat & Owl Survey', dated July-August 2014, by Rob Colley Associates, which also includes the 'Bat Roost Mitigation/ Method Statement, dated October 2015, which is also by Rob Colley Associates.

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We note from the survey report that bats are present at the application site. Subject to the implementation of the mitigation set out in Section 4 of the above report, which make future provision for bats, we do not consider the proposed development will result in a detriment to the maintenance of favourable conservation status of these species.

Therefore, should your Authority be minded to grant planning permission, we advise that suitable conditions are attached to the permission to address the following;

inclusion of a planning condition on any planning permission that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to go ahead.

Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Legislation and Policy

As you are aware, bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

ii. There is no satisfactory alternative and

iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Foul Water Disposal

We note that the proposed development is within a non-sewered area and that the replacement dwelling will be served by a private sewage treatment plant. In addition to any planning permission and building regulations approval a permit, or registration as exempt from the requirement for a permit under the Environmental Permitting (England and Wales) Regulations 2010 (as amended), is required from Natural Resources Wales. Further information is available from our website.

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Surface Water Disposal

We note that it is proposed to utilise soakaways for the management of surface water. In principle we would be in favour of this approach, as SUDS are promoted in Section 8 of TAN15. However, ultimately the drainage system design is a matter for the Local Authority Drainage Engineers, so we advise that they are consulted in relation to this matter.

Gower AONB

As the proposal is within Gower Area of Outstanding Natural Beauty (AONB), we remind you of your Authority's duty under Section 85 of the Countryside and Rights of Way Act 2000 which requires public bodies to have regard to the purposes of conserving and enhancing the natural beauty of the AONB. The statutory purposes of Areas of Outstanding Natural Beauty are conservation and enhancement of natural beauty.

Therefore, we draw your attention to your Authority's AONB Design Guidance and advise that you consult your AONB Team with regard to the proposal.

Welsh Water –

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Ecology Officer –

The surveyor found evidence of bats (soprano pipistrelle) using the building. The developers will therefore need an NRW protected species licence. The mitigation suggested in the bat survey dated July August 2015 looks suitable and should protect the conservation status of the affected animals if carried out. Could we add two conditions to any permission we give, one requiring the applicant to obtain an NRW licence and to send us a copy prior to any work starting and another to require the carrying out of the bat mitigation to the specification in the report. The mitigation should be retained in perpetuity. Also in addition could we add an informative regarding nesting birds.

Head of Transportation and Engineering –

Proposals are for a replacement detached dwelling. The property is situated on a large plot and takes access from the adopted highway by way of a short access road. There is space within the curtilage for in excess of the required parking provision of 3 spaces. In addition there is space for turning facilities. There are no highway objections.

The Planning Department's Urban Designer has also commented on the proposal. His comments are incorporated into the appraisal below.

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APPRAISAL

This application is reported to Committee for decision as the proposal is a departure from the Development Plan and a recommendation of approval is being made.

Description

The existing dwelling is a relatively traditional styled detached dwelling within the countryside and the Gower AONB. The proposed dwelling, which is to replace the existing dwelling is a flat roofed contemporary style dwelling with an outbuilding proposed to the side of it (housing a swimming pool). The site is isolated with only a small number of dwellings surrounding it and is located to the west of the village of Three Crosses.

Main Issues

The main issues for consideration during the determination of this application relate to the acceptability of the proposal in principle, the impact of the proposed dwelling on the character and appearance of its immediate context, the wider landscape and the Gower AONB, the impact on the residential amenities of the neighbouring dwellings, the ecology of the site and highway safety, having regard to the provisions of the Unitary Development Plan. It is not considered that the Human Rights Act raises any additional issues.

Policy Context

The site is situated within the Gower AONB and as such Policies EV22 and EV26 of the UDP require development to first and foremost preserve and enhance the character and appearance of this highly protected area. Policies EV1 and EV2 are also relevant, although they are more generic policies relating to all types of development.

Policy EV19 of the UDP relates to the erection of replacement dwellings/chalets in the open countryside and states that:

Replacement dwellings in the countryside, including residential chalets, will only be permitted where:

- (i) The residential use has not been abandoned,*
- (ii) The proposed new dwelling is similar in terms of its siting, scale, design and character with the dwelling it is to replace, and -*
- (iii) The development complements the character of the surrounding area.*

The main aim of these policies is to prevent the replacement of rural dwellings with inappropriate new development that detracts from the character of villages and the countryside in which they are set.

The proposal is discussed against criteria i) and ii) of Policy EV19 below. Criterion iii) is discussed in the 'Visual Amenity' section of this report.

The existing dwelling whilst not occupied, is not considered to be abandoned given it is still intact as a dwelling. The residential use of the site has, therefore, clearly not been abandoned, and criterion i) is met.

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Criterion ii) of Policy EV19 requires replacement dwellings to be similar in terms of siting, scale, design and character to the dwelling it is to replace. The scale, form and design of the building is distinctly different to that which it is to replace, and therefore the proposal is not considered to comply with criterion (ii) of Policy EV19. On the basis, the application has therefore been advertised as a departure from the provisions of the Development Plan.

The Supplementary Planning Guidance document entitled 'A Gower Design Guide' provides additional clarification with respect to proposals which depart from the provisions of Policy EV19 of the Swansea UDP. The Design Guide states that *"it is not the intention of the UDP... to restrict proposals which would complement the character of the Gower in accordance with Policies EV19 (iii) and EV26."*

The Design Guide also states *"it would be a missed opportunity not to replace an existing nondescript or poorly designed dwelling with a better designed dwelling that enhances the appearance and character of the locale and the AONB."* Furthermore, paragraph A1.29 of the Gower Design Guide states that *"proposals may be considered an exception to the policy where the scheme is considered to be high quality in terms of sustainability and design exhibiting due regard for its rural location in the countryside."*

Paragraph A1.35 of the Gower AONB Design Guide also states that *"in addition to being high quality, proposals which wish to depart from the provisions of Policy EV19 should also be exemplars of sustainability. In this regard schemes which are high quality and... achieve at least Code for Sustainable Homes Level 4 in all criteria, may be considered favourably."*

The design merits of the scheme are discussed below in the 'Visual Amenity' section of this report, together with the compliance of the scheme against the Gower AONB Design Guide.

Visual Amenity

The proposed dwelling, whilst contemporary in design is considered to be appropriate in terms of siting, scale and design in accordance with the majority of the general guidance set out in the Gower AONB Design Guide SPG.

The dwelling is proposed to be sited in a similar position to the existing dwelling and will be lower than the existing dwelling. However, the dwelling will incorporate a larger footprint. The SPG states that larger dwellings may be considered favourably where the design can be demonstrated to be high quality, however, that there is also a limit to the 'visual/ environmental capacity' of every site. In this instance it is considered that the proposed dwelling does not exceed this capacity and as such the acceptability of the proposals rest on the design quality of the scheme.

Paragraphs A1.32 and A1.33 of the SPG state that there are 3 possible approaches to design – contemporary, modern vernacular and traditional and that all approaches will be required to be high quality. Paragraph A1.43 states that contemporary designs can draw on a wider range of materials provided that these are an integral part of the scheme and help to blend the dwelling into the AONB landscape.

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In this instance, the contemporary dwelling seeks to reflect the scale and materiality of existing agricultural outbuildings found on Gower. The modular, flat roofed form of the dwelling, coupled with the use of black corrugated metal, grey render and corten steel reflect the form and materiality of such structures and also provide an earthy colour palette which will help the scheme blend into the landscape. As such the design approach is considered appropriate to reflect the character of the Gower AONB setting in a contemporary manner.

In order to ensure the quality of the proposals, conditions relating to materials and detailing are attached.

It is noted that the dwelling is of a different design to surrounding dwellings. It is, however, considered that given, as stated above, it is sympathetic in terms of scale, siting and design, it is sensitive to its surrounding and the use of specific materials has helped to ensure this will be the case. The large expanses of glazing proposed are also not considered to give rise to any particular harmful visual impact. Furthermore, given the dwelling is sited quite a distance from Cilonnen Road it is not considered to be particularly prominent when viewed from this viewpoint. Whilst there may be glimpses of the proposed dwelling from viewpoints to the rear of the site, these are considered to be very distance views and as such the proposal is not as such considered to give rise to a harmful impact on the wider landscape.

In addition, it is not considered that the proposed outbuilding to the side of the dwelling will give rise to a harmful impact given its sympathetic scale, design and siting, being located to the side of the dwelling and, therefore, not in a particularly prominent position.

It should be noted that there is some detail indicated on the roof plan showing the potential position for future solar panels. However, as this is only a 'potential proposal' they do not form part of this application and are excluded from the scheme via an appropriately worded condition.

Therefore, whilst as stated above, the proposed dwelling does not comply with criteria (ii) of EV19 of the Unitary Development Plan, it is in keeping with the credentials set out in the Gower AONB Design Guide and is not considered to have a harmful impact on the surrounding area. A pre-assessment certificate has already been submitted indicating that the proposal can achieve Code for Sustainable Homes Level 4. A condition is attached requiring the submission of a final certificate to be submitted to ensure the dwelling is constructed to Code for Sustainable Homes Level 4.

Therefore, it is considered that the proposal will be high quality in terms of design and sustainability, and therefore qualifies as an 'exception' scheme to Policy EV19, as permitted by the Gower AONB Design Guide.

Residential Amenity

The proposed dwelling (and outbuilding) is located relatively far away from neighbouring properties and, therefore, is not considered to result in any overbearance, overshadowing or overlooking of neighbouring properties.

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Highway Safety

The property is situated on a large plot and takes access from the adopted highway by way of a short access road. There is space within the curtilage for in excess of the required parking provision of 3 spaces. In addition there is space for turning facilities. Therefore, there are no highway objections.

Sustainability

To accord with the criteria set out in the Gower AONB Design Guide the development should achieve at least Code for Sustainable Homes Level 4 in all criteria. A pre-assessment certificate has already been submitted indicating that the proposal can achieve Code Level 4. The submission of a further certificate to confirm the dwelling has been constructed to the required Level 4 standard is ensured via the attachment of an appropriately worded condition.

Ecology

A Bat and Owl Survey has been submitted in support of the application. In summary, the survey of the existing dwelling revealed that there is evidence of bats (Soprano Pipistrelle) using the building.

Both NRW and the Council's Ecology Officer have been sent copies of the survey for their consideration and comment. Neither consultee has objected to the proposal which will involve the disturbance of the bats using the building (a European Protected Species) subject to the imposition of suitably worded conditions.

One of the requested conditions requires the implementation of the mitigation measures set out in the survey report, whilst the other requires the developer to obtain a NRW licence and to send a copy of this licence to the Local Planning Authority prior to any work commencing.

These planning conditions are contained within the recommendation below, as requested by the consultees.

Response to Letters of Objection

The issues relating to a majority of the concerns contained within the letter of objection from the Gower Society, relating to issues such as visual amenity, impact on the landscape and sustainability considerations are considered to have been addressed within the context of the report. Whilst the concerns regarding light pollution from the dwelling during hours of darkness are noted, it is not considered that the level of light emitted from the dwelling will be sufficient enough as to have a negative impact on the natural beauty and tranquillity of the Gower AONB.

The recent letter of objection received criticises the proposed loss of the existing building and its replacement with a new dwelling that the objector does not consider to be acceptable in visual terms. These matters are discussed above.

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It is also noted that the person supporting the application has commented that they did not receive a consultation letter about the application. However, the standard publicity process was applied, with a site notice being displayed on site and any adjoining land owners consulted.

Conclusion

For the reasons set out above, it is considered that the development accords with Policies EV1, EV2, EV3, EV22 and EV26 of the UDP and will complement the character and natural beauty of the AONB.

In overall design terms, however, the proposed scheme is considered to be high quality in terms of sustainability and design, which demonstrates how well considered contemporary design can respond positively to the sensitive and cherished landscape of the Gower AONB.

The scheme clearly does not comply with criterion (ii) of Policy EV19, as it is not similar in terms of its scale, design and character with the dwelling it replaces. However, the scheme is considered to be of a high quality and will achieve Code Level 4, which it is considered justifies a departure from the provisions of UDP Policy EV19, in accordance with the Gower AONB Design Guide.

On this basis therefore the proposal is regarded as an acceptable departure from the provisions of Policy EV19 of the City and County of Swansea UDP (2008). Approval is, therefore, recommended.

RECOMMENDATION

APPROVE, subject to the following conditions;

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

- 2 The development shall be carried out in accordance with the following approved plans and documents: 1584_SHC 100 Site and Location Plan, 1584_SHC 200 Proposed Ground Floor, 1584_SHC 201 Proposed First Floor, 1584_SHC 202 Proposed Roof Plan, 1584_SHC 300 Existing and Proposed Street Elevation (South), 1584_SHC 301 Proposed North and South Elevations, 1584_SHC 302 Proposed East and West Elevations, received 23rd May 2016. 1584_SHC 303 Proposed East and West Sections, received 13th June 2016.
Reason: To define the extent of the permission granted.

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- 3 Notwithstanding the details shown on any approved plan, samples and details of all external finishes, including windows, doors, cills, fascias, soffits and rainwater goods, vents and flues to show the precise pattern and distribution of these shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of development.

The submitted details shall include large scale drawings at 1:10 or 1:20 scale of:

- o All junction types between different materials;
- o Typical window and door in their openings;
- o Roof junctions and fascia details.

Development shall thereafter be carried out in accordance with the approved details.

Reason: To allow the appropriate consideration of details in the interests of visual amenity.

- 4 The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 4 and achieve a minimum of 3 credits under category Ene1 - Dwelling Emission Rate, in accordance with the requirements of the Code for Sustainable Homes Technical Guide, November 2010 (as amended).

Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.

- 5 The dwelling hereby approved shall not be occupied, until a Code for Sustainable Homes 'Final Certificate' is submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 4 and a minimum of 3 credits under Ene1 - Dwelling Emission Rate has been achieved for the dwelling, in accordance with the requirements of Code for Sustainable Homes Technical Guide, November 2010 (as amended).

Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.

- 6 No works shall take place on site until a copy of a European Protected Species Development Licence (issued by NRW) relating to the development has been submitted to the Local Planning Authority.

Reason: To ensure that a European Protected Species Development Licence has been obtained by the developer/applicant.

- 7 The bat mitigation measures contained within the 'Bat Roost Mitigation/Method Statement' (dated October 2015) appended to the 'Channel View: Bat & Owl Survey' (dated July-August 2014) submitted in support of this application, shall be fully implemented during the demolition and construction phases of the development and the 'long term roost provision' measures shall be incorporated into the new dwelling hereby approved and shall be retained as such in perpetuity.

Reason: To ensure that the proposed mitigation measures are implemented, in the interests of bats.

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8 Notwithstanding the details shown on Drwg No:1584_SHC 202, the indicative solar panels shown on the roof of the proposed dwelling are expressly excluded from this permission.

Reason: For the avoidance of doubt and to clearly define the scope of this planning permission.

9 No construction works relating to the buildings hereby approved shall commence, until a drainage scheme for the new development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details relating to the disposal of surface and land water, and shall include an assessment of the potential to dispose of surface and land water by sustainable means. The scheme shall be implemented in accordance with the approved details prior to the occupation of the dwelling and shall be retained as such in perpetuity.

Reason: To ensure that the proposal is served by an adequate surface and land water drainage system.

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, EV3, EV19, EV22 and EV26 of the Unitary Development Plan

2 Birds may be present. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to: -

Kill, injure or take any wild bird

Take, damage or destroy the nest of any wild bird while that nest is 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

3 A permit, or registration as exempt from the requirement for a permit under the Environmental Permitting (England and Wales) Regulations 2010 (as amended), is required from Natural Resources Wales. Further information is available from our website.

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4 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

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

This Standing Advice is valid from 1st January 2015 until 31st December 2016

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ITEM 2

APPLICATION NO.

2016/0627

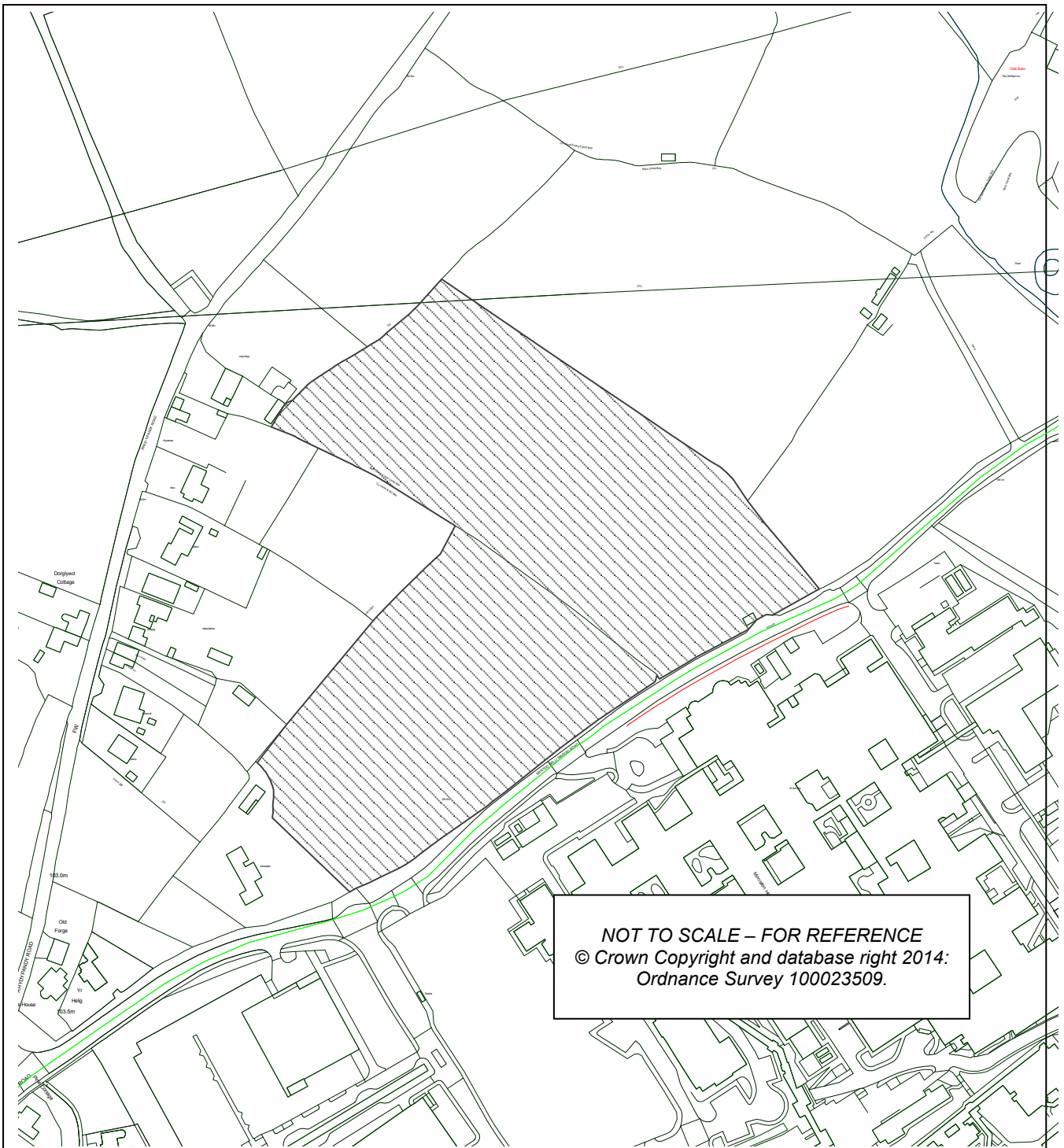
WARD:

Llangyfelach

Location: Land adjacent to Morriston Hospital and Cwrtnewydd Mynydd Gelli Wastad Road Morriston Swansea SA6 6PX

Proposal: Use of land for car parking for an operational period of three years, including alteration to existing access from Mynydd Gelliwastad Road and all associated operations and the use of adjacent land for the storage of topsoil

Applicant: Abertawe Bro Morgannwg



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APPLICATION NO.

