

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 1

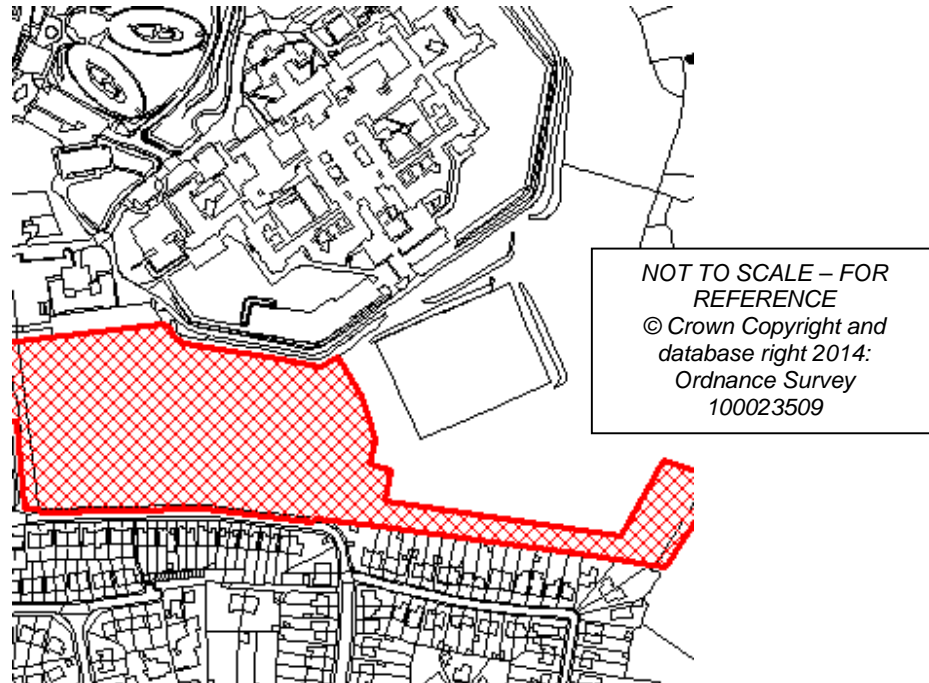
APPLICATION NO: 2017/0925/RES

WARD: Sketty - Bay Area

Location: Land Off Lon Masarn, Cefn Coed Hospital, Waunarlwydd Road, Cockett, Swansea, SA2 0GH

Proposal: Residential development (up to 73 dwellings) approval of reserved matters (details of access, appearance, landscaping, layout and scale) and discharge of condition 14 (detailed surface water drainage strategy), condition 17 (landscaping scheme), condition 31 (enclosure details), condition 34 (road layout and longitudinal road sections), and condition 36 (site levels) pursuant to outline planning permission 2014/0969 granted 18th August 2015)

Applicant: Bellway Homes Wales



BACKGROUND INFORMATION

POLICIES

UDP - HC1 - Housing Sites

Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0925/RES

UDP - EV2 - Siting

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).

UDP - EV3 - Accessibility

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)

UDP - EV33 - Sewage Disposal

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)

UDP - EV34 - Protection of Controlled Waters

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)

UDP - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS4 - Public Access Routes

Accessibility - Creation and improvement of public rights of way. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS5 - Walking and Cycling

Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS10 - Traffic Management and Highway Safety

Accessibility - Incorporation of appropriate traffic management measures in new developments. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC14 - Cefn Coed Hospital

Re-development of the Cefn Coed Hospital site for a mix of health care and residential use will be supported subject to compliance with a defined list of criteria including design, landscape, retention and enhancement of landscape features, adequate access and parking. (City & County of Swansea Unitary Development Plan 2008)

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0925/RES

UDP - EV35 - Surface Water Run-Off

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)

UDP - HC3 - Affordable Housing

Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC17 - Planning Obligations

The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0061/PRE	PRE-APP Residential development	POSP RE	30.03.2017
2017/1807/FUL	Incorporation of land into the rear gardens of plot 1 and plots 3-29, and a section of footpath link, associated with the development of the adjacent site for 73 dwellings consented by outline permission ref. 2014/0969 granted on 18th August 2015	PCO	
2017/1894/DOC	Discharge of conditions: 26 (Construction Site Management Plan), 27 (Future management and maintenance of streets), 41 (Pollution prevention management plan), 42 (Site waste management plan), and 43 (Construction pollution Management Plan), of planning permission 2014/0969 granted 18th August 2015	PCO	

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 1 (CONT'D)		APPLICATION NO:	2017/0925/RES
2016/1586	Discharge of condition 13 (drainage strategy) of planning permission 2014/0969 granted 18th August 2015	APP	03.10.2016
2016/0025	Discharge of condition 19 (site contamination) of planning permission 2014/0969 granted 18th August 2015	NOBJ	26.01.2016
2015/1763	Discharge of condition 6 (Japanese Knotweed) of planning permission 2014/0969 granted 18th August 2015	NOBJ	16.09.2015
2015/1726	Discharge of condition 7 (written scheme of investigation for Archaeological Monitoring) of planning permission 2014/0969 granted 18th August 2015	PCO	
2015/1725	Discharge of condition 16 (reptile mitigation scheme) of planning permission 2014/0969 granted 18th August 2015	NOBJ	02.10.2015
2014/0969	Residential development (up to 73 dwellings) (outline)	S106	18.08.2015

RESPONSE TO CONSULTATIONS

The application was advertised by way of a number of site notices and 71 nearby properties were directly consulted

TEN LETTERS OF OBJECTION, four letters of 'comment' and a PETITION of 'representation' containing 8 signatures have been received which raise the following concerns / comments:

- o We like the proposed landscaping scheme which includes tree planting, naturalistic planting and wildflower grassland to enhance the area and encourage wildlife.
- o We are still concerned as to how runoff will be managed during the building stage once the vegetation has been cleared and before the proposed drainage is in place.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0925/RES

- o The sharp and narrow bend at the top of Lôn Masarn remains a problem - it does not allow the passing of larger vehicles such as vans, lorries or building machinery with cars.
- o We hope that the Planning Committee will visit the site.
- o I have a strong reservation as to the entrance of the site. Lon Masarn is already a very dangerous and exceptionally busy road.
- o Drainage concerns need to be addressed regarding Surface Water Drainage via soakaway.
- o The building of 9 dwellings off Llwyn Mawr, we think the volume of traffic in Lon Masarn will increase even more due to constraints on parking for parents of children attending Sketty Primary School.
- o It does not look like anywhere near enough parking spaces have been allowed to accommodate houses with several vehicles - the development will spill over into the surrounding areas which are already at capacity.
- o Proximity of main surface water drain to electricity substation - could be at risk from flooding.
- o Safety issue relating to the junction with Tycoch Road, where the visibility for most cars exiting Lon Masarn is somewhat restricted.
- o Plot 29 who will be directly behind our property shows a window that would look directly over the rear of our property.
- o It is unclear whether our shared boundary wall is intended to be changed in any way? And the screening in its current format in our opinion will leave our property and other on Lon Mefus vulnerable given there will be a public footpath passing along our rear boundary.
- o The initial traffic survey was conducted whilst the school was closed.
- o Residents in Lon Mefus have not been consulted - concerns regarding the soakaway and potential for overflow into their gardens
- o The school is oversubscribed where will a potential 140 children go to school.
- o Impact of surface water run-off via the soakaway into Cockett Valley
- o There are no parking spaces for visitors within the site.
- o The proposed pavement on the north side of Lon Masarn stops just short of the right angled bend about which there is much concern. It appears that there will be pavement only on the southern side of the bend. I had thought that a continuous pavement was to be in place before the development could be occupied.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0925/RES

- o Also ,Bellway cannot be serious in suggesting the placement of tactile paving slabs in the situations indicated on their plan. This would encourage pedestrians to cross at the blind bend where they cannot see traffic approaching from both directions.
- o I have doubts about the position of the LAP

Natural Resources Wales - No Objection

Dwr Cymru / Welsh Water - No objection

Highway Observations

The site benefits from outline consent for residential development with access conditioned off Lon Masarn. That application was supported by a Transport Statement and this showed that it was considered that the site could be accommodated in terms of vehicular movements. There was a section 106 agreement attached to the application which included a sum £12,000 for the purpose of undertaking local highway improvements (prior to beneficial use commencing).

The site layout shows a single point of access directly off Lon Masarn as previously agreed. New footways have been included and these will need to be constructed under a Section 278 Agreement with the Highways Authority.

The internal road layout look acceptable in terms of safety but in terms of adoption then we would not wish to consider any of the home zones nor shared surfaces nor Private drives. The central part is suitable for adoption (between plots 4 and 22, and 50 to 54) but the rest of the site is not and such will need to be maintained by a private management company. Notwithstanding this in terms of safety the layout is adequate and whilst swept path analysis has not been provided as the geometry is acceptable then it is likely that that emergency and refuse vehicles will be able to enter and leave the site in an appropriate manner. Autotrack runs have been included to demonstrate that emergency vehicles can access turn and leave in a forward gear albeit that some of the movements are very tight. The main access has been laid out with a minimum carriageway of 5.5m with footway provision also being included. For this level of development a travel plan will also be required to be submitted (can be secured by condition).

The levels of parking seem to be acceptable at two/three spaces per dwelling. Where garages are included then their permitted development rights will need to be removed to maintain the parking provision. Visitor parking has not been included but given the internal road layout it is likely that some informal parking could be accommodated on street if required. The site is well located in terms of local amenities and proximity to regular public transport routes.

The provision of cycle/pedestrian links through the site will help with the permeability of the site and accessibility to local amenities and public transport routes.

I do not consider that the proposed development will give rise to any highway safety concerns, and it can be adequately catered for using the existing highway infrastructure subject to the comments already made during the outline application stage, and the payment of the section 106 contribution. .

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0925/RES

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

- o The parking areas as indicated being laid out in accordance with the approved plans and maintained as such in perpetuity.
- o No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].
- o No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- o I recommend therefore that if consent is granted, that the applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.
- o The new footways along Lon Masarn being constructed at the applicants expense under a Section 278 Agreement with the Highway Authority.
- o Permitted development rights being removed with respect to the garages.
- o The front boundary walls of all plots that have a boundary with any of the access roads/shared surfaces/private drives/or home zones shall maintain it at a maximum height of 1m in the interests of visibility.

Drainage Observations

Initial Comments

We have reviewed the submitted dwg 3771-SK150 Rev A to support the reserved matters application, however we are unable to approve the details as no supporting information has been submitted i.e. performance calculations, half drain down time, confirmation of final contributing areas etc. The proposals also need to look back at the previous agreed drainage principles and test results and clarify how they have been brought forward into this final design. There also does not appear to be any sort of land drainage network proposed on the site. We also seek clarity on who would be responsible for the adoption, management and maintenance of the infiltration structure as at present it is not a role that the Authority would be seeking to take on.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0925/RES

Further Drainage Comments

We have reviewed the additional information which has raised some additional queries.

1. Dwg 3771-110 Rev E refers to Tuboside dwgs for further detail, could these be provided? Ideally this should show depth of installation in relation to the previously agreed test results.
2. Dwg 3771-110 Rev E does not appear to show the surface water laterals for each plot.
3. The pipe sizes on dwg 3771-110 Rev E do not appear to entirely correlate to the pipe sizes in Microdrainage calcs i.e. dwg 3771-110 Rev E has 525mm while in the calcs the pipe is 600mm.
4. The Microdrainage calcs indicate that there is a hydraulic control at MH17 in the form of a weir, we require the details of this and its location on the network as it does not appear to be on dwg 3771-110 Rev E.
5. The Microdrainage calcs indicate an impermeable area of 1.316ha while the report itself indicates an area of approximately 1.596ha, could the design impermeable area be confirmed.
6. Has exceedance flows/volumes been considered as part of the design i.e. flow paths, approximate depths, receptors, consequences of failure etc. it should be shown that existing land and property will be unaffected as a result of the development.
7. How is it intended that maintenance will be undertaken on the Land drain highlighted in green on the northern edge bearing in mind no chambers appear to be shown.
8. No details of the outlet for the land drain have been shown, currently it shows as terminating in one plot which is likely to have the effect of creating an informal soakaway.
9. What is the intention for the adoption, management and maintenance of the overall surface water scheme as at present it is not a role the Authority is looking to take on.

It may be helpful if once the amendments have been made the Microdrainage model is provided to the Authority for review and our records.

Final Drainage Comments

Based on the further details submitted, there are no drainage objections to this application. Condition 14 can be discharged.

Housing Enabling Observation

Housing Service is in agreement with the proposed affordable housing provision on site at Land off Lon Masarn, 15 Intermediate Units and 7 Social Rented Units, 10 x 2 bedroom houses and 12 x 3 bedroom houses all to DQR standard. I have discussed the siting of the units with the RSL who they will be transferred to and they are happy with the location.

Landscape Observations

The landscape plan includes the planting layout providing detail on positions and numbers of the plants. It also gives a suitable specification for planting. The choice of species is suitable. For these reasons, the information is suitable to discharge the condition (17 of outline consent).

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0925/RES

APPRAISAL

This application seeks approval for the 'reserved matters' details (access, appearance, landscaping, layout and scale) for up to 73 dwellings pursuant to Outline Planning Permission 2014/0969 granted on 18th August 2015.

This application also includes details in relation to the following conditions of the outline consent: 14 (detailed surface water drainage strategy), 17 (landscaping scheme), 31 (enclosure details), 34 (road layout and longitudinal road sections), and 36 (site levels).

The application is being reported to Committee for decision as the proposal is a Major development. The application has also been 'called-in' and a site visit requested by Councillor Cheryl Philpott.

The following conditions of the Outline permission have already been discharged:

2015/1763: Condition 6 - Japanese Knotweed (fully discharged 14/09/15)

2015/1726: Condition 7 - Archaeology monitoring (partially discharged 20/10/15)

2015/1586: Condition 13 - Drainage Strategy (strategic site wide surface water drainage) (fully discharged 30/09/16)

2015/1725: Condition 16 - Reptile Mitigation Strategy (fully discharged 23/19/15)

2016/0025: Condition 19 - Site Contamination (fully discharged 26/01/16)

In addition to this Reserved Matters application, separate, but associated applications have been submitted for the following:

- o 2017/1807/FUL - Incorporation of land into the rear gardens of plot 1 and plots 3-29, and a section of footpath link, associated with the development of the adjacent site for 73 dwellings consented by outline permission ref. 2014/0969 granted on 18th August 2015.

This application relates to a small strip of land on the northern and eastern boundary of the site which sits outside the boundary of the original outline permission. This application is pending consideration.

- o 2017/1894/DOC - Discharge of conditions: 26 (Construction Site Management Plan), 27 (Future management and maintenance of streets), 41 (Pollution prevention management plan), 42 (Site waste management plan), and 43 (Construction pollution Management Plan), of planning permission 2014/0969 granted 18th August 2015. This application is pending consideration

The site is located within the larger allocated housing site Policy HC1 (128) - Cefn Coed Hospital. The site is approximately 3.16ha in size, is currently undeveloped and slopes downwards from Cefn Coed Hospital towards Lon Masarn. The site is bound to the north by the hospital buildings, to the east by Cockett Valley, to the south by houses in Lon Masarn and Lon Mefus and to the west by houses in Maes y Gryffydd Road.

The site is accessed from Lon Masarn which is a residential street leading from Tycoch Road. There is a sharp bend at the top of Lon Masarn adjacent to the southern boundary of the site.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0925/RES

The applicant has recently undertaken Japanese Knot weed eradication on the site in accordance with the details approved via the 'discharge of condition' of condition 6 of the outline consent (reference 2015/1763 granted on 14th September 2015).

Much of the vegetation and non-protected trees have also been removed from the site.

Main Issues

The main issues for consideration with regard to this application relate to the acceptability of residential development on this site in terms of the impacts of the development on the character and appearance of the area, residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking and highway safety, and impacts on environmental interests with regard to the provisions of policies EV1, EV2, EV3, EV33, EV34, EV35, HC1, HC3, HC14 HC17, AS1, AS2, AS4, AS5, AS6 and AS10 of the Unitary Development Plan 2008 (UDP), the Supplementary Planning Guidance (SPG) - Places to Live: Residential Design Guide. There are no overriding issues for consideration under the provisions of the Human Rights Act.