2016/0627

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy 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 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 EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
Policy EV40	Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

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APPLICATION NO.

2016/0627

SITE HISTORY

App No.	Proposal
2004/1597	Provision of a helipad to be used in conjunction with Morriston Hospital Decision: Refuse Decision Date: 08/03/2005

Background

This application is being reported to Planning Committee as it is a departure from the Unitary Development Plan currently in force. The application was also called in by Cllr. Gareth Sullivan.

Sancta Maria has been in discussion with the Abertawe Bro Morgannwg University Health Trust about the possibility of locating a new private hospital within the grounds of Morriston Hospital and has decided that this would be the preferred location for strategic reasons.

A planning application has been submitted for a private hospital on the southern portion of the Morriston Hospital site (ref: 2016/0641). This application also appears on this agenda. The site of the proposed hospital is being used as staff/ visitor car parking and accommodates approximately 500 spaces.

In the longer term, ABMU has ambitious plans for the major expansion of Morriston Hospital onto land to the north of the existing hospital campus. The site of the proposed temporary car park is on part of the land that ABMU has acquired (or has contracted to acquire) for that expansion. That scheme - called ARCH, A Regional Collaboration for Health - is being promoted through the development plan for the area. It does not, therefore, form part of this submission.

The application site has an area of approximately 1.59ha. Therefore this proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, as the application site area exceeds 0.5 hectares. A Screening Opinion was carried out in accordance with the above regulations. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

Neighbour comments:

The development was advertised on site with two site notices along Mynydd Gelli Wastad road and the application was also advertised in the Press on the 3rd May 2016. 2 adjacent residents were also consulted individually.

4 LETTERS OF OBJECTION have been received in response to this application from residents living on Rhydypanyd Road to the west of the site. Their objections are summarised below:

- The application site lies within an area that is designated as both countryside and green wedge - barrier to further encroachment of the countryside

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- The nature of the proposed car park does not meet any of the criteria for development which could be considered appropriate in such designated areas
- The openness of the countryside is a prerequisite of the existing UDP for the area north of Mynydd Gelli Wastad road and this proposal would without question impact severely on the open nature of this area
- The primary justification for the proposal is the potential loss of a 500 capacity surface car park within the hospital site, which is to be replaced with a private hospital. The use of NHS land for a private health care facility cannot be seen to justify the expansion into the adjacent countryside.
- Negative impact on flora and fauna in the area
- A number of registered bee hives are located on land near the boundary with the proposed car park that would be subject to disruption of flight paths and pollen source and collection
- Proposal would have a detrimental visual impact on the rural outlook
- Noise pollution (construction and operation) would be 24/7, 365 days a year
- Light pollution from vehicles and car park lighting - overspill on to neighbouring residential properties
- Security issues/ anti-social behaviour issues and littering
- Devaluation of property
- The land is not well screened other than in summer when foliage is present
- Drainage scheme would have problems due to run-off of water to adjacent properties, earth bund to retain water creates risk to properties downstream, outflow is on to a private field which floods regularly and there is no existing drainage ditch to the field boundary as referred to in the strategy
- Rhydypanyd Road in the vicinity of Llwynhelig and Dorglwyd Farm drive has a well-known history of flooding over a period in excess of 20 years - potential flood risk to the sewerage pumping station
- Temporary consent sought is a ruse to get permanent permission - land will not be restored
- Hospital had permission refused (2004/1597) - unjustified and detrimental form of development
- Recent appeal decision was dismissed by the Planning Inspectorate after appeal on the basis that there were no significant reasons to set aside the policies governing the green wedge
- Felindre park and ride would provide an alternative to an increase in car parking
- Fear of setting a precedent.

Swansea Access for Everyone have commented that the number of Blue Badge bays in the existing car park be increased by 35 to allow for a percentage of the proposed new car parking facility for 700 bays. This equates to 5%. The City and County of Swansea Parking Standards require that 6% of bays in the proposed car parks be allocated as Blue Badge bays. This would mean an allocation of 42 bays and not the 35 proposed. They request that the proposed number of Blue Badge bays be increased to 42 before permission is granted.

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Consultations:

Highways:

"Use of land for car parking for an operational period of three years, including alteration to existing access from Mynydd Gelliwastad Road and all associated operations and the use of adjacent land for the storage of topsoil

1. Introduction

The proposed site is being laid out as temporary car park for a three year period to provide a replacement parking area to allow for the construction of the new private hospital (Sancta Maria) which is to be sited on an existing car park serving approximately 500 vehicles. This planning application is submitted in conjunction with an outline planning application for a private hospital with associated parking (planning application 2016/0641). The intention is that within that three year period a replacement multi storey car park would be built out, and the temporary car park would be reinstated back to its current situation. A replacement for the current hospital in Uplands has already been consented in Felindre Business Park Strategic but is no longer being sited there. The site currently operates out of an existing site in a residential area in Ffyonne in Uplands with extremely limited parking facilities and on street parking issues.

This application is supported by a Transport Assessment (produced by White Young Green) the findings of which are summarised below.

2. Transport Assessment

2.1 Existing Situation

The site of Morryston Hospital is currently accessed off two access points, off Mynydd Gelli Wastad (northern entrance) and off Heol Maes Eglwys (to the south).

A surface level car park (for approx. 500 vehicles) exists south of the Hospital building and this site is where the proposed private hospital is to be located. There are 2,267 car parking spaces currently at the site but the site suffers from severe parking problems such as illegal parking and inappropriate parking. The multi storey car park that was constructed was supposed to provide a one stop solution for all the parking at the hospital site but this has not proved to be the case.

The site of the proposed temporary car park is currently a grassed field.

2.2 Proposed works

The planning application for this development is read in conjunction with that for the temporary car park and a joint TA (March 2016) has been submitted for both. The content of the document was agreed with CCS Highways officers and included four junctions in the vicinity.

Access to the new car park is off an existing roundabout (alterations will need to be undertaken under a section 278 agreement with the Highway Authority).

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The temporary car park is proposed to be accessed off the existing four arm roundabout of Mynydd Gelli Wastad Road/hospital access. The proposed access arm is already in existence but will require a significant upgrade in order to facilitate safe access to the proposed 700 space car park. This arm will continue to a new mini roundabout (50m) which will provide direct access to the car parking spaces and the circulation space. The set back of the mini roundabout will also help to minimize queuing onto the adjacent highway and allow for 'u' turns if the car park is full.

2.3 Trip rates/trip generation

The transport assessment focussed on trips associated with the hospital as trips to the car park are already on the network and in the vicinity. As mentioned in the report for planning application 2016/0641 technical revisions were sought and infrastructure improvements agreed should the two planning applications go ahead concurrently.

2.4 Modelling/Conclusions

Following on from the Technical note issued by WYG in July 2016 I am satisfied that the movements can be accommodated safely with the amendments as agreed (again all works required as mitigation measures at Heol Maes Eglwys / Hospital Access and Clasemont Road / Pant Lasau junctions would have to be undertaken under a section 278 agreement with the Highway Authority) in addition to the works required to the access roundabout itself.

3. Parking

The parking is being provided to replace the parking area lost as a result of the proposed private hospital plus provide an additional 200 spaces arising from a current unmet demand at the site.

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

Parking demand for the private hospital is met within the curtilage of the site and hence there should not be any overspill resulting in an increase in parking elsewhere or in the temporary car park to the north.

4. Travel Plan

There is an approved travel plan for Morriston Hospital and a condition was added to the Felindre hospital relating to a travel plan for that specific use.

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

The site is well served by public transport provision.

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5. Conclusions

The siting of the car park in association with the private hospital at this location is unlikely to result in any highway issues arising on the Strategic Highway Network, and it has been demonstrated that the two applications together can be accommodated without detriment to highway conditions.

However given that the car park is only for a temporary period of three years and is not a permanent replacement facility then I am not in a position to support the application for the private hospital. Neither can I support this temporary car park as the TA was only run with the combined effects and being as I am not supporting the private hospital application then the worst case scenario would be the existing 500 space car park remains plus the new temporary facility for 700 would also be allowed.

I understand that a meeting has taken place to discuss this fundamental flaw and that a revised plan may be submitted detailing the potential site for a permanent car park within the site boundary. This plan is not before me now

6. Recommendations

Whilst the private hospital and its trips plus associated temporary replacement parking facilities can be accommodated subject to a number of conditions the lack of appropriate permanent parking facility means that this temporary application cannot be supported.

I recommend that the application be refused as the permanent loss of the car park arising from the siting of the new private hospital is not adequately being catered for elsewhere. Whilst a temporary car park has been submitted to provide replacement facilities it is only short term and as such does not provide an appropriate parking facility for long term future usage. Given that the private hospital is not currently being supported I cannot support this application as then there would be an overprovision of parking at the site if the existing 500 space car park was to remain and this new car park was to be allowed."

Highways (Updated comments following receipt of further information in relation to long term parking):

"No objections subject to the following conditions:

1. The access / junction works shall be completed prior to beneficial use commencing, all in accordance with details to be submitted and approved.

2. A replacement car park is to be provided on site prior to the expiration of the temporary consent.

Note 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 . Please contact the Senior Engineer (Development) , e-mails to, tel. no. 01792 636091

Note 2: Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority."

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Drainage:

"Based on the submitted Drainage Strategy Technical Note dated 29 April 2016, ref A0957887/160429 we recommend that the following be appended to any permissions given.

Condition

1. No development shall commence until the developer has prepared a strategy 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.

2. The development shall not discharge to the receiving watercourse at any rate greater than 14.2l/s.

Reason.

To prevent increased runoff to the local watercourse network and increased flood risk.

Informatives.

Please be aware that the City and County of Swansea is now the Lead Local Flood Authority and that any works to the adjacent watercourses may require our prior written consent under the Land Drainage Act 1991 (as amended), irrespective of any other permissions given. We welcome early engagement with us to avoid any issues within the design process."

Ecology:

"The field to be used as a temporary carpark appears to be of relatively low ecological value, the main area of interest is the surrounding hedges which are largely going to be retained. The field that is to be used for topsoil storage may have some value as it appears to be less intensively managed than the car park field and may contain ground nesting birds. This can be covered by a bird informative (see below).

There will be a loss of habitats and wildlife value as a result of the development this can be in part compensated for by growing a suitable wild flower meadow mix on the stored topsoil. Some small sections of hedge are to be removed these may contain nesting birds the informative below should cover this.

There may be reptiles present on the hedge banks in order to protect them please add the informative below. The ecological surveyor recorded bat activity along every hedgerow on the site, any lighting must take this into account. All bat species are deterred by lighting any higher than that found on a moonlit night. Light spill onto the hedges surrounding the carpark should be avoided.

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The attenuation pond would add a temporary new habitat to the field. The field is of relatively low ecological value so I don't think overall there will be a negative impact."

Landscape Officer:

No comments received.

Landscape Assistant (Arboriculture):

"Recommendation: No objection subject to condition

No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence on site until a Tree Protection Plan, in accordance with BS5837:2012 Trees in relation to design, demolition and construction-Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the specification and positioning of temporary tree protective fencing and ground protection where required. The approved tree protection shall be erected prior to any site activity commencing and maintained until the area is to be landscaped. No development or other operations shall take place other than in complete accordance with the Tree Protection Plan, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.

Comments:

The implications assessment highlights the tree impacts and outlines a scheme alteration to accommodate trees. The impacts will be minimal if the alteration suggested forms the final design and tree protection measures are implemented.

In the event of the proposals being approved could you please condition the above to ensure the important trees are afforded suitable protection?"

Pollution Control:

No objection subject to a condition regarding opening hours of the surface car park to ensure no amenity issues arise for residents as a result of noise/ disturbance within the car park and from lighting columns. The applicant should be made aware that if justifiable complaints are received in the future, these issues could be addressed via nuisance legislation.

Strategic Planning:

No comments received.

Natural Resources Wales:

"We have concerns in relation the proposed development and recommend that the conditions outlined in this letter be attached to any planning permission that your Authority may be minded to grant. We also advise that you discuss the proposal with your Authority's Drainage Engineer and Planning Ecologist.

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Contaminated Land

The report submitted with the application is entitled; 'Ground Investigation Interpretive Report, dated 31 July 2015, by WYG Limited. However, this document did not contain any historical information/maps on which the findings of the report were based. Therefore, we welcomed the provision of the report entitled: 'Ground Conditions: Desk Study Report', dated September 2014, by WYG Ltd, which we received on the 26 April 2016.

Having reviewed both these documents, NRW note the conclusions of the reports and recommend that the following condition is added to any planning permission that your Authority may be minded to grant.

Condition: 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.

Reasons: 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.

Pollution Prevention & Waste Management

The biggest risk in relation to pollution occurs during construction and we would remind the applicant/developer that the responsibility for preventing pollution rests with those in control on the site. Works should therefore be carefully planned, so that contaminated water cannot run uncontrolled into any watercourses (including ditches).

Given the presence of a watercourse to the north-west of the site, 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 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.

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.

Surface Water Disposal

We note the provision of the 'Technical Note (Ref: A095787/160429)', dated 29 April 2016, by WYG Ltd. We recommend any proposed surface water drainage system 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. Ultimately the drainage system design is a matter for the Local Authority Drainage Engineers.

Ecology and Protected Species

We note the submitted 'Ecological Assessment' by David Clements Ecology Ltd, dated November 2015, in addition to the submitted 'Extended Phase 1 Habitat Survey' by WYG Planning & Environment, dated 22 September 2014.

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The site has the potential to support a number of protected species, however at this stage, we are unable to assess the application as the submitted information does not provide an assessment of the likely impacts on protected species in consideration of the current proposals.

The summary of the 'Ecological Assessment' by David Clements Ecology Ltd states that the report was written prior to any proposals and therefore only; 'discuss[es] the general ecological constraints and opportunities of the site rather than provide a detailed impact assessment and mitigation recommendations'.

We also understand that further to the plans for a carpark and storage of top soil; an attenuation pond is now also proposed for the site. Therefore, we recommend that you seek the advice of your Authority's Planning Ecologist to determine if there is reasonable likelihood of protected species to be present within the current application site and whether an update impact assessment of the current proposals is required in support of the application."

Dwr Cymru Welsh Water:

No comments received.

Glamorgan Gwent Archaeology Trust:

"I have reviewed the information in the desk based assessment prepared by WYG dated September 2014 and the up-to-date information held in the statutory Historic Environment Record (HER).

You will recall that archaeological work in the form of a watching brief was undertaken in the area around Morrision Hospital during extension works in 2009, this work revealed little of archaeological significance. The results of this work alongside the 2014 desk based assessment and the information in the statutory HER indicates that there are no recorded archaeological features within the application area. It is unlikely, therefore, that any archaeological material would be disturbed by the proposed development.

As such we have no archaeological objection to the positive determination of 2016/0627 and do not recommend the attachment of archaeological conditions to any consent granted."

Japanese Knotweed Officer:

"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 myself, for the control of the plant."

Site Location

The application site comprises two field parcels located to the north west of Morriston Hospital, on the opposite side of Mynydd Gelli Wastad Road. Access to the fields is via a spur off the roundabout on Mynydd Gelli Wastad Road that provides the main access to the hospital. The fields are enclosed by substantial hedgerows in the main, although it should be noted that the boundary facing Cwrtnewydd - a property in the ownership of ABMU - has existing small ornamental trees which would need to be removed to facilitate access to the car park. Trees within the hedgerows provide further screening and the screen on the north-western boundary, between the site and existing housing on Rhyd-y-Pandy Road is particularly dense and effective. The site is relatively flat with a gentle slope away from the hospital.

The application site comprises semi-improved grassland which is identified as being of no greater than "local value" for wildlife and the field hedgerows are identified as being of "high local value". The proposed development does not affect the outbuilding at Cwrtnewydd, which is a bat roost.

Description of Development

Temporary planning permission is sought for the construction of a 578 space car park for an operational period of three years, following which the use would be discontinued and the land restored to its current condition. The application has been amended following comments from the Landscape Assistant (Arboriculture).

One field would be used for car parking whilst the other would be used to temporarily store topsoil for the duration of the 3 year period after which it would be restored. The aisles would be constructed in tarmac whilst the car parking spaces themselves would be hardcore construction.

The proposal is a short term solution. By the end of the three-year period, ABMU is confident that it would have procured a new, permanent, multi-level car park within the existing hospital campus, in preparation for which a programme of demolition and clearance would take place this year. Indicative details of this, and an alternative surface car park have been submitted for information purposes.

To facilitate the restoration of the land, topsoil stripped from the car park site would be stored on adjacent land in the control of ABMU, which is included in the application site. The topsoil would be stored in accordance with BS 3882:2015 Specification for Topsoil and would be seeded with an appropriate seed mix to maintain soil structure and aeration.

Access into the car park is taken at the existing roundabout, rather than creating an additional access further east along Mynydd Gelliwastad Road:

- This enables easier vehicular access.
- It does not interfere with the existing access to A&E.
- It preserves the existing hedgerow along Mynydd Gelliwastad Road.

The approach to the roundabout from the west would be widened to allow vehicles to access the car park easily and to prevent queuing. The access road is continued into the field to lengthen the space available for cars entering the site and to prevent backing-up onto the highway.

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The aisles are laid out predominantly along the length of the field to run with the gradient. The proposal includes a pedestrian crossing of Mynydd Gelliwastad Road, positioned to correspond with the existing footway on the southern side of the road. Although temporary, the car park proposal includes lighting and cameras to promote safety and security.

There is no necessity for large-scale hedgerow removal; indeed, they are to be retained in their entirety, except where a small section has to be removed to permit pedestrian access from the car park to the proposed pedestrian crossing on Mynydd Gelliwastad Road. Another small section of hedgerow, between the two fields, would need to be removed temporarily, to allow access into the field in which the topsoil would be stored ready for restoration at the end of the operational period. This section of hedgerow would be reinstated immediately after topsoil movement. The proposal includes a pedestrian crossing on Mynydd Gelliwastad Road which would connect with the existing footway on the southern side of the road.

The applicant has submitted a Planning Statement covering various issues, an Ecology Assessment of the site and has submitted a Transport Statement (which includes an assessment for this proposal and the proposed new hospital).

HMT Hospitals (operator of the Sancta Maria Hospital) and ABMU have considered for some time that there is a strategic benefit in having the new Sancta Maria Hospital immediately adjacent to the existing Morriston Hospital. Being located adjacent to the health and research campus would allow a partnership to be seen in a different way to an independent hospital located at a distance; both by external and internal stakeholders including clinicians.

The applicants have also advised that co-locating the hospital on the Morriston site would allow ABMU NHS medical staff to be on site to deal with emergencies of both their NHS and private patients. Being located within the campus, directly adjacent to Morriston Hospital, would also allow Sancta Maria to undertake more complex procedures due to the close proximity of ITU facilities and supporting care. There is also the opportunity for Sancta Maria to commission work directly with Morriston Hospital for procedures which require specialist or critical care provision: for example, paediatrics and cardiac surgery. In addition, through partnership, ABMU would also be able to rely on additional elective capacity on the Morriston Hospital site within its service plans and strengthen delivery across a range of specialties. This would improve service to local patients in terms of access to plan care.

APPRAISAL

Temporary planning permission is sought for the construction of a temporary 578 space car park for an operational period of three years, which includes CCTV and lighting. Following the end of the 3 year period, the use would be discontinued and the land restored to its current condition.

The site is located outside of the Urban Boundary, within a Green Wedge as identified within the City and County of Swansea Unitary Development Plan.

Main Issues

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

Principle of Development

The application site is located within a green wedge, outside of the Urban Boundary as defined in the Adopted Unitary Development Plan. Local residents have stated that the proposal is contrary to policy EV23 as it is both countryside and green wedge and doesn't comply with any of the criteria. They also quote a recent appeal decision at land at Rhydypany Road (Ref: 2015/1581) where an application for a residential development of 13 houses was dismissed. Residents argue that the proposal would impact severely on the open nature of this area which is a prerequisite of the UDP, that the primary justification for the proposal is the potential loss of a 500 capacity surface car park within the hospital site, which is to be replaced with a private hospital and the use of NHS land for a private health care facility cannot be seen to justify the expansion into the adjacent countryside.

Both national and development plan policy aims to safeguard the openness of green wedge land, and Unitary Development Plan Policy EV23 states that development will only be permitted within a green wedge if it maintains the openness and character of the land and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. Policy EV20 seeks to control development in the countryside in order to conserve and enhance its value.

Policy EV23 goes onto state that appropriate development within the green wedge comprises the following:

- (i) Justified development in association with agriculture or forestry;
- (ii) Essential facilities for outdoor sport and recreation or cemetery use;
- (iii) Limited extension, alteration or replacement of existing dwellings;
- (iv) Small scale farm diversification;
- (v) The re-use of existing permanent/substantial buildings;
- (vi) Affordable housing for local needs under Policy EV18;
- (vii) 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.

Planning Policy Wales (8th edition) states that when considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. Local planning authorities should attach substantial weight to any harmful impact which a development would have on a Green Belt or green wedge (4.8.14).

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Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan (4.8.15). Other forms of development would be inappropriate development unless they maintain the openness of the Green Belt or green wedge and do not conflict with the purposes of including land within it (4.8.18). It also says that planning permission should not be granted for inappropriate development except in very exceptional circumstances where other considerations clearly outweigh the harm that would be caused to the green wedge.

Whilst the applicant maintains that the openness of the green belt would be retained, and this is partially true, the purpose of the designation in this area is to prevent uncontrolled urban expansion in order to protect the setting of the urban area and Mynydd Gelliwastad is the logical defensible boundary. The proposed car park would be hard surfaced and would have lighting columns installed. Whilst the area would remain 'open' in that no buildings would be provided on site, the use represents an urbanising form of development and the character of the area would be changed (albeit temporarily) given the operational development, and this would be exacerbated further when vehicles are utilising the car park.

The appeal decision referenced by residents relates to an area of land to the south west of the application site. The site is also located within the same green wedge and was proposed for a residential development of 13 dwellings. In the appeal decision, the Inspector stated that the development would substantially increase the density of the built development between the 2 roads, eroding its open character and significantly increasing the effects of urbanisation in this location on the urban fringe. He went on to conclude that in view of the PPW advice that substantial weight should be attached to any harmful impact on a green wedge, his overall conclusion was that the shortfall in housing land supply in that case does not amount to very exceptional circumstances sufficient to clearly outweigh the harm to the green wedge.

It should be noted that there are material differences between this appeal decision and the application currently being considered in that the current proposal is not a residential development, is temporary in nature, no buildings would be erected on site, the current application site is proposed for inclusion as an expanded hospital site allocation as part of the LDP process (unlike the residential development which was not an allocated site) and the LDP has now been placed on Deposit. Therefore, the circumstances of this appeal decision are not directly comparable in this instance.

It is considered that the development would, in principle, result in an unjustified form of urbanising development that would have a harmful impact on the character and openness of the green wedge contrary to UDP Policies. Substantial weight should be placed on this.

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

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In this instance, the applicant argues that the application site is proposed as an allocated site for the expansion of the hospital as part of the ARCH proposals (and would no longer be Green Wedge) and the use would only be temporary in any case which constitutes the exceptional circumstances required by Planning Policy Wales.

The Draft Local Development Plan was endorsed for a public consultation on 16th June 2016 and is currently out for public consultation. The site is allocated within the emerging LDP for the expansion of the hospital.

Para 2.8.1 of PPW states that the weight to be attached to an emerging LDP (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report.

As clarified in a recent appeal decision (Ref: APP/K6920/A/15/3137884) by the Inspector (the PINS Director of Wales), the LDP Manual states that the deposit plan 'should be considered by the LPA as the version it intends to submit for examination and, later, to adopt'. The Council has resolved to place the emerging Plan on deposit and must, therefore, consider the emerging Plan and the allocations contained within it to be sound. In this regard, some weight (albeit limited) is to be given to the allocation for hospital expansion within the emerging plan.

The car park would be required for a temporary period of 3 years and site options for the car park are very limited at the current time. Given that the proposal is required on a temporary basis for a 3 year period with the topsoil to be stored so that it can be replaced after the 3 year operational period; it is considered that the impact on the Green Wedge would only be short term. Further to this, the actual works would be limited to hardsurfacing and the installation of lighting columns which would not have the same impact as new buildings with significantly more mass/ built form/ permanence etc. The proposal would also facilitate the delivery of a private hospital on the site of the existing car park which would be of some community and strategic benefit, would generate employment and would have operational benefits for staff working at each hospital which would provide some weight in support of the proposals.

On balance it is considered that the temporary nature of the use for a 3 year operational period, after which the land would be restored, would ensure that the Green Wedge is not permanently lost and the impact on the character of the area would be relatively short term. In addition, the benefits of retaining a private modern hospital within the County and the employment benefits created as a result of the proposal are significant material considerations and the proposed future land allocation should also be given limited weight. These factors are considered of sufficient weight to depart from the UDP policy in this instance.

Design/ Visual Impact/ Layout

In terms of layout, the proposed temporary car park would be laid out to provide 578 spaces with tarmac roads and hard surfaced (aggregate) parking bays along with associated lighting columns and CCTV. Whilst it is acknowledged above that the development would impact on the openness of the green wedge, the proposals are considered to be temporary in nature. In addition, there is no necessity for large-scale hedgerow removal; indeed, they are to be retained in their entirety, except where a small section has to be removed to permit pedestrian access from the car park to the proposed pedestrian crossing on Mynydd Gelliwastad Road. Another small section of hedgerow, between the two fields, would need to be removed temporarily, to allow access into the field in which the topsoil would be stored ready for restoration at the end of the operational period. This section of hedgerow would be reinstated immediately after topsoil movement.

The existing hedgerows would provide partial screening of the site when travelling along Mynydd Gelli Wastad Road (more so in summer) which would screen the site and cars to a degree. It is appreciated that the lighting columns and CCTV would be visible from surrounding areas, but given that these are a temporary incursion into the green belt, they are considered acceptable on a short term basis. The storage of topsoil to form a bund around the drainage attenuation area is not considered to have a significant impact on the character of the area.

It is therefore considered that the detailed design and layout of this proposal is acceptable, in terms of its impact on the character of the area due in the most part to its temporary nature. A condition requiring the land to be restored to its previous nature after the expiry of the temporary period would be attached to any grant of consent.

Neighbouring/ Residential Amenity

The proposed development would be located approximately 80 metres away from the dwellings located on Rhydypany Road, although they would be in closer proximity to the dwelling immediately adjoining the site to the south (this is in the ownership of the Hospital). Residents have raised concerns with regards to noise and light pollution from vehicles and the lighting within the car park (24 hours/7 days per week) and these concerns were originally shared by the Pollution Control Officer.

As a result, the applicant has requested that the car park be open between the hours of 7am and 10pm to enable it to be used by shift workers rather than the 8am start suggested by the Council. The Pollution Control Officer has not objected to the application provided that the car park hours / use and the operation of the lighting columns cease outside of these hours. A condition to this effect would be attached to any grant of consent. The proposal is therefore considered acceptable in terms of residential amenity.

Highway Safety/ Parking/ Public footpaths

Residents have stated that Felindre Park and Ride would provide an alternative to an increase in car parking, but the application submitted needs to be considered on its merits and parking is clearly an issue on site currently, as noted by the Highways Officer.

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Swansea Access for Everyone note that 35 bays within the existing car park would be altered to disabled parking spaces (which equates to 5%), however they advise that the SPG states that 6% of spaces should be allocated for disabled users and therefore the number should be increased to 42 spaces. The car parking area has been amended and the number of spaces has been reduced. 35 spaces within the existing car park (closer to the main entrance) would represent more than 6% provision and is therefore considered acceptable and a condition to this effect would be attached to any grant of consent.

Access into the car park would be taken at the existing roundabout, rather than creating an additional access further east along Mynydd Gelliwastad Road in order to enable easier access and ensure the proposal does not interfere with the existing A&E access. The approach to the roundabout from the west would be widened to allow vehicles to access the car park easily and to prevent queuing. The proposal also includes a pedestrian crossing of Mynydd Gelliwastad Road, positioned to correspond with the existing footway on the southern side of the road.

The Highways Officer has advised that a joint Transport Assessment was submitted in support of this application and the new hospital. The Officer originally requested technical revisions and infrastructure improvements, should the two planning applications go ahead concurrently. Following on from this, the Highways Officer is satisfied that the vehicular movement could be accommodated safely with the amendments as agreed (again all works required as mitigation measures at Heol Maes Eglwys / Hospital Access and Clasemont Road / Pant Lasau junctions would have to be undertaken under a section 278 agreement with the Highway Authority), in addition to the works required to the access roundabout itself. These would be required as part of this application as any approval of the new hospital (2016/0641) would be dependent on a replacement car park being provided prior to the commencement of development on that scheme.

In terms of car parking, the amended layout has resulted in a reduction in parking spaces within the temporary car park to 578 spaces (from 700 originally). The Officer has advised that the layout is appropriate and should allow for adequate access parking and servicing to take place without any highway safety issues. Parking demand for the private hospital is met within the curtilage of the site and hence there should not be any overspill resulting in an increase in parking elsewhere or in the temporary car park to the north.

The Officer concluded that the siting of the car park in association with the private hospital at this location is unlikely to result in any highway issues arising on the Strategic Highway Network, and it has been demonstrated that the two applications together can be accommodated without detriment to highway conditions.

However given that the car park is only for a temporary period of three years and is not a permanent replacement facility, the Officer advised they could not support the application in the absence of permanent replacement parking facilities. The Officer also raised concern that both car parks could be operational at the same time and the Transport Assessment was not based on this.

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The first concern was shared by Officers and whilst the applicant indicated that proposals are being considered for another multi-storey car park on site in the location of existing buildings that are proposed to be demolished, the construction of this car park is dependent upon Welsh Government funding as the concluding part of the Health Vision Swansea programme and, although ABMU are confident about the prospects for their business case, it is necessarily subject to Ministerial approval.

Notwithstanding this, ABMU are progressing plans for the demolition of old building stock and site clearance in the area on which the multi-storey car park is proposed to be located (and Prior Approval for these works has been granted) and have engaged consultants to prepare designs. They have advised that as a fall-back position, were the funding for the multi-storey car park not to be approved by the Minister, ABMU would provide a surface car park in the same location. This would be at much lower cost and could be implemented from ABMU's own resources without Welsh Government funding. The applicant has submitted indicative plans for both a surface car park and a multi-storey car park and it would appear that approximately 650 spaces could be provided in a surface car park alone. It should also be noted that it is in ABMU's own interest to ensure that adequate parking provision is provided on site. This latter option would entail demarcating the ground with the requisite spaces and would not require planning permission in its own right. This is also the secondary option and a multi-storey car park would provide more parking provision than a surface car park.

The Highways Officer subsequently provided further comments and has not objected subject to conditions requiring a replacement car park to be provided within the hospital grounds prior to the expiration of the temporary 3 year period for which consent is sought. In addition, a condition would be attached to ensure that the existing car park use ceases at the point that the temporary car park becomes operational to ensure that the traffic impact is as assessed within the Transport Assessment. Further conditions regarding the proposed mitigation measures at Heol Maes Eglwys / Hospital Access and Clasemont Road / Pant Lasau junctions and the access into the site itself would be attached as conditions to any consent.

It is therefore considered that conditions could be attached to any grant of consent to ensure that replacement parking is provided on this site on a temporary basis with advanced proposals in place for a longer term solution that could be secured by condition at the end of this period. The proposals are therefore considered acceptable in terms of access, highway safety and parking provision.

Ecology/ Trees

The site comprises two field parcels of semi-improved grassland which is identified as being of no greater than "local value" for wildlife and the field hedgerows are identified as being of "high local value". The proposed development does not affect the outbuilding at Cwrtnewydd, which is a bat roost. Topsoil to be removed would be stored in the adjacent field. A resident has stated that there would be a negative impact on flora and fauna. One resident has stated that there are a number of registered bee hives located on land near the boundary with the proposed car park that would be subject to disruption of flight paths and pollen source and collection.

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NRW do not object to the proposals but advise that the Council's Ecologist is best placed to comment on the ecological impact of the proposals. The Council's Ecologist has advised the field to be used as a temporary carpark appears to be of relatively low ecological value, the main area of interest are the surrounding hedges which are largely going to be retained. The field that is to be used for topsoil storage may have some value as it appears to be less intensively managed than the car park field and may contain ground nesting birds. This can be covered by a bird informative.

There would be a loss of habitats and wildlife value as a result of the development but this could be compensated for by growing a suitable wild flower meadow mix on the stored topsoil and a condition to this effect would be attached to any grant of consent. The attenuation pond would add a temporary new habitat to the field.

The ecological surveyor recorded bat activity along every hedgerow on the site and any lighting must take this into account. All bat species are deterred by lighting any higher than that found on a moonlit night and light spill onto the hedges surrounding the carpark should be avoided. Whilst the application was originally submitted with a lighting plan, the proposals have subsequently been amended which has resulted in the lighting plan being out of date. It is therefore considered appropriate to require details of the lighting plan to be submitted via condition.

The Landscape Assistant (Arboriculture) requested an arboricultural impact assessment given that the layout of the parking showed hard surfacing close to trees. The applicant subsequently submitted an assessment and amended the parking layout to reduce the number of spaces and the impact on trees located around the site. Whilst this has resulted in the reduction of parking provision on site, the amended layout would ensure minimum disruption on the adjacent trees and the Landscape Assistant has not objected on the basis of the revised plans providing a condition regarding tree protection measures to be submitted to and approved in writing by the Local Planning Authority.

Drainage/ Flooding

Residents have raised concerns with regards to the proposed development in terms of increased run off adjacent to their properties, that the proposed attenuation field floods regularly, that the earth bund would increase the risk for residents and residents state that the drainage ditch referred to does not exist. In addition, they indicate that Rhydypany Road in the vicinity of Llwynhelig and Dorglwyd Farm drive has a well-known history of flooding over a period in excess of 20 years and there is potential flood risk to the sewerage pumping station.

The submitted drainage strategy states that from the TAN 15 Development Advice Maps it can be seen that the entire site is within Flood Zone A, defined as being at little to no risk of fluvial or coastal/tidal flooding. The main issue to the site in relation to flood risk would be the potential increase to flood risk further downstream and to the existing residences to the north west of the site as a result in the increase in surface water runoff velocity and volume. In order to reduce the risk of flooding elsewhere, attenuation and controlled discharge would be required. As the field to the northeast of the intended car park is to be used as topsoil storage, it is proposed that the topsoil is used to create a bund at the low end of the field, allowing attenuation of the runoff, with controlled discharge to the existing drainage ditch at the field boundary.