Outline planning permission has already been granted for the development of the site for up to 73 dwellings (reference 2014/0969). As part of that permission, as Section 106 was signed which included:

- o An Education Contribution of £206,358
- o 30% on site affordable housing provision.
- o A Highways contribution of £12,000 towards junction improvements.
- o Management Plan for future maintenance and management of the Local Area of Play (LAP)
- o Management and Monitoring fee for the S106 - this will be based on either 20% of the application fee (£1,764) or 2% of the value of the obligation of the S106 agreement (whichever is the greater and subject to a minimum charge of £150).

The reserved matters application shows the detailed layout of the site with a new access road into the site being located on Lon Masarn opposite Nos. 75-77 Lon Masarn.

There are 22 affordable units proposed which are shown to be located in two clusters of eleven units (15 intermediate and 7 social rented units), 10 x 2 bedroom houses and 12 x 3 bedroom houses.

Visual Amenity

The proposal has been the subject of significant negotiations via the pre-application process and during the course of the assessment of the reserved matters application to ensure that the density, layout and design of the development has sufficient regard to its location in a visually prominent location on a sloping site.

The proposed development is proposed to be accessed via one point of access on to Lon Masarn. The estate would have one road which would run northwards up the hill towards the northern section of the site and then would split into two roads running east and west, which would then turn southwards to form 3 cul-de-sacs on north south axis.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0925/RES

A local area of play (LAP) is shown to be located adjacent to the entrance to the development which will be accessible to both the existing residents of the area and the future residents of the application site. A strip of landscaping would demark the southern edge of the proposed development which would run parallel to Lon Masarn. Landscaping is also proposed along the western boundary where the site fronts onto Maes Y Gryffydd Road.

A new footpath is shown to be located on the northern side of Lon Masarn which would link into a footpath / cycle path running parallel with Lon Masarn at a higher level due to the incline of the land. The proposed pedestrian path / cycle way will terminate just south of plot 29 where a gate is proposed to be installed. It is anticipated that this pathway will be extended into the neighbouring development site at some time in the future and will then form a public footpath towards Cockett Valley Woods. The details will be subject to a future planning application as part of the wider strategic site.

All of the open market houses are shown to be detached dwellings, with small front gardens, two car parking spaces and the majority would include either a detached or integral garage.

The affordable units are shown to be one detached unit, 3 terraces of three units and six pairs of semi-detached units and each would have 2 car parking spaces located to the front of the dwellings.

All the proposed houses would be 2 storeys in height and would be finished with either red or buff bricks and grey or red tiles roofs with many of them having bay windows (including the affordable units) and would have stone heads and sills to the windows on the front elevations. The majority of the houses would have small porches over the front doors and all of the corner dwellings would have side windows to add to the visual interest of the estate and to allow for natural surveillance

The boundary treatments would consist of screen walls to all public facing elevations, with a mix of close boarded fences and post and rail fences between the proposed gardens.

A pedestrian link has been included between plots 14 and 15 to allow for future connections to the wider Cefn Coed Hospital site. This is shown to be 4m wide and would be bound by screen walls. In order to allow for natural surveillance of this area, side windows are proposed in plots 14 and 15.

The proposed access appearance, landscaping, layout and scale are considered to be acceptable in terms of their impacts upon the visual appearance of the streetscene and would not cause an unacceptable visual impact in the local area.

The proposal is therefore considered to represent a satisfactory form of development in terms of its impacts upon the character and appearance of the area, and the layout and design of the development would create a good quality and distinctive streetscape and would accord with the provisions of Policies EV1 and EV2 of the UDP and the SPG - Places to Live: Residential Design Guide.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0925/RES

Residential Amenity

In terms of residential amenity impacts, the majority of the existing residential houses are located on the opposite sides of Lon Masarn and Maes Y Gryffydd Road from the application site, and as such there would be no material residential amenity impacts in terms of overlooking, overbearing or overshadowing impacts on the existing dwellings.

In terms of existing houses in Lon Mefus, no 34 would be closest dwelling to the side elevation of plot 29 in the south eastern corner of the site and would be separated by a distance of 24m from the side elevation of plot 29 and the rear elevation of no. 34 Lon Mefus. Given this distance, it is considered that no unacceptable overbearing or overshadowing impacts would occur on the existing dwelling at no. 34 Lon Mefus. With regard overlooking, there is one window proposed in the side elevation of plot 29 which would serve a landing window. It is noted that the rear boundary of the garden of No 34 would be 7m from the side elevation of plot 29, however as the proposed window in the side of plot 29 would be a landing window (and not a habitable room window), it is considered that no unacceptable overlooking impacts of the rear garden of No 34 would occur. As mentioned above, there would be a separation distance between elevations of 24m which is in excess of the 21m recommended within the SPG - Places to Live: Residential Design Guide.

The layout of the proposed development ensures that all separation distances for back to back relationships accord with (and exceed) the minimum separation distances set out in the SPG - Places to Live: Residential Design Guide, and all of the plots would have a standard 10m separation distance where first floor windows overlook neighbouring private amenity space. All of the plots would have an acceptably sized private rear garden.

In terms of the residential amenity of the existing and future occupiers, the application is considered to be acceptable and would accord with the provisions of Policy EV1 of the UDP and the SPG - Places to Live: Residential Design Guide.

Parking and Access

The site benefits from outline consent for residential development with access conditioned off Lon Masarn. That application was supported by a Transport Statement and this showed that it was considered that the site could be accommodated in terms of vehicular movements. There was a section 106 agreement attached to the application which included a sum £12,000 for the purpose of undertaking local highway improvements.