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The car park would drain to a swale at the northern point of the field, which would discharge into the attenuation feature. The attenuation basin would then discharge via a swale into the existing ditch to the north of the site at a controlled rate. The basin would be able to store surface water runoff for events up to and including the 100 year event. Discharge from the attenuation feature would be via a flow control device such as a Hydrobrake or similar and would be limited to the Qbar greenfield runoff rate of 14.2l/s

The Drainage Officer has reviewed the submitted information as has no objections subject to conditions. Natural Resources Wales do not object to the application in terms of flood risk.

Other issues

Concerns over setting a precedent have been given limited weight as each application is determined on its merits. Similarly, concerns over devaluation of property have been given limited weight. There is no evidence of the proposals increasing litter/ anti- social behaviour and CCTV would be installed as part of the proposals to deter this. Whilst residents have commented that the temporary nature is a ruse to get a permanent permission, this consent would be of a temporary nature and a condition would be attached requiring the land to be restored. Finally, a resident has referred to an application for a helipad that was refused in 2004 (ref: 2004/1597) as it was considered to be unjustified. However, this proposal was materially different and was considered in a different policy context (and therefore not directly comparable), and each application needs to be considered on its own merits.

Concerns that the use of NHS land for a private health care facility cannot be seen to justify the expansion into the adjacent countryside have been addressed above and it should be noted that any consent would be temporary. Both ABMU and HMT Hospitals (the operator of Sancta Maria) agree that there is a strategic benefit in having the new Sancta Maria Hospital immediately adjacent to the existing Morriston Hospital. Being located adjacent to the health and research campus would allow a partnership to be seen in a different way to an independent hospital located at a distance; both by external and internal stakeholders including clinicians.

Conclusion

Whilst it is acknowledged that the proposal represents a departure from UDP Policy EV23, it is considered that there are exceptional circumstances in this instance, namely that the car park is only required for a temporary operational period of 3 years and would be restored at the end of that period, the impact of the proposals on the Green Wedge would be short term, the site is allocated for a hospital in the Deposit LDP and there are several benefits associated with having a private hospital located on site that would be enabled by this development. It is therefore concluded that the application should be approved subject to the following conditions.

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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 use hereby approved is for a temporary operational period of 3 years from the date of the first beneficial use of the car park hereby permitted commencing and shall cease after this period or following the first beneficial occupation of the replacement car park required by condition 8 of this consent, whichever is the sooner. Written confirmation of the date of the first beneficial use of the temporary car park shall be provided in writing to the Local Planning Authority no later than 1 calendar month after the date of the first beneficial use.
Reason: The proposal is only considered justified on a temporary basis to ensure the landscape impact of the development is only temporary.
- 3 The development shall be carried out in accordance with the following approved plans and documents: Application Site Plan (A071150 Fig3) received on 1st April 2016 and the General Arrangement (10072/01 Rev. B) and Proposed Typical Cross Section (10072/03 Rev. A) received on 1st August 2016.
Reason: To define the extent of the permission granted.
- 4 No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is being carried out.
Reason: To comply with the requirements of Section 71ZB (2) of the Town and Country Planning Act 1990 (as amended).
- 5 No development shall take place until the developer has notified the Local Planning Authority of the initiation of development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order.
Reason: To comply with the requirements of Section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).

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6 No later than 12 months from the first beneficial use of the temporary car park, the following schemes shall be submitted to and approved in writing by the Local Planning Authority:

(i) A scheme detailing the removal of all surface elements of the temporary car park and associated infrastructure

(ii) A scheme detailing the restoration and aftercare of the application site

(iii) A timetable for the completion of the works.

These schemes shall thereafter be implemented within 6 months of the date of the last beneficial use of the car park, and completed in accordance with the approved timetable for completion of works.

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

7 The existing car park located within the existing hospital grounds that comprises the application site for application reference 2016/0641 shall cease to be used for vehicle car parking permanently upon first beneficial use of the temporary car park hereby approved.

Reason: To ensure that the existing car park does not remain operational alongside the temporary car park as the Transport Assessment and application have been submitted on the basis of this being a replacement car park.

8 Prior to the expiration of the 3 year operational period of the temporary car park hereby approved, full details of a replacement car park for a minimum of 578 spaces located within the grounds of Morriston Hospital shall be submitted to and approved in writing by the Local Planning Authority. The replacement car park shall be completed in accordance with the approved details prior to the expiry of the temporary operational period hereby approved and brought into use on cessation of the use of the temporary car park hereby approved.

Reason: In the interests of highway safety to ensure that a suitable long term parking solution is in place before the expiration of this temporary consent.

9 Prior to the commencement of development, full engineering details of the new access into the temporary car park shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be implemented in accordance with approved details prior to the first beneficial use of the temporary car park hereby permitted.

Reason: In the interests of highway safety to ensure adequate access is provided into the site.

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- 10 Prior to the commencement of development, full engineering details of the junction improvements to the Pantlasau Road/ A48 Mini Roundabout (as indicated in the Transport Assessment Technical Note received on 19th July 2016) shall be submitted to and approved in writing by the Local Planning Authority. The junction improvements shall thereafter be implemented in accordance with the approved details prior to the first beneficial use of the temporary car park hereby permitted.
Reason: In the interests of highway safety to ensure the technical details of the access are acceptable.
- 11 Prior to the commencement of development, full engineering details of the junction improvements to the Heol Maes Eglwys/Hospital Access Road (as indicated in the Transport Assessment Technical Note received on 19th July 2016) shall be submitted to and approved in writing by the Local Planning Authority. The junction improvements shall thereafter be implemented in accordance with the approved details prior to the first beneficial use of the temporary car park hereby permitted.
Reason: In the interests of highway safety to ensure the technical details of the junction improvements are acceptable.
- 12 Notwithstanding the details submitted to date, no development shall commence until the developer has prepared a strategy 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 thereafter for the lifetime of the development.
Reason: In the interests of highway safety to ensure the technical details of the junction improvements are acceptable.
- 13 The development shall not discharge to the receiving watercourse at any rate greater than 14.2l/s.
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.
- 14 Prior to the commencement of development, full details of a wild flower mix to be planted on the stored topsoil, shall be submitted to and approved in writing by the Local Planning Authority. The approved wildflower mix shall be planted in the first available planting season following the storage of the topsoil.
Reason: To prevent increased runoff to the local watercourse network and increased flood risk.

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- 15 Prior to the commencement of development, and notwithstanding the details submitted to date, full details of the design and location of the lighting columns and their lightspill shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure adequate ecological mitigation is provided for the proposals.

- 16 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence on site until a Tree Protection Plan, in accordance with BS5837:2012 Trees in relation to design, demolition and construction-Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the specification and positioning of temporary tree protective fencing and ground protection where required. The approved tree protection shall be erected prior to any site activity commencing and maintained for the duration of the construction process. No development or other operations shall take place other than in complete accordance with the Tree Protection Plan.

Reason: In the interests of residential amenity and to ensure the lighting does not impact on bats.

- 17 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.

Reason: To ensure any unforeseen contamination is remediated in an appropriate manner.

- 18 The temporary car park hereby permitted shall not be used for the parking of vehicles before 07.00am nor after 10.00pm on any day and all site lighting shall be turned off outside of these hours.

Reason: In the interests of residential amenity to ensure there is no noise / disturbance outside of the permitted hours.

- 19 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 work on site.

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

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- 20 Prior to the first beneficial occupation of the development hereby permitted, 35 disabled persons car parking spaces, with minimum dimensions of 3.6m by 6 metres, shall be clearly marked out within the existing car park on site in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for the parking of disabled persons.

Reason: To ensure adequate parking provision is maintained for disabled persons in an appropriate location.

- 21 Within 28 days of the completion of the topsoil relocation and attenuation pond works in the northern field, the hedgerow that has been removed to allow access to this field shall be fully reinstated.

Reason: To ensure the hedgerow is reinstated in a timely manner.

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, EV22, EV23, EV34, EV35, EV40 and AS6.

- 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).

- 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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ITEM 2 (CONT'D)

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- 4 The Highways Officer has advised that the junction improvements included within the Transport Assessment Technical Note would be subject to a S278 agreement within the Highway Authority.

The Officer has also advised that 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.

The Developer must contact the Highway Management Group, The City and County of Swansea, The Guildhall, Swansea SA1 4PE before carrying out any work. Please contact the Senior Engineer (Development), e-mails to mark.jones@swansea.gov.uk, tel. no. 01792 636091.

- 5 The applicant is advised to consider the comments of Natural Resources Wales which are included in full in the Officer's Report.
- 6 Please be aware that the City and County of Swansea is now the Lead Local Flood Authority and that any works to the adjacent watercourses may require our prior written consent under the Land Drainage Act 1991 (as amended), irrespective of any other permissions given. We welcome early engagement with us to avoid any issues within the design process.
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PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3

APPLICATION NO.

2016/0641

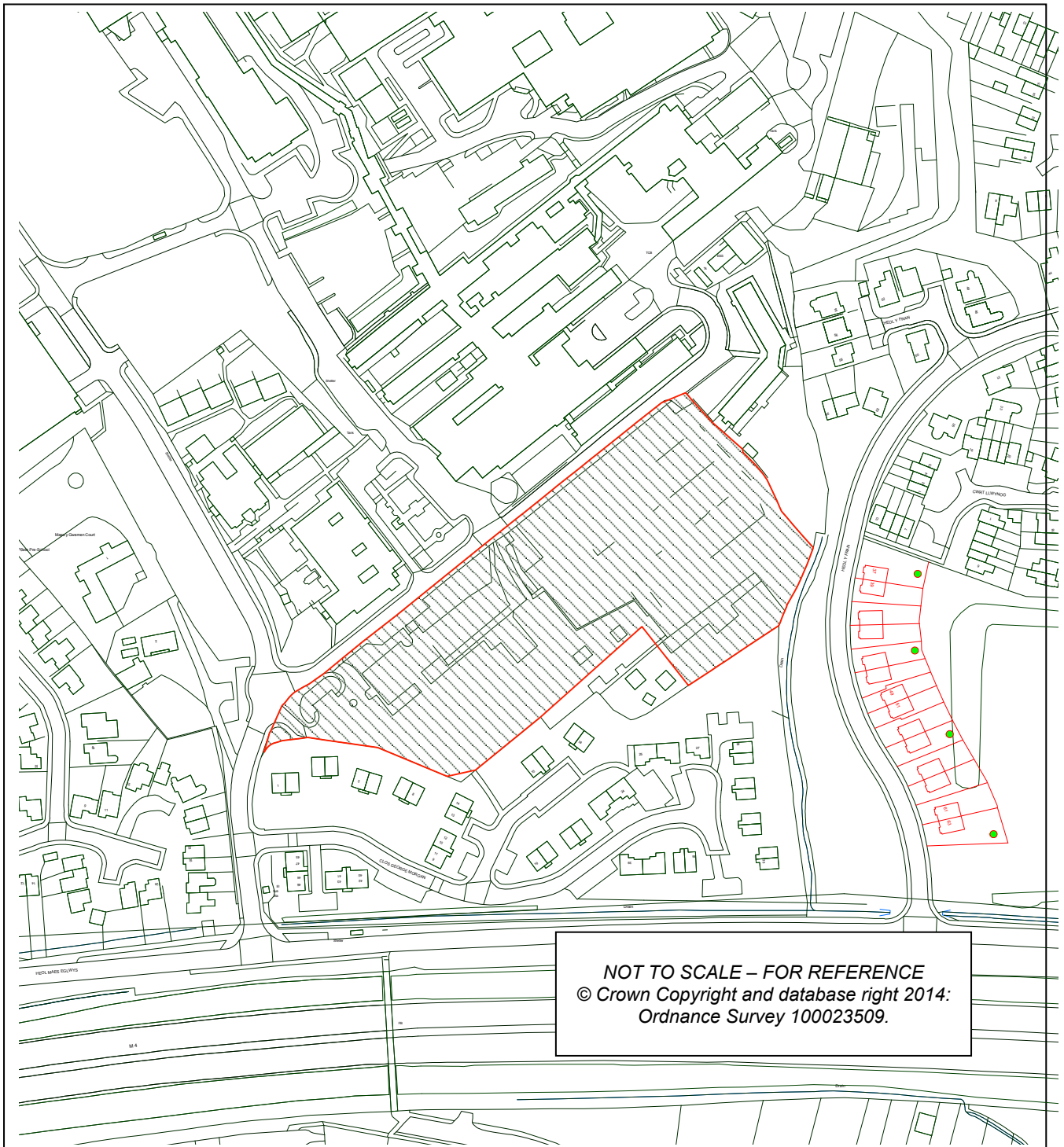
WARD:

Morrison

Location: Morrison Hospital Swansea NHS Trust Heol Maes Eglwys
Cwmrhydyceirw Swansea SA6 6NL

Proposal: Two/three storey private hospital with associated landscaping, roads
and car parking (outline)

Applicant: Healthcare Management Trust



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ITEM 3 (CONT'D)

APPLICATION NO.

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BACKGROUND INFORMATION

POLICIES

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

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- 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 AS1 Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS2 Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS5 Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS6 Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

- | App No. | Proposal |
|----------------|--|
| 99/6048 | ERECTION OF TWO NON ILLUMINATED FREESTANDING SIGNS
Decision: *HGCC - GRANT CONSENT WITH CONDITIONS
Decision Date: 02/07/1999 |
| A00/1768 | CONVERSION OF EXISTING BARNs TO HOLIDAY COTTAGE
Decision: *HGPC - GRANT PERMISSION CONDITIONAL
Decision Date: 20/02/2001 |
| A01/6003 | ERECTION OF 14 TARIFF BOARD SIGNS AND 8 DIRECTIONAL SIGNS
Decision: *HGCC - GRANT CONSENT WITH CONDITIONS
Decision Date: 16/02/2001 |
| 2001/0634 | Redevelopment of existing medical staff accommodation to provide three, 2 storey blocks and 5, 3 storey blocks comprising 240 bedrooms to provide new accommodation for medical staff (Outline)
Decision: Grant Permission Conditional
Decision Date: 07/08/2001 |
| 2002/0116 | Construction of dedicated bus link to Morriston Hospital
Decision: Withdrawn
Decision Date: 27/05/2002 |

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2002/1193	Demolition of existing nurses quarters and construction of part two storey, part three storey 73 bed key workers accommodation block, enclosed rear paved area, landscaping and 60 space car park. Decision: Grant Permission Conditional Decision Date: 08/07/2003	
2003/0844	Demolition of existing nurses quarters and construction of detached single storey building to provide creche facilities, provision of 3 drop off parking spaces, erection of means of enclosure and associated landscaping works. Decision: Grant Permission Conditional Decision Date: 24/07/2003	
2008/1495	Construction of new multi storey car park (maximum 4 levels) and surface car park (providing a total of 1305 spaces), incorporating an elevated helipad and new junction on Gelliwastad Road with new internal access road and associated infrastructure and landscaping works Decision: Grant Permission Conditional Decision Date: 18/12/2008	
2016/0851	Demolition of 26 buildings (application for Prior Notification of Demolition) Decision: Prior Approval Is Not Required Decision Date: 23/05/2016	

Background

This application is being reported to Planning Committee as the application meets the development threshold.

Planning permission was granted for a two/ three storey private hospital at Plot 8 Felindre Strategic Business Park in May 2015 (ref: 2015/0308). The private hospital was intended for Sancta Maria, along with associated car parking and landscaping. The hospital would have been operated by the Healthcare Management Trust.

However, Sancta Maria has subsequently been in discussion with the Abertawe Bro Morgannwg University Health Trust about the possibility of locating the private hospital within the grounds of Morriston Hospital and has decided that this would be the preferred location for strategic reasons.

HMT Hospitals (operator of the Sancta Maria Hospital) and ABMU have considered for some time that there is a strategic benefit in having the new Sancta Maria Hospital immediately adjacent to the existing Morriston Hospital. Being located adjacent to the health and research campus would allow a partnership to be seen in a different way to an independent hospital located at a distance; both by external and internal stakeholders including clinicians.

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Co-locating the hospital on the Morriston site would allow ABMU NHS medical staff to be on site to deal with emergencies of both their NHS and private patients. Being located within the campus, directly adjacent to Morriston Hospital, would also allow Sancta Maria to undertake more complex procedures due to the close proximity of ITU facilities and supporting care. There is also the opportunity for Sancta Maria to commission work directly with Morriston Hospital for procedures which require specialist or critical care provision: for example, paediatrics and cardiac surgery. In addition, through partnership, ABMU would also be able to rely on additional elective capacity on the Morriston Hospital site within its service plans and strengthen delivery across a range of specialties. This would improve service to local patients in terms of access to plan care.

The site has previously been used as staff car parking facilities by Morriston Hospital and accommodates approximately 500 spaces. A single storey existing building has been previously demolished and removed from site. ABMU intend to replace this car parking provision as part of the current redevelopment of the Morriston Hospital site. A temporary car park is proposed in the short term, the application for which is being considered elsewhere on this agenda (Application 2016/0627 refers).

The application site has an area of approximately 1.59ha. A Screening Opinion was carried out in accordance with Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

Neighbour comments:

The development was advertised on site with a site notice at the entrance to the adjacent residential close (Clos George Morgan), and the application was also advertised in the Press on the 18th April 2016. 12 residents in Clos George Morgan were also consulted individually.

No neighbour comments have been received to date.

Consultations:

Urban Design:

“The design of the hospital building is mostly as per the previous scheme for this development at the Felindre Business Park (application ref: 2015/0308). This previous design went through a detailed process of negotiation and was considered acceptable. However the current design proposals differ from the negotiated scheme in some areas which include:

- The brise soleil on the proposed north (previously west) elevation now only covers the first floor windows rather than half of the elevation as previously shown.
- In addition to this some high level ground floor windows have been lost on this elevation also.
- A coloured window has been omitted from the first floor of the south (previously east) elevation resulting in a pair of windows (one 2 pane, one single pane) rather than the previous single window comprising of row of 4 abutting panes.

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- The ground floor window adjacent to the entrance canopy on the west (previously south) elevation has been altered to a 3 pane window instead of the previous 4 pane window.

The changes to the brise soleil are acceptable however the remaining alterations should be amended to reflect the previous scheme and in particular the ground floor window adjacent to the entrance canopy which was agreed through negotiation in order to provide greater legibility to the entrance as well as to break up the mass of the cladding in this location.

There is an existing housing development to the south of the site. The proposed 2 storey building lies on slightly higher ground than the existing dwellings in this location, however there appears to be a screen of non-deciduous planting between these and the proposed development. The case officer should therefore make an assessment as to the potential for overlooking and other amenity issues which may arise from this development.