The site layout shows a single point of access directly off Lon Masarn as previously agreed. New footways have been included and these will be constructed under a Section 278 Agreement with the Highways Authority. It is noted that the proposed pavement to the north side of Lon Masarn is not proposed to connect to the existing pavement to the side of no. 34 Lon Mefus - the developer has stated that *The eastern footway will cross before the bend via a set of drop kerbs and tactile paving (uncontrolled crossing point). The footway will not continue around the bend on the northern side due to land outside of our control, level differences which would result in alterations being required to a neighbour's boundary wall, the sub-standard width of the continuation footway beyond the driveway access to No 34 Lon Mefus.*

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0925/RES

The internal road is considered to be acceptable in terms of its layout and highway safety and is proposed to be managed and maintained by a private management company and therefore will not be adopted by the Highway Authority.

The levels of parking are considered to be acceptable at two/three spaces per dwelling. Visitor parking has not been included but given the internal road layout some informal parking could be accommodated on street if required.

The Head of Transport and Engineering recommended that a number of conditions be added - these conditions were included within the outline planning permission and therefore do not need to be duplicated in the reserved matters permission.

The Head of Transport and Engineering considers that the proposed layout and parking levels are acceptable and would accord with the provisions of Policies EV1, EV2, AS1, AS2, AS4, AS5, AS6, and AS10 of the UDP.

Conditions of the Outline Permission

Drainage

Condition 14 of the outline planning permission stated:

Any reserved matters application shall be accompanied by a detailed surface water strategy for the reserved matters site for which approval is sought. The strategy shall demonstrate how the management of water within the reserved matters application site for which approval is sought accords with the approved details for the strategic site wide surface water strategy. The strategy shall maximise the use of measures to control water at source as far as practicable, to limit the rate and quantity of runoff and improve the quality of any runoff before it leave the site or joins any water body. The strategy shall include details of all flow control systems and the design, location and capacity of all such SUDS features and shall include ownership, long-term adoption, management and maintenance scheme(s) and monitoring arrangements/responsibilities, including detailed calculations to demonstrate the capacity of receiving on-site strategic water retention features without the risk of flooding to land or buildings.

Reason: To ensure that a satisfactory and sustainable means of surface water drainage is available 'upfront' to serve development individual phases, and to prevent the increased risk of flooding to third parties

Following a series of negotiations, the submitted Drainage Strategy is considered to be acceptable and therefore the requirements of condition have been met and as such the condition can be 'discharged'.

Landscape

Condition 17 of the outline planning permission stated:

A landscaping scheme for the site shall be submitted as part of the reserved matters, and the scheme as approved shall be carried out within 12 months from the completion or occupation of the development, whichever is sooner.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0925/RES

The landscaping plan shall provide features to support wildlife - a list of suitable species for planting is included in Appendices B and D of the submitted Ecological Report. Any trees, shrubs or plant material which are part of the scheme, which die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.

Reason: In the interests of the visual amenity of the site as a whole, and to accord with Section 197 of the Town and Country Planning Act 1990.

The landscape plan, which includes the planting layout, detail of the positions and numbers of the plants and specification for planting is considered to be acceptable and therefore the requirements of the condition have been met and as such the condition can be discharged.

Enclosures

Condition 31 of the outline planning permission stated:

Before the development hereby approved is occupied the means of enclosing the boundaries of the site and individual curtilages of all dwellings shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and general amenity

The means of enclosing the boundaries of the site and the individual dwellings include 1.8m fair faced brick screen walls to all public facing boundaries and a mix of 1.8m close boarded fencing and 1.2m post and rail fencing for the rear garden areas.

The boundary treatments are considered to be acceptable and therefore the requirements of the condition have been met and as such the condition can be discharged.

Road Layout and Longitudinal Road Sections

Condition 34 of the outline planning permission stated:

Road layout details including longitudinal road sections shall be submitted for the approval of the Local Planning Authority as part of the submission of details.

Reason: To allow the proper consideration of all highway details

The submitted details showing the layout and longitudinal sections are considered to be acceptable and therefore the requirement of the condition have been met and as such the condition can be discharged.

Site levels

Condition 36 of the outline planning permission stated:

Before the development hereby permitted is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) together with any changes proposed in the levels of the site shall be submitted to and agreed by the Local Planning Authority in writing.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0925/RES

Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.

The submitted details showing the levels are considered to be acceptable and therefore the requirement of the condition has been met and as such the condition can be discharged.

Responses to Objections

Issues relating to drainage, traffic, parking provision, committee site visit, access, highway safety, overlooking / loss of privacy, have been addressed in the previous paragraphs.

With regard to the applicant's traffic survey, this was undertaken in 10 July 2012 and this Authority carried out a survey on 18 September 2014. This was undertaken as part of the outline planning application which was granted on 18/08/15. As such it is considered that the current highway conditions in the area have been fully assessed.

With regard to the junction with Tycoch Road, the S106 agreement included a contribution of £12,000 for towards junction improvements.

With regard to the pedestrian crossing on Lon Masarn, this falls outside of the application site and would be subject of a S278 agreement under the Highways Act.

With regard to the electricity substation, this is to be located uphill from the soakaway and therefore will not be at risk from flooding

The shared boundary wall to the rear of the existing houses in Lon Mefus is not proposed to be altered as part of this application.

With regard to the claim that Lon Mefus residents have not been consulted, 71 nearby residents, including nos. 2-34 Lon Mefus were directly consulted on the 4th May 2017, and there were 3 site notices placed close to the site.

With regard to school places, this was also considered as part of the outline planning application, and the S106 agreement included a contribution for Sketty Primary School, YGG Brynymor and YG Y Gwyr totalling £206,358.