There is a service area to the north side of the hospital abutting the road. Given the visibility of this service area it should be adequately screened with a robust treatment of appropriate quality. A suitable wall and/or a low maintenance living fence treatment would be considered appropriate. Close boarded or other types of timber fencing will not be considered acceptable.

There are concerns regarding the loss of the existing surface car park in order to facilitate this development. Parking at Morriston Hospital is in high demand with both the existing surface car park and multi-storey car park being full most of the time resulting in indiscriminate parking in many areas of these. The loss of the existing surface level car park is therefore a major consideration of the scheme and this should be addressed by colleagues in Highways.”

Highways:

“Two/three storey private hospital with associated landscaping, roads and car parking (outline)

1. Introduction

The proposed site forms part of the existing Morriston Hospital site and is currently used as a car park serving approximately 500 vehicles. This planning application is submitted in conjunction with a temporary replacement car parking area situated to the north of the existing hospital off Mynydd Gelli Wastad Road, providing circa 700 spaces (planning application 2016/0627) for a three year period. The intention is that within that three year period a replacement multi storey car park would be built out, and the temporary car park would be reinstated back to its current situation. A replacement for the current hospital in Uplands has already been consented in Felindre Business Park Strategic but is no longer being sited there. The site currently operates out of an existing site in a residential area in Ffyonne in Uplands with extremely limited parking facilities and on street parking issues.

This application is supported by a Transport Assessment (produced by White Young Green) the findings of which are summarised below.

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2. Transport Assessment

2.1 Existing Situation

The site of Morriston Hospital is currently accessed off two access points, off Mynydd Gelli Wastad (northern entrance) and off Heol Maes Eglwys (to the south).

A surface level car park (for approx. 500 vehicles) exists south of the Hospital building and this site is where the proposed private hospital to be located. There are 2,267 car parking spaces currently at the site but the site suffers from severe parking problems such as illegal parking and inappropriate parking. The multi storey car park that was constructed was supposed to provide a one stop solution for all the parking at the hospital site but this has not proved to be the case.

The site of the proposed temporary car park is currently a grassed field.

2.2 Proposed works

The planning application for this development is read in conjunction with that for the temporary car park and a joint TA (March 2016) has been submitted for both. The content of the document was agreed with CCS Highways officers and included four junctions in the vicinity.

Access to the private hospital is via the existing mini roundabout serving the car park located on the spine road that passes through the hospital site. The trip generation shows that there are less trips associated with the proposed hospital than with the current car park, on that particular roundabout.

The temporary car park is proposed to be accessed off the existing four arm roundabout of Mynydd Gelli Wastad Road/hospital access. The proposed access arm is already in existence but will require a significant upgrade in order to facilitate safe access to the proposed 700 space car park. This arm will continue to a new mini roundabout (50m) which will provide direct access to the car parking spaces and the circulation space. The set back of the mini roundabout will also help to minimize queuing onto the adjacent highway and allow for 'u' turns if the car park is full.

2.3 Trip rates/trip generation

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

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This proposed site is more sustainably located, particularly in terms of public transport provision/frequency plus with the consultants being based at Morriston then there is no need for car travel between the two sites.

The TA showed that due to the private hospital there would be 120 movements into the site on the morning peak and 73 going out, a total of 193. In the pm peak the figures are 72 into and 119 out of the plot making 191 movements in total. The daily flows are 494 to the site and 494 from the site making 988 in total. These movements are based on the conclusion that 89% of staff will travel to the site by car, this is likely to be reduced at the Morriston site due to it being more accessible by alternative means than a car.

2.4 Modelling/Conclusions

The junctions were modelled and analysed and the results presented. Whilst the document suggested that the development would not have an unacceptable impact the tabulated results showed otherwise. There were also queries regarding the methodology of some of the modelling/testing. Highways went back to the transport consultant and requested amendments as per the following comments:

Heol Maes Eglwys / Southern Hospital Access

The existing junction is assessed to be slightly over capacity during the morning peak on Heol Maes Eglwys (E), and slightly below capacity on the Hospital Access during the PM peak.

The addition of development flows increases the RFC [Ratio of Flow to Capacity] to 1.11 on Heol Maes Eglwys AM and 1.04 on the Hospital Exit PM. Of more concern is the queue length and delay on these arms which is expected to double on Heol Maes Eglwys in the morning queue 26 to 50 pcu, and average delay from 122 secs to 215 secs. The Hospital Exit during the PM, is expected to increase by 75%, queues up from 15 pcu to 25, and delay from 95 secs to 137secs.

Clasemont Road / Pant Lasau Road

This has been modelled as a 3 arm mini roundabout, the junction is approaching capacity on all legs in the existing scenario, and slightly over capacity for the 2019 +dev.

As with the Southern Access the effect on queues and delay is of much more concern, tripling the length of the Pant Lasau queue and increasing delay from 76 to 167 seconds.

I am however not convinced the model of this junction is accurate, the junction uses part time indirect signalling during the evening peak to hold Pant Lasau which would otherwise take priority over the A48.

I would prefer that the Arcady slopes and intercepts are used in a Linsig model of the traffic signals to give a more realistic result. I would expect queues on Pant Lasau to increase further.

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2.5. Revised modelling/infrastructure improvements

The transport consultant revised his document and included new infrastructure improvements at two of the key junctions to mitigate for the additional traffic and resulting queues. He issued a technical advice note as an addendum to the original submitted document.

In summary the comments are:

WYG have submitted a revised technical note detailing potential mitigation measures at Heol Maes Eglwys / Hospital Access and Clasemont Road / Pant Lasau junctions.

Heol Maes Eglwys / Southern Hospital Access

It has been proposed that a ghost island right turn lane is provided at the junction, in conjunction with some limited widening of the hospital access itself. Increasing the size of the flare gives the opportunity for 2 vehicles to wait and exit at the same time.

The Picady analysis has been rerun and shows a maximum RFC [Ratio of Flow to Capacity] in the AM peak of 0.91 and 0.92 in the PM this offers an improvement over the existing both in terms of queues and delay.

Clasemont Road / Pant Lasau Road

This analysis has been carried out using Linsig, which is industry standard software for modelling isolated signal junctions. This is due to the indirect signalling operated on the junction during the PM peak. The Linsig model has been validated against existing queues and forms a fair representation of on street conditions.

Linsig shows that the junction operates at capacity during the PM peak, and the redistribution of traffic due to the car park location changing will result in the A48 Clasemont Road and Pant Lasau Road operating above 90% of theoretical capacity during the PM peak.

The proposed mitigation measures include widening of the entries at Pant Lasau Road and A48 (Clasemont Road) to provide a 2 lane entry to the roundabout, this can be achieved within the existing highway boundary.

The improved junction geometry results in reduction in delay and saturation on Pant Lasau Road and Clasemont Road, although the DoS for Clasemont Rd (From j46) does increase slightly 41% - 44%, but this approach remains well within capacity.

The junction as a whole performs substantially better than the existing with reserve capacity (spare capacity remaining in the junction) increasing from -2.7% to +34.2%

2.6 Modelling Conclusions

The revised traffic models accurately reflect the junctions concerned and the proposed mitigation measures will allow for the development to proceed without affecting the surrounding network.

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The measures discussed above will offer an improvement over existing operation, including for future year, and development flows. The mitigation appears to be deliverable within the existing highway boundary. In summary the infrastructure improvements relate to the mini roundabout access at Pant Lasau Road with the A48. (See Appendix A of Technical Note: Proposed Junction improvements) and the priority 'T' junction at Heol Maes Eglwys/Hospital access road (see Appendix B Technical Note: Proposed Junction improvements).

3. Parking

The parking is being provided in accordance with The City and County of Swansea Parking SPG for a zone 5/6 Hospital. There are 104 spaces being provided which is comparable to the previously consented scheme at Felindre.

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

Parking demand for the private hospital is met within the curtilage of the site and hence there should not be any overspill resulting in an increase in parking elsewhere or in the temporary car park to the north.

Cycle parking has been shown as being provided to the rear of the site which would be suitable for staff, the exact details aren't clear and the details could be secured by condition if required.

The parking that has been displaced is being relocated under a temporary consent (for three years) to a site north of the existing hospital. The capacity is intended to cater for the loss of the site as a result of the new private hospital coming, plus an additional 200 spaces to fulfil a currently unmet need.

4. Travel Plan

There is an approved travel plan for Morriston Hospital and a condition was added to the Felindre hospital relating to a travel plan for that specific use.

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

The site is well served by public transport provision.

5. Conclusions

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

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With the revisions undertaken to the TA together with the junction improvements as referenced in section 2.6 above then the applicant has demonstrated that the development can be accommodated without detriment to highway conditions.

However given the long standing issue of the lack of permanent replacement facilities for the loss of the existing car park then I am not in a position to support the application.

I understand that a meeting has taken place to discuss this fundamental flaw and that a revised plan may be submitted detailing the potential site for a permanent car park within the site boundary. This plan is not before me now

6. Recommendations

Whilst the private hospital and its trips can be accommodated subject to a number of conditions the lack of appropriate permanent parking facility means that the application cannot be supported.

I recommend that the application be refused as the permanent loss of the car park arising from the siting of the new private hospital is not adequately being catered for elsewhere. Whilst a temporary car park has been submitted to provide replacement facilities it is only short term and as such does not provide an appropriate parking facility for long term future usage.”

Highways (Updated comments following receipt of further information in relation to long term parking):

No objections subject to conditions requiring the temporary car park proposed as part of application 2016/0627 to be provided prior to the commencement of development on this site.

Drainage:

“We have reviewed the updated strategy ref 70008454-DS-001- Rev 2 and recommend that the following is appended to any permission given.

Condition

1. No development shall commence until the developer has prepared a strategy 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.

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Informatives.

Please be aware that the City and County of Swansea is now the Lead Local Flood Authority and that any works to the adjacent watercourses may require our prior written consent under the Land Drainage Act 1991 (as amended), irrespective of any other permissions given. We welcome early engagement with us to avoid any issues within the design process.”

Ecology:

“The site has been subject to an ecological assessment dated March 2016. It was noted in this report that the majority of the site is of hardstanding, which is of low ecological interest, this will not present a constraint to the development. There are a number of individual trees, areas of woodland on the site which are of ecological value.

The trees on the site should be retained. The band of trees to the south of the site provides a wildlife corridor this should remain intact. There will be landscape planting areas on the site; these will help compensate for any loss of trees and could enhance the ecology of the site. Landscape planting should consist of native species preferably of local provenance.

A number of trees on the site (see target notes 11, 16, 25, 26, 27, 28 and 34) are described as having bat potential, if any of these trees are to be felled or have tree work carried out on them, they will require a full bat survey. If these trees are to be affected please could we add a condition requiring that they are surveyed and the results submitted to us for our comment prior to any work starting.

There are a few small building on the site (see target notes 20, 21 and 22) if these are affected a bat survey will be needed. If the buildings are to be affected please could we add a condition requiring that they are surveyed and the results submitted to us for our comment prior to any work starting.

It is likely that the trees on the site will be used by foraging and commuting bats, they should remain unlit. Please could we ask for a lighting plan to be submitted to us for our approval. The recommendations for ecological mitigation are detailed in section 6 of the ecological report.

Please include the informative below

BIRDS

Birds may be present. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to: -

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest is 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”

Landscape Assistant (Arboriculture):

“Recommendation: Acceptable subject to condition

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Condition 1

No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence until a scheme for tree protection has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place other than in complete accordance with the approved tree protection scheme, unless otherwise agreed in writing by the Local Planning Authority. The tree protection scheme shall include the following information:

(a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established for retained trees. Where applicable, two lines shall be shown demonstrating the lines of temporary tree protective fencing during the demolition phase and during the construction phase.

(b) The specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;

(c) Details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;

(d) Details of any levels changes within or adjacent to protection zones;

(e) Details of the surface treatment to be applied within protection zones, including a full specification and method statement;

(f) The routing of overhead and underground services and the location of any wayleaves along with provisions for reducing their impact on trees to an acceptable level;

(g) A specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme;

(h) Provision for the prevention of soil compaction within planting areas;

(i) Provision for the prevention of damage to trees from soft landscape operations including details of the application of any herbicides;

(j) Provision for briefing construction personnel on compliance with the plan;

(k) Provision for signage of protection zones and precautionary areas;

(l) Details of contractor access during any demolition or building operations including haulage routes where soil is to be removed.

(m) A tree protection mitigation plan detailing emergency tree protection and remediation measures which shall be implemented in the event that the tree protection measures are contravened.

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(n) Details of the recommended arboricultural supervision / watching brief.

REASON: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.

Comments:

The loss of some of the internal trees is unavoidable and will not have a significant impact on the surrounding area. The changes to the layout have reduced the unnecessary impacts on the retained trees.

Construction activity is the most likely cause of damage to the retained trees and this can be adequately controlled by means of a suitable condition.

In the event of the proposals being approved could you please condition the above to ensure the important trees are afforded suitable protection?"

Pollution Control:

"Information held by Pollution Control does not indicate the former presence of any historic contaminative activity on the site prior to the development of Morriston Hospital.

The Report references certain records of onsite contamination from an Envirocheck report [see 5.6 below]

In all cases, bar Chromium fall below the Category 4 [Cat 4] screening levels, and in the case of Nickel the Soil Guideline Value, guidance levels for both Commercial and Residential end use.

The value for Chromium I assume is Total Chromium and it can be considered with a reasonable degree of confidence that the concentration of Chromium VI, on which the Cat 4 guidance level is based, will be acceptable. However further sampling should confirm this [see comments relating to the Report recommendations].

5.6 SOIL CHEMISTRY

The Envirocheck Report holds two records for measured on site soil geo-chemistry levels on site and are as follows:

- Arsenic - 25 to 35mg/kg
- Cadmium - <1.8mg/kg
- Chromium - 60 – 90mg/kg
- Lead - <150mg/kg
- Nickel - 30 – 45mg/kg

Section 8.1 GEOTECHNICAL HAZARD ASSESSMENT states "it is considered likely that compressible PEAT deposits may underlie the proposed development site.....Ground investigation works would be required to identify the presence of any PEAT deposits on site." This may have implications for the potential generation of ground gases and should be the subject of further investigation. This is addressed in the paragraph "Implications for Redevelopment".

Section 9 contains specific conclusions and recommendations based on the findings of a site walkover and desk based assessment.

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Section 9.1 ENVIRONMENTAL RISKS AND CONSTRAINTS states: Other potential sources of contamination identified include, Made Ground / demolition rubble associated with the historical structures, ground gases associated with Made Ground and natural peat and coal measures and limited hydrocarbons associated with the sites use as a car park. There is also potential for off-site contamination sources to be a risk, these include Made Ground in the wider area, the adjacent hospital site (and activities) and potential for underground storage tanks to the north of the site. Potential receptors include future site users, off site human health receptors, controlled waters and buried concrete.

Section 9.3 contains the following RECOMMENDATIONS

It is recommended that an intrusive targeted combined geotechnical and geo-environmental ground investigation is undertaken for the proposed development site in order to quantify plausible contamination linkages identified; and reduce any potential geotechnical risks to an acceptable level. Intrusive ground investigation works are recommended to comprise undertaking boreholes and trial pitting works to obtain information regarding ground conditions and soil / water chemistry and geotechnical properties for foundation and pavement design. Boreholes underlying the proposed development footprint are recommended to investigate the presence of mine workings which could impact the development site. Ground gas and groundwater monitoring installations would be required for the development site for future monitoring. The use of non-intrusive geophysical investigation techniques could be used to identify buried concrete obstructions. It is recommended that an UXO desk study report is obtained for the site by the ground investigation sub-contractor prior to undertaking the intrusive works.

Findings from the ground investigation works would be required to be presented in a combined geotechnical and geo-environmental Ground Investigation Report (GIR) and Geotechnical Design Report (GDR) to assist with foundation design, earthworks, pavement design and remediation of any potential mining related issues identified during the ground investigation. Findings from the ground investigation should also enable an assessment of the ground, ground gas and groundwater conditions with respect to identifying the presence and extent of contamination (if any) at the site. A generic quantitative risk assessment (GQRA) should be completed as part of the preliminary investigation and assessment, Further ground investigation, assessment and development of strategies for undertaking remediation may be required if a significant risk is considered to exist to identified receptors from contamination sources. In the event that Made Ground / demolition rubble is to be removed from site (i.e. not reused within the development), then the material would require appropriate material classification to enable off-site disposal. In advance of any redevelopment or demolition of the structures on site, a pre-demolition survey by a suitably qualified asbestos specialist will also need to be undertaken to establish the presence and volume of ACMs on-site (e.g. within the building fabric) with due regards to the guidance contained in Control of Asbestos Regulations 2012.

The information provided in the Report meets the requirements of Site Characterisation and a Phase 1 Desk Study and goes some way to providing the information required for a Phase 2 Detailed Investigation. However, it is clear that further work is both recommended and required. To this end the Report recommendations should be adopted by the applicant in order to provide a comprehensive overview of site conditions enabling the completion of a Phase 2: Detailed Investigation leading to a Phase 3: Remediation Strategy Options Appraisal and Phase 3: Validation/verification Report where these prove to necessary. [see condition below].

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Additional conditions in respect of imported materials, plus other appropriate conditions, should also be applied.

Condition

Land Contamination

Site Characterisation

This requirement is complied with – see WSP Parsons Brinckerhoff, REPORT NO 70008454

MORRISTON HOSPITAL, SWANSEA, GEO-ENVIRONMENTAL AND GEOTECHNICAL PRELIMINARY RISK ASSESSMENT REPORT

Phase 1 report: Desk Top Study

This requirement is complied with – see WSP Parsons Brinckerhoff, REPORT NO 70008454

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The following parts of this condition remain extant:

Phase 2: Detailed Investigation

This shall:

- Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater.

Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Natural Resources Wales in order to agree any further investigations required.

In the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority, viz:

Phase 3: Remediation Strategy Options Appraisal

This shall:

- Indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

Phase 3: Validation/verification Report

- On completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

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

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Condition

- Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

All building services plant noise shall be designed to achieve a rating level (dBLArTr), , that does not exceed the representative night time background sound pressure level (LA90,15min) in accordance with BS 4142:2014. Methods for rating and assessing industrial and commercial sound.