With regard to potential soakaway issues into Cockett Valley, the soakaway has been designed following detailed consideration and investigation at all stages. The concern that additional water could be channelled into the Cockett Valley is valid, however it should be highlighted that the hydrogeological studies carried out during the outline stages clearly indicated that the bedding planes tipped northwards away from the valley and the existing housing. It is probable that there will be some lateral water movement with the rock strata, but it must be remembered that the water arising from this development site already contributes naturally to the flows and volumes reaching the valley and the stream the passes through the Gower College, it is not additional water, no hydrological catchments are being changed as a result of the development. As such there will not be any land instability created as a result of the development.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0925/RES

Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, the details of the access, appearance, landscaping, layout, scale and conditions 14, 17, 31, 34, and 36 pursuant of outline planning permission 2014/0969 granted on 18th August 2015 for 73 residential units are considered to be acceptable in terms of the impacts upon visual amenity, residential amenity, access, parking & highway safety and drainage and therefore complies with the provisions of policies EV1, EV2, EV3, EV33, EV34, EV35, HC1, HC3, HC14, HC17, AS1, AS2, AS4, AS5, AS6 and AS10 of the Unitary Development Plan 2008, and the Supplementary Planning Guidance (SPG) - Places to Live: Residential Design Guide.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents:

3003-000.REV A - SITE LOCATION PLAN; 3003-BAY-FP01 - BAY HOUSE TYPE FLOOR PLANS; 3003-BAY-EL01 - BAY HOUSE TYPE ELEVATIONAL PLANS; 3003-BTD-01 - BOUNDARY TREATMENT DETAILS; 3003-GAR-ELFP01 - GARAGES PLANS & ELEVATIONS (1 OF 2)

3003-GAR-ELFP02 - GARAGES PLANS & ELEVATIONS (2 OF 2); 3003-WAL-EL01 - WALTON HOUSE TYPE ELEVATIONS; 3003-WAL-FP01 - WALTON HOUSE TYPE FLOOR PLANS V2; 3003-WICK-EL01 - WICKFORD HOUSE TYPE ELEVATIONS; 3003-WICK-FP01 - WICKFORD HOUSE TYPE FLOOR PLANS; 3771-SK120A - DRAINAGE STRATEGY PLAN Received on 27th April 2017.

3771-121 - LAND DRAIN DETAIL; 3003-SOME-EL01 REV A - SOMERBY HOUSE ELEVATIONS; 3003-SHIP-FP01 REV A - SHIPTON HOUSE FLOOR PLANS; Received on 23rd June 2017.

3003-SOME-FP01 REV A - SOMERBY HOUSE FLOOR PLANS; 3003-SHIP-EL01 REV A - SHIPTON HOUSE ELEVATIONS; Received 28th June 2017

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0925/RES

403.02 REV A - LANDSCAPE PLANTING PLAN; 3771-111-1E - LONGITUDINAL SECTIONS - SHEET 1 OF 2; 3771-111-2B LONGITUDINAL SECTIONS - SHEET 2 OF 2; 3771-101-3 REV D - VEHICLE SWEPT PATH ANALYSIS FIRE TENDER; 3771-101-2 REV C - VEHICLE SWEPT PATH ANALYSIS PANTECHNICON; 3771-101-1 REV B - VEHICLE SWEPT PATH ANALYSIS REFUSE VEHICLE; 3003.421-EL02 REV A - PLOTS 39-40 ELEVATIONS; 3003-WILC-FP01 REVB - WILCOTT HOUSE TYPE FLOOR PLANS; 3003-WILC-EL01 REV B - WILCOTT HOUSE TYPE ELEVATION; 3003-PP-01 REV E - PARKING PLAN; 3003-ML-01 REV B - MATERIALS LAYOUT; 3003-BTP-01 REV F - BOUNDARY TREATMENT PLAN; 3003-AHP-01 REV E - AFFORDABLE HOUSING LOCATION PLAN; 3003-531.EL01 REV C - PLOTS 66-67, 34-35, 68-69 ELEVATIONS; 3003-531-FP02 REV D - PLOTS 36-38 FLOOR PLANS; 3003-531-FP01 REV C - PLOTS 34-34, 66-67, 68-69 FLOOR PLANS; 3003-531-EL03-FP03 REVB - PLOT 65 PLANS; 3003-531-EL02 REVD - PLOTS 36-38 ELEVATIONS; 3003-421.EL04 - PLOTS 43-44 ELEVATIONS; 3003-421-FP04 REV A - PLOTS 43-44 FLOOR PLANS; 3003-421-FP03 REVA - PLOTS 41-42 FLOOR PLANS; 3003-421-FP02 REV A - PLOTS 39-40 FLOOR PLANS; 3003-421-EL03 REVA - PLOTS 41-42 ELEVATIONS; 3003-241.531-FP02 REV D - PLOTS 24-26 FLOOR PLANS; 3003-241.531-FP01 REV C - PLOTS 27-29 FLOOR PLANS; 3003-241.531-EL02 REV F - PLOTS 24-26 TERRACE HOUSE TYPE ELEVATIONS; 3003-241.531-EL01 REV D - PLOTS 27-29 ELEVATIONS; 3003-101 REV I - PLANNING LAYOUT (COLOUR); 3003-100 REV H - PLANNING LAYOUT; Received 3rd August 2017