Reason: - To protect the existing, neighbouring uses against noise from building services plant.

Condition

- The use hereby permitted shall not commence until a scheme, which specifies the provisions to be made for any condensing units relating to refrigeration and freezing of products has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied.

Reason: - To protect the existing, neighbouring uses against noise from such units.

Condition

- The use hereby permitted shall not commence until a scheme of ventilation and fume extraction, including full details of the equipment to be installed for that purpose, including its location, has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully installed prior to its use being commenced.

Reason: - To protect the existing, neighbouring uses against noise from noise emanating from such units.

Informatives regarding construction noise, smoke/ burning of materials, dust control and lighting should be attached to any grant of consent.”

Natural Resources Wales:

“We have concerns in relation the proposed development and recommend that planning permission should only be given if the conditions outlined in this letter are attached to any planning permission your Authority are minded to grant.

Protected Species

We welcome the submission of the document entitled; ‘Sancta Maria Hospital Re-Location, Morriston: Ecological Appraisal and Summary of BREEAM Ecology Credits’, dated March 2016 by Soltysbrewster Ecology. In addition, we note the provision of the document entitled; ‘Tree Survey, Categorisation & Constraints Report’, dated 10 March 2016, by Steve Ambler and Sons tree Specialists Ltd.

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We note from the ecology report that several of the trees have been identified as having medium bat roost potential and that one Turkey Oak was identified as high bat roost potential.

Drawing 1412_SMH_ALL_ATP_103: 'Proposed Site Plan', dated 21/03/2016, indicates that the three brick buildings, which have been assessed as medium potential for bats will be retained on site in their current state. However, based on this the above plan we also note that some of the trees identified as having bat potential, will not be retained.

Based to the information provided, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

However, we recommend that an assessment/survey of any trees which may be affected by the proposals, shall be carried out prior to work commencing. If any bat roosts are found then work must stop immediately, and NRW contacted for further advice.

We welcome the recommendations in Section 6.4 of the ecological appraisal that further bat surveys are carried out on trees which are proposed to be lost and that have the potential to support roosting bats.

We also advise that trees are surveyed and assessed in accordance with 'Bat Surveys for Professional Ecologists; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016, and that the results used to inform the planning application. We recommend you seek the advice of your Authority's Planning Ecologist to determine the surveys required to inform the planning application.

If any survey undertaken finds that bats are present at the site and you require further advice, then please feel free to contact us again.

To conclude, we do not object to the proposal, subject to:

- The proposal being implemented in accordance with the recommendations described in the Section 6.2, 6.3 and 6.4 of the Ecological Appraisal, which make provision for maintaining connectivity and appropriate lighting through the site. These shall be secured through appropriate planning conditions.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- ii. There is no satisfactory alternative and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

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Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.”

Dwr Cymru Welsh Water:

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

Glamorgan Gwent Archaeology Trust:

Have been consulted on this application but no response has been received to date.

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.”

Police Designing Out Crime Officer:

Have been consulted on this application but no response has been received to date.

Site Location

The application site comprises an area of land within the curtilage of Morriston Hospital, located in the south eastern corner of the site. The site was previously associated with Morriston Hospital but previous buildings have now been removed. The area in question is now used primarily for car parking, with some residual structures remaining in place. The site slopes down from north to south (a fall of approximately 5.5 – 6.5 metres) and comprises hard surfacing with several mature trees interspersed within the site. The site is enclosed on the southern boundary with mature landscaping which partially screens the hospital when viewed from the south.

The site contains good transport connections to the M4 Junction 46 (approximately 1.5 miles away) via Heol Maes Eglwys and Pant Lasau Road. The site is linked by existing public transport network with bus stops located on Heol Maes Eglwys and at Morriston Hospital, both within a 2 minute walking distance. Existing road and pedestrian footpath connections offer close connection to the nearby areas of Cwmrhydyceirw, Ynysforgan and Morriston.

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Description of Development

Outline planning permission is sought for the construction of a new private hospital (C2 use class) for Sancta Maria with access, scale and layout to be considered at this stage.

The building would have a footprint of approximately 1,720 square metres, along with associated car parking and landscaping. The hospital would be operated by the Healthcare Management Trust.

The site layout has been amended to reduce the impact of the proposals on trees located in the eastern portion of the site.

The building itself would measure 87 metres in length by 31.5 metres in depth to a maximum height of 13 metres and would be oriented in a north east - south west orientation. The indicative plans show that the building would comprise of two distinct elements, with the entrance, theatre, offices, meeting rooms, plant/ equipment and operational rooms located in the northern section which is three storey in nature (albeit that the third storey is set back from the front, rear and side elevations) and a two storey southern patient wing which would house the outpatient consulting rooms at ground floor and the inpatient bedrooms at first floor (18 bedrooms). The indicative plans show that the building would have a flat roof. A plant room would be located at second floor level of the operational building.

The proposed amended site layout indicates a new access/ egress where the existing car park egress is in the south western corner of the site. The access road would run along the southern boundary to a car park for 99 cars on the north eastern edge. A drop off bay and 6 disabled people's spaces would be provided in close proximity to the entrance to the building along with space for a mobile CT scanner. A service access would be created in the north eastern corner of the site which would lead to a service area at the side of the building with a link to the main car park (with bollards).

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

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

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

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

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

The application has been submitted along with an Ecological Assessment, Transport Statement (which includes an assessment for this proposal and the temporary car park), Tree Survey and Constraints Plan, Drainage Strategy and a Geo-Environmental and Geotechnical Preliminary Risk Assessment.

The Design and Access Statement states that the positioning of the hospital in close proximity to Morriston Hospital promotes long term business viability and consolidation of use within the area. The proposed hospital facility would complement the surrounding context of Morriston Hospital and act as infill development making efficient use of the land.

There are 102 staff permanently employed by the hospital along with 59 'bank' staff. In addition to hospital staff, there are 15 consultants on site at any one time. The total number of staff employed at the hospital, therefore, would be 176.

In terms of the site's development potential, the large area of hard standing was of little ecological interest and represented the most suitable areas to support development. The standard trees, treelines and boundary woodland were identified as being of local ecological interest to wildlife and should be retained where possible. The proposed development layout indicates that some trees considered to be of medium bat roosting potential are likely to be lost as part of the development and as such further bat activity surveys would be required at an appropriate time of year to inform any requirement (if any) for a European Protected Species licence; mitigation and sensitive design of site lighting. The woodland corridor and treelines onsite are also likely to be used as foraging and commuting habitat and corridors for local bats. On this basis, the design of street lighting should limit any increased illumination of retained boundary.

APPRAISAL

Outline planning permission is sought for the construction of a new private hospital (C2 use class) for Sancta Maria with access, scale and layout to be considered at this stage. The building would have a footprint of approximately 1,720 square metres, along with associated car parking and landscaping.

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The site is located within the Urban Boundary as identified within the City and County of Swansea Unitary Development Plan. The site is located within the grounds of Morriston Hospital and is identified as white land (i.e. no specific allocation) within the Development Plan. The site is considered to meet the definition of previously developed land outlined in Planning Policy Wales (8th Edition). Policy EV2 of the Adopted UDP states that new development should give preference to the use of previously developed land.

Main Issues

The main issues to consider in the determination of this application relate to the principle of the use, the design/ visual impact of a building of this scale, drainage and impact on highway safety (in terms of traffic generation and parking provision), having regard to the prevailing provisions of the relevant UDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

The proposed hospital would be considered as a C2 use (residential institutions). The application site is located within the grounds of the existing Morriston Hospital which used to have buildings within the application site area. Whilst the hospital would be a private hospital, in planning terms it is considered that the principle of development of a hospital in this location is acceptable.

The applicants are currently operating out of their existing facility in Uplands, Swansea but have advised that the existing Sancta Maria Hospital building is not fit for purpose in the long term and significantly inhibits growth, preventing revenue development. The condition and constraints of the current building mean that it has a finite life as an operational unit necessitating the transfer of the hospital to an alternative facility in the short term in order to avoid the closure of the hospital. The size, topography and location of the current site mean that development of a modern hospital on the site is not an option.

Design/ Layout/ Impact on Trees

The application has been submitted in outline with access, scale and layout to be considered at this stage. Indicative elevations have been submitted showing a building that is similar in design to that previously approved at Felindre.

The Urban Design Officer has commented that the previous design went through a detailed process of negotiation and was considered acceptable. However the current design proposals differ from the negotiated scheme in some areas and whilst the changes to the brise soleil are acceptable however the remaining alterations should be amended to reflect the previous scheme and in particular the ground floor window adjacent to the entrance canopy which was agreed through negotiation in order to provide greater legibility to the entrance as well as to break up the mass of the cladding in this location. However, these issues would require further consideration at any subsequent reserved matters stage as external appearance is not to be considered at this stage.

The scale of the building is predominantly 2 storey with a three storey element to house plant and equipment on the roof. The site would be viewed against the backdrop of the hospital when viewed from the south with a mature belt of trees running along the southern boundary to screen the majority of the building.

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The existing hospital and natural landform would screen the development from the north. Several mature trees would be lost as a result of this proposal but there would be opportunities for replanting within a revised landscape scheme, and the existing trees are growing in a confined space given the tarmac surfacing throughout. The scale of the building is respectful of other buildings within the hospital site and is considered acceptable.

In terms of layout, the Council's Landscape Assistant (Arboriculture) has queried the location of the hospital given its impact on important trees within the site and requested an Arboricultural Impact Assessment. The applicant has responded to the Impact Assessment by modifying the site layout. Modification of the building footprint/ location isn't considered feasible due to the site topography i.e. the site falls from north to south and east to west. Relocating the building at the north of the site would result in more retaining structures as the ground floor of the building could not be at the optimum level. This would impact on the existing trees and the Root Protection Areas of the Category A trees would be compromised. However, the car park has been relocated to the north east of the site where there are few existing trees allowing the retention of the existing tree belt on the south-east boundary. The car park has been located to avoid the Root Protection Areas of the existing trees.

As many of the Category A trees as possible have been retained although one group (G10) would be lost as a result of the proposals. Trees T5 and T7 and groups G15 and G23 would be retained. The relocation of the car park has enabled the retention of significantly more of the Category B trees on the south-east boundary tree T19 and groups G16, G20 and G21 are now retained.

The Landscape Assistant (Arboriculture) has subsequently advised that the loss of some of the internal trees is unavoidable and would not have a significant impact on the surrounding area. The changes to the layout have reduced the unnecessary impacts on the retained trees and construction activity is the most likely cause of damage to the retained trees and this can be adequately controlled by means of a suitable condition. The Landscape Assistant does not object to the application subject to a condition which would be attached to any grant of consent.

It is therefore considered that the scale and layout of this proposal is acceptable in terms of its impact on the character of the area and impact on trees located within the site.

Neighbouring/ Residential Amenity

There is an existing housing development to the south of the site. The proposed 2 storey building lies on slightly higher ground than the existing dwellings in this location, however there is a screen of non-deciduous planting between these and the proposed development. The nearest residential property is located 35 metres away from the building (45m away from the 3 storey element) and it is not considered that the proposals would have an overbearing impact and the impact in terms of overlooking is not considered significant given the distances involved and intervening landscaping.

In terms of the amenity of future occupiers, vehicular traffic on site and Building Services Plant are likely to be the primary generator of noise on site. Service areas, including the external back-up generator, are located to the north of the block. A perimeter wall to the service yard seeks to protect the remainder of the hospital from noise generation.

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Air handling units are located within the plant room at second floor level. The plant room is stepped back to reduce noise impact on sensitive rooms on the floors below and across the site. Overall, it is not considered that the proposed hospital in that location would have a significant impact on the amenities of future occupiers of the building. The Council's Pollution Control Officer has been consulted on this application and has required specific details of building plant noise and details of refrigeration/ air condensing units. These would be required by condition.

Highway Safety/ Parking/ Public footpaths

The application site already has an existing access/ egress as it is currently used for car parking associated with the hospital with the existing car park accommodating approximately 500 vehicles. Car parking space across the hospital site is generally full to capacity throughout the day (which necessitated a recently constructed multi-storey car park) and the proposal in and of itself would significantly reduce parking provision on site. The proposed parking provision would only cater for the proposed use and therefore there would be a significant reduction in parking provision for Morriston Hospital as a whole as a result of this proposal.

The loss of this parking area (without replacement) would result in significantly more indiscriminate parking in the surrounding area and within the hospital site to the detriment of highway safety given the significant number of vehicles that would be displaced to the surrounding road network. When considered in isolation, the proposals would be considered unacceptable on this basis and the Highways Officer originally objected to the scheme. However, the site is managed by ABMU Health Trust and the Local Planning Authority are currently considering an application (2016/0627) for a new temporary car park for 578 vehicles on land to the north of the hospital which would provide sufficient car parking to accommodate the loss of parking spaces as a result of this proposal. This application would be considered at the same time as this application as they are inextricably linked. The Trust have advised that this would be required for a period of 3 years and after this time, a new multi-storey car park would be built on site subject to WG funding (following the demolition of buildings on site). To indicate their intent, the applicant has submitted indicative plans for both a surface car park and a multi-storey car park and it would appear that approximately 650 spaces could be provided in a surface car park alone (with more in a multi storey car park). It should also be noted that it is in ABMU's own interest to ensure that adequate parking provision is provided on site.

The Highways Officer considers that this situation is acceptable providing this replacement car park is provided before the existing parking area is closed (and therefore before this development is started).

The proposal is therefore considered acceptable on the basis that a Grampian condition is attached to any grant of consent requiring the temporary car park to be built and be operational prior to the commencement of development on this site in order to provide immediate parking for the existing hospital users whilst the site is developed.

In terms of on-site provision for the new hospital, the Travel Assessment states that car parking provision is compliant with City and County of Swansea Parking Standards for zone 5 and 6 Hospital and Health Centre facilities. 105 car parking spaces would be provided within this car park (6 of which would be for disabled users, located close to the entrance). Cycle parking provision has also been made within the site.

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The Highways Officer advised that a joint Transport Assessment was submitted in support of this application and the temporary replacement car park. The Officer originally requested technical revisions and details of the infrastructure improvements proposed should the two planning applications go ahead concurrently. Following on from this, the Highways Officer is satisfied that the movements associated with these schemes could be accommodated safely with the amendments as agreed (again all works required as mitigation measures at Heol Maes Eglwys / Hospital Access and Clasemont Road / Pant Lasau junctions would have to be undertaken as conditions attached to any grant of consent for application reference 2016/0627).

In terms of the access/ parking arrangements for this application, the Officer has advised that the layout is appropriate and should allow for adequate access parking and servicing to take place without any highway safety issues. Parking demand for the private hospital is met within the curtilage of the site and hence there should not be any overspill resulting in an increase in parking elsewhere or in the temporary car park to the north.

The Officer concluded that the siting of the car park in association with the private hospital at this location is unlikely to result in any highway issues arising on the Strategic Highway Network, and it has been demonstrated that the two applications together can be accommodated without detriment to highway conditions.

The proposals are therefore considered acceptable in terms of access, highway safety and parking provision subject to the imposition of conditions.

Ecology/ Landscape

Natural Resources Wales (NRW) advise that several of the trees have been identified as having medium bat roost potential and that one Turkey Oak was identified as high bat roost potential and note that some trees identified would not be retained. Based on the information provided, NRW do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

NRW recommend that an assessment/survey of any trees which may be affected by the proposals should be carried out prior to work commencing. If any bat roosts are found then work must stop immediately, and NRW contacted for further advice.

The Council's Ecologist has advised that the majority of the site is of hardstanding, which is of low ecological interest and would not present a constraint to the development. There are however a number of individual trees, areas of woodland on the site which are of ecological value. The band of trees to the south of the site provides a wildlife corridor and should remain intact. Landscape planting areas (comprising of native species) would help compensate for any loss of trees and could enhance the ecology of the site. Finally, he has advised that it is likely that as the trees on the site would be used by foraging and commuting bats, they should remain unlit and therefore a lighting plan would be required by condition.

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The applicant subsequently undertook further bat surveys to assess the potential of the works on the trees. The negative result of the dusk emergence surveys; and generally low bat activity associated the development footprint, and findings of the daytime inspection are considered to offer robust evidence to support the conclusion of likely absence of roosting bats from these site features.

The absence of bats is very difficult to prove. Many bat species are itinerant in nature and will often make use of multiple trees roosts during the course of the active months (bat season is typically April to October, inclusively) and the occasional use of trees as day roosting habitat during the active months (April – September) could not be precluded. It is recommended that on a precautionary basis, if any of these trees require removal or pruning, that works are undertaken via section felling by a suitably qualified arborist in autumn 2016 (October/November), with sections lowered to the ground by rope and retained for 24 – 48hrs to allow any bats present to escape (i.e. adopting 'reasonable avoidance measures' as identified by BCT, 2016). In the unlikely event a bat were discovered all works should immediately cease and Natural Resources Wales (NRW) contacted for advice on how to proceed. The Council's Ecologist has advised that the recommendations of the survey are carried out and a condition to this effect would be attached to any grant of permission. It is therefore not considered that the proposal would detrimentally impact on a European Protected Species but a cautionary approach is recommended in any case.

It is noted that several trees would be lost as a result of this proposal. This issue has been considered in more detail in the design/ layout section of this report above.

In conclusion, subject to the implementation of the ecological mitigation measures as detailed in section 6 of the ecological report, it is not considered that the proposal would have a significant impact on ecology/ biodiversity.

Contaminated Land

The site comprises previously developed land and information held by Pollution Control does not indicate the former presence of any historic contaminative activity on the site prior to the development of Morriston Hospital.

The Pollution Control Officer has advised that the information provided in the Report meets the requirements of Site Characterisation and a Phase 1 Desk Study and goes some way to providing the information required for a Phase 2 Detailed Investigation. However, it is clear that further work is both recommended and required. To this end the Report recommendations should be adopted by the applicant in order to provide a comprehensive overview of site conditions enabling the completion of a Phase 2: Detailed Investigation leading to a Phase 3: Remediation Strategy Options Appraisal and Phase 3: Validation/verification Report where these prove to necessary. A condition to this effect would be attached to any grant of consent. The Officer also requested conditions regarding imported materials but it is not considered necessary to attach these. These would be attached as informatives. Natural Resources Wales offer no objections to the proposal in terms of pollution.

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Drainage/ Flooding

With regards to flood risk a Technical Advice Note 15 (TAN 15) Flood Map shows the site to be in an area that is at no risk of flooding from overland flows or ground water. The site is proposed to have a developed area of 10,400m², of which approximately 6115m² is to be impermeable surfacing. Approximately 40% of the total site area would become Greenfield land post-construction. These figures are inclusive of the proposals for possible future expansion and would result in a significantly reduced impermeable area and as such represent a significant betterment in the downstream network. The Drainage Officer has no objections to the proposal subject to conditions requiring full drainage details to be agreed.

Conclusion

The proposals are generally in accordance with the Adopted Unitary Development Plan. It is therefore concluded that the application should be approved subject to the following conditions.

RECCOMENDATION

APPROVE, subject to the following conditions:

- 1 Details of the appearance and landscaping, (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.

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- 4 The development, in so far as it relates to access, scale and layout, shall be carried out in accordance with the following approved plans and documents: Drawing Nos. 1412_SMH_ALL_ATP_101 (Site location plan), 1412_SMH_ALL_ATP_106 (Proposed - Level 00 - Ground Flood Plan), 1412_SMH_ALL_ATP_107 (Proposed - Level 01 - First Floor Plan), 1412_SMH_ALL_ATP_108 (Proposed - Level 02 - Plant Room Plan) and 1412_SMH_ALL_ATP_109 (Proposed - Level 03 - Roof Plan) received on 29th March 2016; 1412_SMH_ALL_ATP_103 REV P01 (Proposed Site Plan), 1412_SMH_ALL_ATP_105 REV P01 (Proposed Site Sections) and 1412_SMH_ALL_ATP_113 REV P01 (Proposed Demolition Plan) received on 4th July 2016).
- Reason: To define the extent of the permission granted.
- 5 No development shall take place until the developer has notified the Local Planning Authority of the initiation of development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order.
- Reason: To comply with the requirements of Section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).
- 6 No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is being carried out.
- Reason: To comply with the requirements of Section 71ZB (2) of the Town and Country Planning Act 1990 (as amended).
- 7 No development shall take place under this consent until the temporary car park approved under planning permission 2016/0627 has been implemented in accordance with the approved details and the temporary car parking area is fully operational.
- Reason: In the interests of highway safety to ensure that replacement parking is provided for the wider hospital before the loss of the existing car park located on the application site.
- 8 Prior to the commencement of development, samples of all external finishes for the development shall be submitted to and approved by the Local Planning Authority in writing. The scheme shall thereafter be implemented in accordance with the approved details.
- Reason: In order to ensure that the external appearance of the building is visually acceptable and in harmony with its surroundings.

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- 9 Prior to the commencement of development, full details of all external plant and equipment to be installed, and their location, shall be submitted to and approved in writing by the LPA. The scheme shall be designed to ensure that all building services plant noise shall achieve a rating level (dBLArTr), that does not exceed the representative night time background sound pressure level (LA90,15min) in accordance with BS 4142:2014 (Methods for rating and assessing industrial and commercial sound). The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of visual and residential amenity.

- 10 No development shall commence until the developer has prepared a strategy 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 thereafter.

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.

- 11 No development shall commence until an assessment of the nature and extent of contamination affecting the application site area indicated on Drawing No. 1412_SMH_ALL_ATP_101 has been submitted to and approved in writing by the local planning authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) Investigation of Potentially Contaminated Sites Code of Practice and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

(i) an intrusive investigation to assess site-specific information on substances in or on the ground, geology, and surface/groundwater. The intrusive investigation should provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in the submitted Geo-environmental and Geotechnical Preliminary Risk Assessment dated March 2016.

(ii) an appraisal of remedial options, and justification for the preferred remedial option(s). This aspect should indicate all measures to be taken to reduce the environmental and human health risks identified in the Geo-environmental and Geotechnical Preliminary Risk Assessment dated March 2016 and Criterion (i) above to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

(iii) validation/ verification report. On completion of remediation works a validation/verification report shall be submitted to the Local Planning Authority that demonstrates that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

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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.

- 12 Prior to the commencement of development, an external lighting plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the proposals do not have an unacceptable impact on bats.

- 13 Prior to the first beneficial occupation of the development hereby approved, all of the proposed car parking spaces as indicated on Drawing No. 1412_SMH_ALL_ATP_003 P01 shall be clearly demarcated on the ground and retained as such thereafter for the parking of vehicles.

Reason: In the interests of highway safety to ensure that sufficient car parking is provided on site for the development.

- 14 Prior to the first beneficial use of the development hereby permitted, the cycle parking provision as indicated on Drawing No. 1412_SMH_ALL_ATP_003 P01 shall be provided on site for staff and visitors and shall be retained as such thereafter.

Reason: To ensure satisfactory cycle parking provision is provided on site to promote sustainable means of transport.

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

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

- 16 The works hereby approved shall be undertaken in accordance with the recommendations contained within Section 6.2, 6.3 and 6.4 of the Ecological Appraisal and Summary of BREEAM Ecology Credits prepared by SoltysBrewster Ecology document ref: E1667901/Doc01. 29 March 2016.

Reason: To ensure the proposals provide suitable ecological mitigation, make provision for maintaining connectivity and appropriate lighting through the site.

- 17 All tree works on site shall be undertaken via section felling by a suitably qualified arborist in October / November, with sections lowered to the ground by rope and retained for a minimum of 24 hrs to allow any bats present to escape.

Reason: To ensure a precautionary approach to bats is adopted during the works and ensure all reasonable avoidance measures are undertaken.

PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

- 18 The works hereby approved shall be undertaken in accordance with the recommendations contained within section 5 of the Extended Phase 1 Habitat Survey Report prepared by WYG dated December 2015.

Reason: To ensure ecological mitigation is provided in accordance with best practice during the course of the works.

- 19 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 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.

- 20 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.

Reason: To safeguard landscape and amenity interests.

- 21 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence until a scheme for tree protection has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place other than in complete accordance with the approved tree protection scheme. The tree protection scheme shall include the following information:

(a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established for retained trees. Where applicable, two lines shall be shown demonstrating the lines of temporary tree protective fencing during the demolition phase and during the construction phase.

- continued -

PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

- 21 (b) The specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;
- (c) Details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;
- (d) Details of any levels changes within or adjacent to protection zones;
- (e) Details of the surface treatment to be applied within protection zones, including a full specification and method statement;
- (f) The routing of overhead and underground services and the location of any wayleaves along with provisions for reducing their impact on trees to an acceptable level;
- (g) A specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme;
- (h) Provision for the prevention of soil compaction within planting areas;
- (i) Provision for the prevention of damage to trees from soft landscape operations including details of the application of any herbicides;
- (j) Provision for briefing construction personnel on compliance with the plan;
- (k) Provision for signage of protection zones and precautionary areas;
- (l) Details of contractor access during any demolition or building operations including haulage routes where soil is to be removed.
- (m) A tree protection mitigation plan detailing emergency tree protection and remediation measures which shall be implemented in the event that the tree protection measures are contravened.
- (n) Details of the recommended arboricultural supervision / watching brief.
- Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.

PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

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, EV34, EV35, EV36, EV38, EV40, AS1, AS2, AS5 and AS6.
- 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).
- 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 birdCare should be taken when working on buildings particularly during the bird nesting season March-August.
- 4 The Highways Officer has advised the following:

Note 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 . Please contact the Senior Engineer (Development) , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091

Note 2: 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.
- 5 Please be aware that the City and County of Swansea is now the Lead Local Flood Authority and that any works to the adjacent watercourses may require our prior written consent under the Land Drainage Act 1991 (as amended), irrespective of any other permissions given. We welcome early engagement with us to avoid any issues within the design process

PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

6 The 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 locals residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk] recommendations .

5 Imported Soils/ Material

Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants prior to importation.

Any aggregate (other than virgin quarry stone) or recycled aggregate material to b

PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

7 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

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

This Standing Advice is valid from 1st January 2015 until 31st December 2016

8 The applicant is strongly advised to consider the comments of the Urban Design Officer provided in response to this application given that several areas of concern have been raised with the indicative design proposed. These issues would need to be addressed in any subsequent reserved matters application regarding external appearance and landscaping.

9 With regards to condition 11, all work and submissions carried out for the purposes of this condition must be conducted in accordance with Welsh Local Government Association and the Environment Agency Wales' 'Development of Land Affected by Contamination: A guide for Developers' (2012).

PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 4

APPLICATION NO.

2016/1038

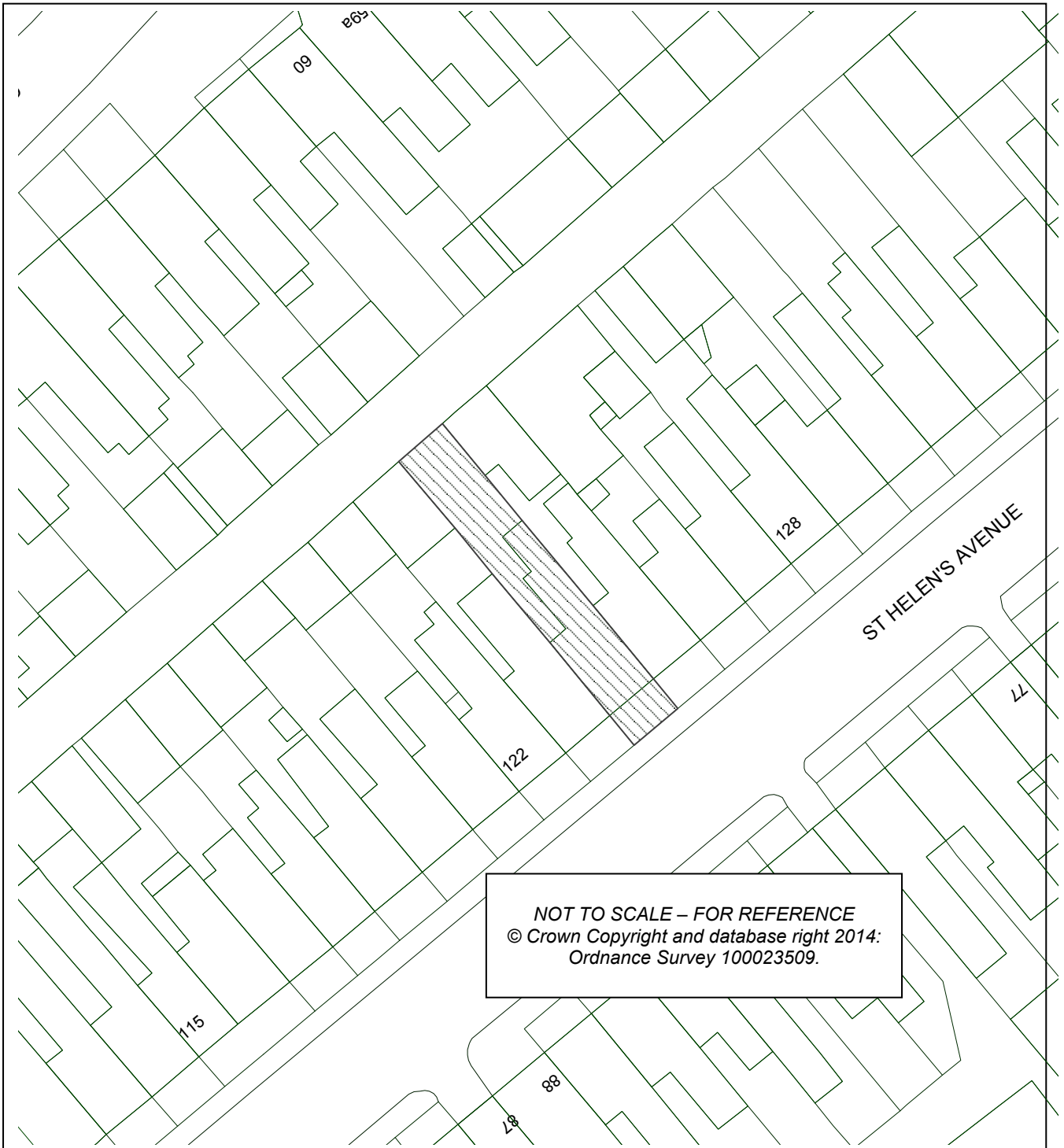
WARD:

Uplands

Location: 124 St Helens Avenue, Brynmill, Swansea, SA1 4NW

Proposal: Change of use from residential (Class C3) to 5 bedroom HMO (Class C4)

Applicant: Jonathan Johnston



PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 4 (CONT'D)

APPLICATION NO.

2016/1038

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
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 HC5	Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
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None

RESPONSE TO CONSULTATIONS:

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of a site notice dated 21st June 2016. A PETITION OF OBJECTION containing 36 individual signatures and ONE LETTER OF OBJECTION were received which raised concerns relating to:

1. Too many HMOs in the area.
2. Parking.
3. Waste disposal.
4. Impact on residential amenity.
5. Unacceptable impact on quality of life of existing residents.

Dwr Cymru/Welsh Water: No objection.

Highways: Change of use from residential (Class C3) to 5 bedroom HMO (Class C4)

No dedicated parking is indicated as being available for use by the dwelling and all parking will have to place on street. There is a rear area available and a condition will be added to provide cycle parking to mitigate for the lack of car parking availability.

Residents parking permits are in operation but the proposal will not impact on this as the dwelling will remain eligible for two permits, as is the current case.

PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 4 (CONT'D)

APPLICATION NO.

2016/1038

I recommend that no highway objections are raised to the proposal subject to cycle parking in accordance with details to be submitted to the LPA for approval, being laid out prior to beneficial occupation of the HMO and maintained as such in perpetuity.

APPRAISAL:

This application is reported to Committee for decision at the request of Councillor Nick Davies and due to the fact there has been a petition of objection in excess of 30 signatures.

Description

Full planning permission is sought for the change of use from residential dwelling (Class C3) to HMO for 5 bedrooms (Class C4) at No 104 St Helens Avenue, Brynmill, Swansea. The application form states that work commenced on 4 April 2016 although the works have not been completed. The application shall therefore be treated as the completion and retention of the use.

The proposal seeks to provide 1 bedroom, kitchen/dining room, w/c and living room at ground floor level, 3 bedrooms and bathroom at 1st floor level and 1 bedroom in the attic space.

Main Issues

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use and the development upon the visual amenities of the area, the residential amenities of the neighbouring properties and highway safety having regard for the provisions of the Swansea Unitary Development Plan (UDP) and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in Uplands which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however Swansea Local Authority has not produced any evidence or Supplementary Planning Guidance as of yet to quantify the harm caused by the concentration of these types of uses.

PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 4 (CONT'D)

APPLICATION NO.

2016/1038

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criteria of the above is addressed below:

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

On the basis of the information provided, the proposal will result in an increase in the number of bedrooms from 4 to 5. A relatively large family could occupy this property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 6 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced which could warrant the refusal of this application.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales.

The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study revealed common problems associated with high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls.

PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 4 (CONT'D)

APPLICATION NO.

2016/1038

The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following on from the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation Practice Guidance (February 2016) HMOs. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students temporarily resident and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

It is evident from visiting the site and viewing the Councils own records that there is a high level of properties in multiple occupation along St Helens Avenue. The street comprises primarily of rows of terraced two storey and three storey properties with a number of dwellings utilising their loft space for additional accommodation. St Helens Avenue runs horizontally east to west through Uplands and is intersected vertically by Gorse Lane, Francis Street, St Helens Crescent and St Helens Road. Using evidence held by our Environmental Health Department (as of 23 August 2016) there are currently 86 HMO licenses active between No's 1 and 211 St Helens Avenue (213 approximately properties on the road) which is approximately 40% of dwellings within this road.

It is clear that approval of the application would result in the addition of a further HMO into a ward area that already comprises a concentration of HMOs, however whilst this is the case there is no empirical evidence that leads conclusively to the conclusion that approval of this additional HMO would result in a harmful concentration or intensification of HMOs in this area or street.

In the absence of a percentage or other similar calculation based approach it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. As such whilst this application will result in further concentration of HMOs it cannot be regarded that this is a harmful concentration such that it complies with the aims of this criterion.

There would be no adverse effect upon the external appearance of the property and the character of the locality,

The development involves no external alterations and as such the application would have no impact upon the external appearance of the property.

There would be no significant adverse effect on local car parking and highway safety,

Having consulted the Head of Transportation and Engineering it is acknowledged that no dedicated parking is available for use by the residents and as such all parking will have to take place on street as is currently the case. Residents parking is in operation and this will be unaffected as the dwelling will only remain eligible for two parking permits.

PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 4 (CONT'D)

APPLICATION NO. 2016/1038

In planning terms there could be no real distinction between the potential number of vehicles associated with a 4 bedroom family home and a 5 bedroom HMO. As such the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property. A condition could be attached to ensure an area for 5 cycle storage is provided to the rear of the property which would ensure the future residents have an alternative means of sustainable transport.

The site is in a sustainable location and is well served by public transport and local amenities as well as being located within walking distance of Swansea University.

Therefore subject to appropriately worded condition the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5 and AS6.

Appropriate refuse storage arrangements can be provided

The site has a large enough rear garden to accommodate refuse bins. Again it is considered reasonable to suggest a condition requiring the provision of these facilities prior to the building being brought into beneficial use as a HMO.

Response to Consultations

Notwithstanding the above 1 letter of objection and a petition containing 36 signatures were received which raised concerns relating to the impact of the proposal upon the number of HMOs in the area, parking, residential amenity, change in circumstance, principle of use, impact on community and impact on character of an area. The issues pertaining to which have been addressed above.

Further concerns were raised with respect of litter issues associated with HMO occupiers. This issue is covered under separate legislation via Environmental Health and as such cannot be taken into consideration during the determination of this application.

Conclusion

It is considered that the Local Authority has no evidence to suggest that the use of this property as HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would it is considered have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, AS6 and HC5 of the Swansea UDP and approval is recommended.

RECOMMENDATION:

APPROVE, subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan received 25th May 2016, Proposed Floor Plan received 20th June and Block Plan (Amended) received 9th August 2016.

Reason: To define the extent of the permission granted.

PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 4 (CONT'D)

APPLICATION NO.

2016/1038

- 2 Details of facilities for the secure storage of five cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.

Reason: In the interest of sustainability and highway safety.

- 3 Prior to the property being brought into beneficial use the rear parking space shall be completed in accordance with the approved plans and retained for the parking of vehicles of the future occupiers in perpetuity.