3771-110 REV J - ENGINEERING LAYOUT received 18th August 2017

3771-115 REV D - MANHOLE SCHEDULES received 22nd August 2017

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: HC1, EV1, EV2, EV3, EV33, EV34, AS1, AS2, AS4, AS5, AS6, AS10, HC14, EV35, HC3, HC17.
- 3 Dwr Cymru / Welsh Water advise you to note the following:
 - (i) Foul flows from the proposed development shall connect to the 150mm public combined sewer at manhole SS62934703 on Lon Masarn as shown on the statutory sewer plan. Reason: - To prevent hydraulic overloading of the public combined system, to protect the health and safety of the existing residents and ensure no detriment to the environment.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 1 (CONT'D)

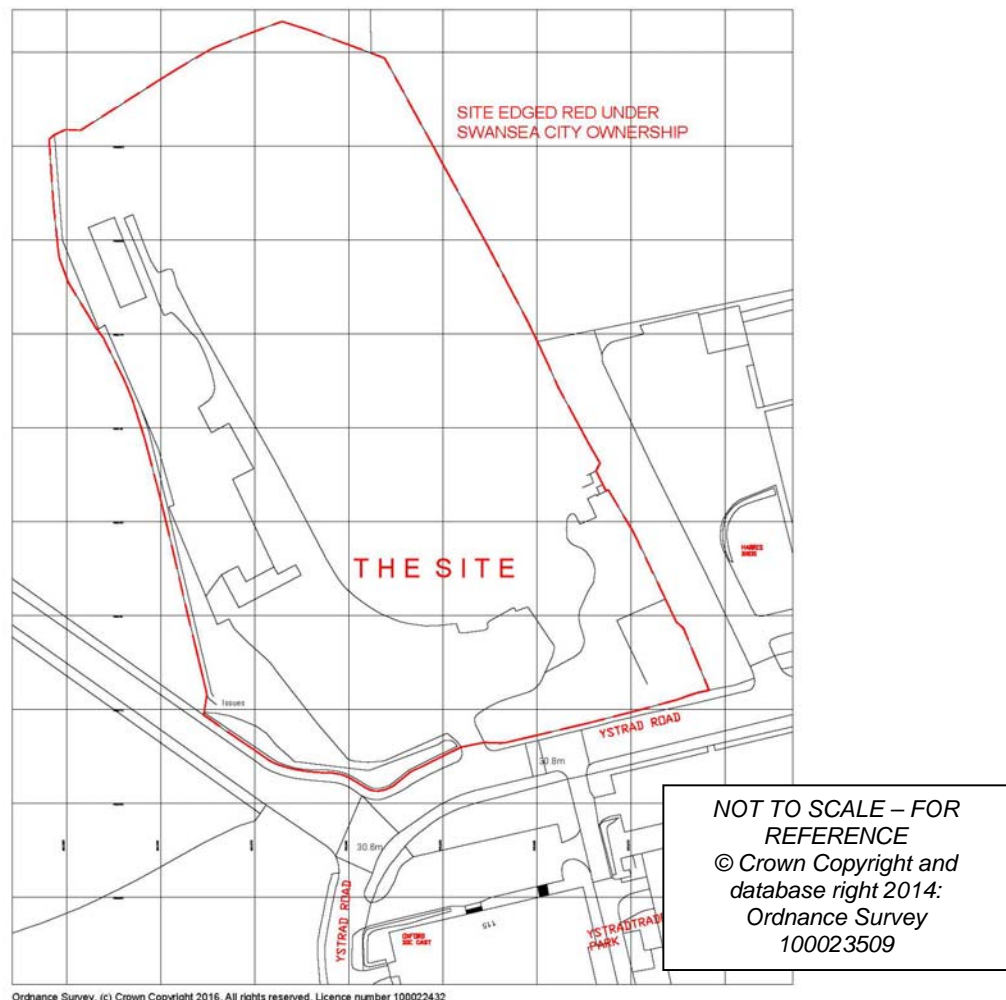
APPLICATION NO:

2017/0925/RES

- (ii) The proposed development site is crossed by a public sewer with the approximate position being marked on the Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer. Reason: To protect the integrity of the public sewer and avoid damage thereto, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment
-

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 2 APPLICATION NO: 2017/0373/FUL
WARD: Cockett - Area 2
Location: Former Greyhound Stadium , Ystrad Road, Fforestfach, Swansea, SA5 4NE
Proposal: Retention of use of site for waste reclamation, recycling and self storage units for a temporary period of ten years
Applicant: Stacey Norman Stenor Limited



BACKGROUND INFORMATION

POLICIES

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2017/0373/FUL

UDP - EV2 - Siting

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).

UDP - EV3 - Accessibility

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)

UDP - EV30 - Trees, Woodland and Hedgerow Protection

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)

UDP - EV34 - Protection of Controlled Waters

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)

UDP - EV35 - Surface Water Run-Off

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)

UDP - EV33 - Sewage Disposal

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)

UDP - EV40 - Air, Noise and Light Pollution

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)

UDP - EC3 - Established Industrial and Commercial Areas

Improvement and enhancement of the established industrial and commercial areas will be encouraged where appropriate through building enhancement, environmental improvement, infrastructure works, development opportunities and targeted business support. (City & County of Swansea Unitary Development Plan 2008)

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2017/0373/FUL

UDP - R6 - Secondary / Recycled Aggregates

Proposals to develop secondary aggregate resources or recycling centres for construction and demolition waste will be supported subject to compliance with specified criteria. (City & County of Swansea Unitary Development Plan 2008)

UDP - R12 - Waste Management

Proposals for the development of waste management facilities involving the transfer, treatment, re-use, recycling, in-vessel composting, energy recovery from waste or open composting in farm locations will be assessed against regional and local requirements. Proposals will be permitted within areas designated for B2 industrial use or having the benefit of lawful B2 use provided that there are no significant adverse affects and subject to compliance with specified criteria. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0373/FUL	Retention of use of site for waste reclamation, recycling and self storage units for a temporary period of ten years	PDE	
2017/1880/TPO	To lop trees covered by TPO 637	APP	20.09.2017

RESPONSE TO CONSULTATIONS

One neighbouring property was directly consulted and the application was advertised via a number of site notices.