Reason: In the interest of highway safety.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, HC5 and AS6
 - 2 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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PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 5

APPLICATION NO.

2016/1249

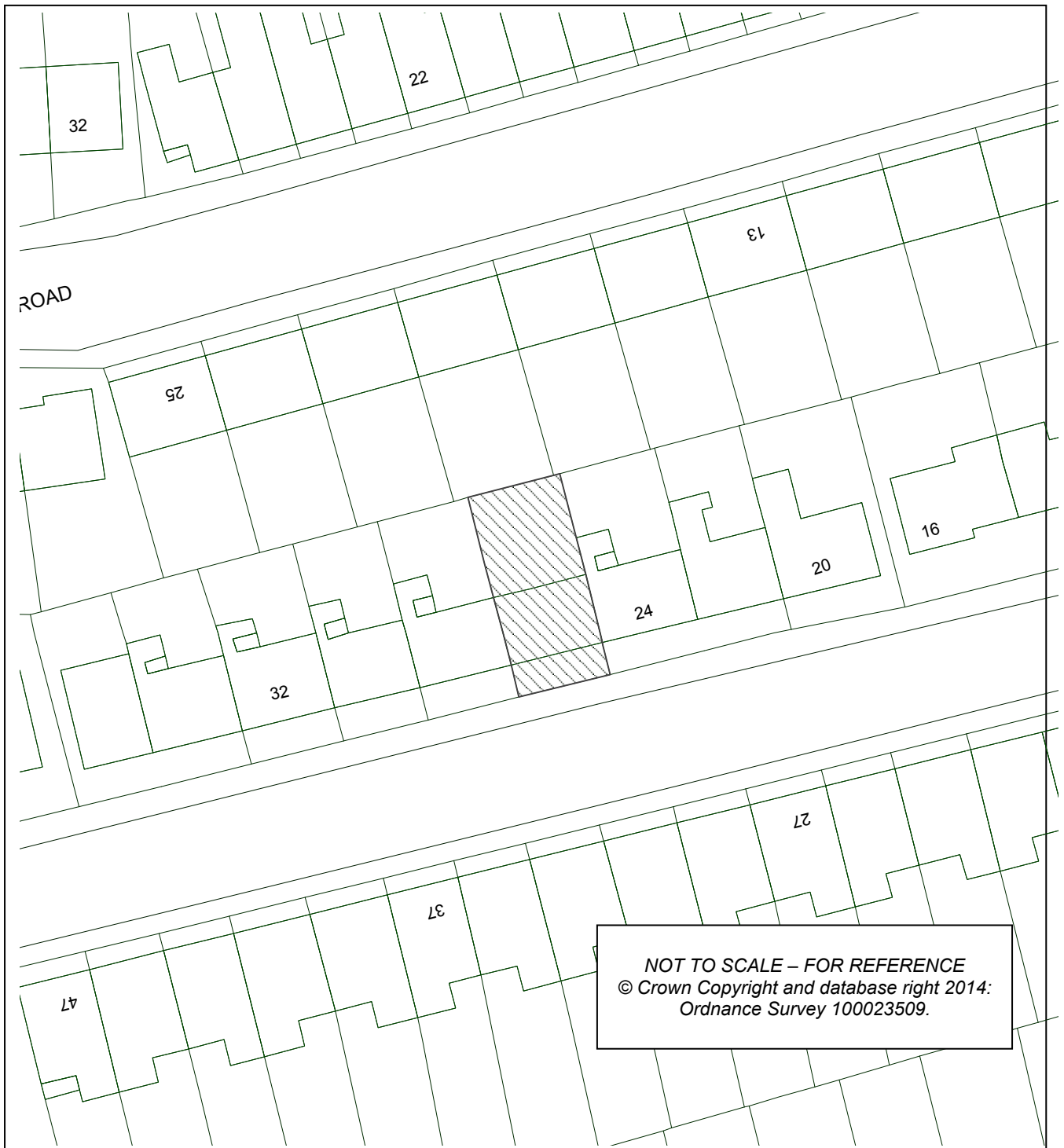
WARD:

Uplands

Location: 26 Pinewood Road Uplands Swansea SA2 0LT

Proposal: Change of use from residential (Class C3) to HMO for 4 people (Class C4)

Applicant: Mrs Sharon Davies



PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 5 (CONT'D)

APPLICATION NO.

2016/1249

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
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 HC5	Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
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None

RESPONSE TO CONSULTATIONS

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to 4 individual neighbouring properties and through display of a site notice dated 1st July 2016. 26 individual letters of objection were received and a petition of 75 signatures received raising concerns relating to:

1. Too many HMO's.
2. Parking issues.
3. Noise.
4. Litter problems.
5. Anti-social behaviour.
6. Community is in decline.
7. Need for the development.
8. Decline in the care of properties.
9. High turnover of residents has a detrimental impact on area.
10. Bins and recycling issues.
11. Properties not looked after which affects house prices.
12. Letting signs are being left up all year around.
13. Bus issues with navigating the streets.
14. Impact approval would have on Councils drive for City Centre regeneration.
15. Character of area is moving away from families to slums.

Dwr Cymru/Welsh Water: No objection.

PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 5 (CONT'D)

APPLICATION NO.

2016/1249

Highways: Change of use of residential dwelling (Class C3) to five bed HMO (Class C4)

No car parking is available to support the application. The site is located in a reasonable sustainable location with access to amenities and public transport. The development could be made more attractive by the inclusion of cycle storage within the rear yard, this can be secured by condition in order to promote non car modes of transport.

I recommend that no highway objections are raised to the proposal subject to cycle parking in accordance with details to be submitted for approval to the LPA, being laid out prior to beneficial occupation.

Pollution Control: No objection.

APPRAISAL:

This application is reported to Committee for decision at the request of Councillor Nick Davies due to concerns relating to the concentration of HMOs in the area and in light of the fact there is a petition in excess of 30 individual signatures.

Description

Full planning permission is sought for the change of use of No 26 Pinewood, Uplands from a residential dwelling to a HMO for up to 4 people (Class C4). The existing dwelling is two storey end terrace property which is situated within the suburban area of Sandfields. Sandfields is a suburban area of Swansea adjacent to the sea. The area comprises rows of traditionally designed terraced properties.

No external alterations are proposed and as such the proposal will have no impact on visual amenity.

Main Issues

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety having regard for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in some parts of Swansea which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 5 (CONT'D)

APPLICATION NO.

2016/1249

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however Swansea Local Authority has not produced any evidence or Supplementary Planning Guidance as of yet to quantify the harm caused by the concentration of these types of uses.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criteria of the above is addressed below:

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

On the basis of the information provided, the proposal will not result in an increase in the number of bedrooms and as such both the existing and proposed units would accommodate 4 bedrooms. A large family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 6 people as a HMO would not result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales.

PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 5 (CONT'D)

APPLICATION NO.

2016/1249

The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study revealed common problems associated with high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following on from the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation Practice Guidance (February 2016) HMOs. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students temporarily resident and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

It is evident from visiting the site and viewing the Councils own records that there are a number of houses in multiple occupation in and around Pinewood Road. The street comprises a mixture of rows of terraced properties, semi-detached and detached properties. Pinewood Road is situated towards the northern end of Uplands Ward and runs horizontally east to west through the area. The street is also crossed vertically by Glanmor Park Road, Llythrid Avenue, Le Breos Avenue and Hawthorne Avenue. Using evidence held by our Environmental Health Department there are currently (as of 23 August 2016) 4 HMO licenses active between No's 1 and 69 Pinewood Road (approximately 63 properties) which is approximately 6% of dwellings within this road.

It is clear that approval of the application would result in the addition of a further HMO into a ward that already comprises a concentration of HMOs, however whilst this is the case there is no empirical evidence that leads conclusively to the conclusion that approval of this additional HMO would result in a harmful concentration or intensification of HMOs in this area or street.

In the absence of a percentage or other similar calculation based approach it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. As such whilst this application will result in further concentration of HMOs it cannot be regarded that this is a harmful concentration such that it complies with the aims of this criterion.

There would be no significant adverse effect on local car parking and highway safety,

Having consulted the Head of Transportation and Engineering it is acknowledged that there is no car parking available to support this application.

PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 5 (CONT'D)

APPLICATION NO.

2016/1249

The site is located in a sustainable location with access to amenities and public transport. It is not considered the use of the premises for up to 6 residents under the C4 use class would result in significant additional parking demand over and above the lawful use of the property as a dwellinghouse. A condition will be added to ensure the provision of cycle parking as an alternative means of sustainable transport is provided.

Therefore subject to an appropriately worded condition the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5 and AS6.

Appropriate refuse storage arrangements can be provided

The site has a large enough rear garden to accommodate refuse bins and as such it is reasonable to suggest these could be provided and agreed via an appropriately worded condition.

Response to Consultations

Notwithstanding the above 26 individual letters of objection and a petition of 75 objections were received which raised concerns relating to the number of HMOs in the area, parking issues, community impact, impact on character of an area, bins and recycling, highway safety. The issues pertaining to which have been addressed above.

Further concerns were raised with respect of litter, noise and anti-social behaviour orders. This is a stereotypical assumption to make and the planning process cannot legislate for the behaviour of residents. Alternatively the occupiers of this property could be model citizens and it is for other bodies to legislate the behaviour of residents. As such these issues raised are covered under separate legislation via Environmental Health or the Police and as such cannot be taken into consideration during the determination of this application.

In terms of the impact HMOs have on property prices it can be identified that property prices are not material planning considerations which can be taken into account during the determination of an application. In addition to this concern has been raised in relation to landlords leaving letting signs up all year around. This is a Licensing and Enforcement issue and would need to be pursued separately.

Concerns have been raised about the proposal being contrary to the aims and aspirations of the City Centre Framework (Adopted 2016) in that preference is shown for City Centre and Edge of Centre purpose built student accommodation. Whilst preference is given for purpose built student accommodation in such locations the application is for a HMO which can be occupied by non-student occupiers.

Conclusion

It is considered that the Local Planning Authority has no evidence to suggest that the use of this property as HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would it is considered have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, AS6 and HC5 of the Swansea UDP and approval is recommended.

PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 5 (CONT'D)

APPLICATION NO.

2016/1249

RECOMMENDATION:

APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site Plan received 22nd June, Existing and Proposed Plan and Site Location Plan received 27th June 2016.
Reason: To define the extent of the permission granted.
- 3 Details of facilities for the secure and undercover storage of four cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.
The development shall be carried out in accordance with the following approved plans and documents: Site Plan received 22nd June, Existing and Proposed Plan and Site Location Plan received 27th June 2016.
Reason: In the interest 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, HC5 and AS6.
 - 2 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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PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 6

APPLICATION NO.

2016/1316

WARD:

Uplands

Location: 105 Rhyddings Terrace Brynmill Swansea SA2 0DS

Proposal: Retention of change of use from a 4 bedroom dwelling (Class C3) to a 5 bedroom HMO Use (Class C4) and alterations carried out to bay window and first floor windows in front elevation.

Applicant: J A Rewbridge Development Services



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ITEM 6 (CONT'D)

APPLICATION NO.

2016/1316

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
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 HC5	Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
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None

RESPONSE TO CONSULTATION

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of a site notice dated 11th July 2016. 7 INDIVIDUAL LETTERS OF OBJECTION and a PETITION OF OBJECTION containing 41 individual signatures were received which raised concerns relating to:

1. Too many HMOs in the area.
2. Change in the use class order acknowledges issues with HMO properties.
3. Anti-social behaviour.
4. Parking.
5. Waste disposal.
6. Impact on residential amenity.
7. Unacceptable impact on quality of life of existing residents.
8. Impact on community.
9. Deterioration of street-scene.
10. Wish to see a diverse community.
11. Inaccurate information provided in application forms.
12. Skips blocking the street.
13. Conversion has happened without planning permission.
14. Proposal has an unacceptable visual impact.
15. Noise and disturbance associated with construction.
16. Proposal will have 10 occupants (2 per room).
17. Noise from additional residents.

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ITEM 6 (CONT'D)

APPLICATION NO.

2016/1316

Dwr Cymru/Welsh Water: No objection.

Highways: Retention of change of use from a 4 bedroom dwelling (Class C3) to a 5 bedroom HMO Use (Class C4) and alterations carried out to bay window and first floor windows in front elevation.

There is a rear amenity area which will provide space for the refuse similar to the other terraced houses on the street. Whilst no cycle parking details have been provided a condition will be added to provide adequate cycle parking to help encourage non car modes of transport.

As the house is being retained a single dwelling then there is no impact on the residents parking permit situation and the house remains eligible for 2 as it currently the case.

I recommend that no highway objections are raised to the proposal subject to cycle parking for 5 cycles to be implemented in accordance with details to be submitted for approval to the LPA.

APPRAISAL:

This application is reported to Committee for decision at the request of Councillor Peter May and due to the fact there has been a petition of objection in excess of 31 signatures.

Description

Full planning permission is sought for the retention of the change of use from a residential dwelling (Class C3) to HMO for 5 people (Class C4) and alterations carried out to bay window and first floor windows in front elevation at No 105 Rhyddings Terrace, Brynmill, Swansea.

The proposal seeks to provide 2 bedrooms, kitchen/living room and bathroom at ground floor level, 3 bedrooms all with ensuites at 1st floor level.

The external alterations include the changes to the pattern of fenestration on the front elevation and alterations to the bay window.

Main Issues

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use and the development upon the visual amenities of the area, the residential amenities of the neighbouring properties and highway safety having regard for the provisions of the Swansea Unitary Development Plan (UDP) and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in Uplands which has happened predominately without planning permission being required.

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ITEM 6 (CONT'D)

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Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however Swansea Local Authority has not produced any evidence or Supplementary Planning Guidance as of yet to quantify the harm caused by the concentration of these types of uses.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criteria of the above is addressed below:

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

On the basis of the information provided, the proposal will result in an increase in the number of bedrooms from 4 to 5. A number of residents have raised an objection that one of the rooms was not used as a bedroom, however, planning permission is not required for the use of additional rooms as bedrooms within a residential dwellinghouse, as such whether the property was used as a 3 or 4 bedroom previously would be irrelevant to consideration of the application.

A relatively large family could occupy this property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 6 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced which could warrant the refusal of this application.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 6 (CONT'D)

APPLICATION NO.

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Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales.

The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study revealed common problems associated with high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following on from the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation Practice Guidance (February 2016) HMOs. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students temporarily resident and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

It is evident from visiting the site and viewing the Councils own records that there is a high level of properties in multiple occupation along Rhyddings Terrace. The street comprises primarily of rows of terraced two storey properties. Rhyddings Terrace runs horizontally east to west through Uplands and is intersected vertically by Oakwood Road, Alexandra Terrace, Bernard Street and Rhyddings Park Road. Using evidence held by our Environmental Health Department (as of 23 August 2016) there are currently 34 HMO licenses active between No's 81 and 172 Rhyddings Terrace (95 properties) which is approximately 36% of dwellings within this road.

It is clear that approval of the application would result in the addition of a further HMO into a ward area that already comprises a concentration of HMOs, however whilst this is the case there is no empirical evidence that leads conclusively to the conclusion that approval of this additional HMO would result in a harmful concentration or intensification of HMOs in this area or street.

In the absence of a percentage or other similar calculation based approach it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. As such whilst this application will result in further concentration of HMOs it cannot be regarded that this is a harmful concentration such that it complies with the aims of this criterion.

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APPLICATION NO.

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There would be no adverse effect upon the external appearance of the property and the character of the locality,

The development involves the bricking up of one of the front windows to be replaced with a smaller window to serve an ensuite room. The alteration to the overall appearance of the dwellinghouse is minor and this would not be harmful having regard to visual amenities of the host property and wider street scene.

The works to the front bay window have resulted in the change in its form; however, the bay window will remain to be proportionate in scale to the existing property and in keeping with the design of the property. Whilst bay windows are prevalent through the street a number of these have been removed, replaced with UPVC and altered over time and as such whilst the objections from third parties are noted, it is not considered that the works carried out and proposed for retention result in harm to the character or appearance of the area. As such this element of the scheme is considered acceptable in visual terms.

There would be no significant adverse effect on local car parking and highway safety,

Having consulted the Head of Transportation and Engineering it is acknowledged that no dedicated parking is available for use by the residents and as such all parking will have to take place on street as is currently the case. Residents parking is in operation and this will be unaffected as the dwelling will only remain eligible for two parking permits.

In planning terms there could be no real distinction between the potential number of vehicles associated with a 3 or 4 bedroom family home and a 5 bedroom HMO. As such the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property. A condition could be attached to ensure an area for 5 cycle storage is provided to the rear of the property which would ensure the future residents have an alternative means of sustainable transport.

The site is in a sustainable location and is well served by public transport and local amenities as well as being located within walking distance of Swansea University.

Therefore subject to appropriately worded condition the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5 and AS6.

Appropriate refuse storage arrangements can be provided

The site has a large enough rear garden to accommodate refuse bins. Again it is considered reasonable to suggest a condition requiring the provision of these facilities prior to the building being brought into beneficial use as a HMO.

Response to Consultations

Notwithstanding the above 7 letters of objection and a petition containing 41 signatures were received which raised concerns relating to the impact of the proposal upon the number of HMOs in the area, parking, residential amenity, change in circumstance, principle of use, impact on community and impact on character of an area. The issues pertaining to which have been addressed above.

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ITEM 6 (CONT'D)

APPLICATION NO.

2016/1316

Further concerns were raised with respect of litter, noise and Anti Social Behaviour Orders associated with HMO occupiers. This is a stereotypical assumption to make and the planning process cannot legislate for the behaviour of residents. Alternatively the occupiers of this property could be model citizens and it is for other bodies to legislate the behaviour of residents. As such these issues raised are covered under separate legislation via Environmental Health or the Police and as such cannot be taken into consideration during the determination of this application.

Conclusion

It is considered that the Local Authority has no evidence to suggest that the use of this property as HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would it is considered have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, AS6 and HC5 of the Swansea UDP and approval is recommended.

RECOMMENDATION:

APPROVE, subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents: Block Plan and 06.16.105RT.D1 – Existing & Previous Floor Plans and Elevations received 4th July 2016.
Reason: To define the extent of the permission granted.
- 2 Details of facilities for the secure and undercover storage of five cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.
Reason: In the interest of 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, HC5 and AS6)
 - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-