THREE letters of OBECTION have been received which raise the following concerns:

- o It would cause a greater volume of traffic, noise pollution, dust and also there is a weight restriction on parts of Ystrad Road. It would also cause a smell.
- o The works being carried out create an unacceptable noise adding to an already busy area. Also the vehicles are using an incorrect route in and out of the site adding to the traffic problems in the area and breaking highway laws.

Dwr Cymru / Welsh water (DCWW) - No objection subject to conditions

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2017/0373/FUL

Natural Resources Wales (NRW)

Initial Comments

We recommend that you should only grant planning permission for the scheme if the following conditions are included, to address significant concerns that we have identified. Provided these conditions are attached to any permission your Authority is minded to approve, we would not object to the scheme. For your information the applicants have a Waste Permit from us for the operation of waste reclamation and recycling facilities.

Site Drainage - This applicant proposes to dispose of surface water to an existing watercourse. The Design and Access and Planning Statement lists suspended solids release into the surface water and the nearby stream in its environmental risk assessment. Therefore, we recommend that a condition be applied to ensure the applicant submits a pollution prevention strategy, which details how the applicant plans to prevent pollution from the site entering the surface water drains and the watercourse during normal operations and adverse weather conditions, for the construction phase and for the lifetime of operations at the site. We also advise that you liaise with the Lead Local Flood Authority who should be able to provide advice on surface water disposal.

Foul Drainage -

There is no information on foul drainage disposal, from our records the site lies within the catchment of the Gowerton public sewer and as such we request that the applicant contacts Welsh Water to confirm that there is sufficient hydraulic and biological capacity available in the system to accommodate the additional flows. Please note we would not support any proposal to utilise a private system within a sewered area. To ensure that a satisfactory means of foul drainage is implemented we request that the following condition is included in any permission granted.

Condition: The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved. Reasons To protect water quality.

Further NRW Comments

Foul Drainage - We note the applicant proposes to utilise a septic tank for disposal of foul drainage, however there is no evidence to suggest that the applicant has contacted Welsh Water to confirm whether connection can be made to the Gowerton public foul sewer as advised in our previous letter. Please note we would not support any proposal to utilise a private system within a sewered area and it is unlikely that an environmental permit would be issued if the site lies within 30m of a main sewer.

To ensure that a satisfactory means of foul drainage is implemented we request that the following condition is included in any permission granted.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2017/0373/FUL

Condition - The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved. Reason: To protect water quality

Site Drainage - No information has been received regarding pollution prevention, we therefore reiterate our previous comments and recommend that a condition be applied to ensure the applicant submits a pollution prevention strategy, which details how the applicant plans to prevent pollution from the site entering the surface water drains and the watercourse during normal operations and adverse weather conditions, for the construction phase and for the lifetime of operations at the site.

More further NRW Comments

We recommend that you should only grant planning permission if you attach the following condition. This condition would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Pollution Prevention: We would request that the developer produce a method statement detailing all necessary pollution prevention measures, which details how the applicant plans to prevent pollution from the site entering the surface water drains and the watercourse during normal operations and adverse weather conditions, for the construction phase and for the lifetime of operations at the site.

Condition - No development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution prevention measures for the development is submitted to and approved in writing by the Local Planning Authority.

Reason: To protect water quality and prevent any potential deterioration in Water Framework Directive Classification.

Silt protection: Please note the biggest risk in this case would be from silt run off. Silt protection must be in place before any of the land is stripped to prevent any suspended solids entering the River Lliw. We also advise that you liaise with the Lead Local Flood Authority who should be able to provide advice on surface water disposal.

Final NRW Comments

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

Environmental Permitting (England and Wales) Regulations 2010 (as amended)

The operation is authorised by a Standard Rules Permit, EPR/AB3392HL which was issued in January 2017. The operator will have to comply with the relevant standard rules including:

- o Managing and operating the activities in accordance with written management system that identifies and minimises risks of pollution.
- o Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. Any surface water discharges from the site must be clean and not cause pollution. Surface water from dirty working areas must be dealt with appropriately

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2017/0373/FUL

Foul drainage: As your Authority is aware, since 2007, issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling to the Burry Inlet (Carmarthen Bay and Estuaries) SAC. As such, a Memorandum of Understanding (MOU) has been prepared to enable development in this area to go forward. Protection of the water environment is a material planning consideration and your Authority must be satisfied that the proposed method of foul and surface water drainage from the proposal will not cause any detriment to water quality. Our preferred and the most sustainable method of foul water disposal is connection to the main sewerage system.

Head of Transportation and Engineering

Initial Comments

There is insufficient information supplied to enable a formal highway assessment of this planning application. In the absence of a Transport Statement then I am unable to support this planning application as it has not been demonstrated that the trips arising from the proposed use would not have a detrimental impact on the Strategic Highway Network.

Final Highway Comments

A Transport Statement was requested to quantify the likely levels of movements in order to assess the impact on trip generation and parking. During this process it came to light that there was a self-storage element contained within proposed development and this was included in the revised description.

The proposed development includes the storage and reclamation of controlled waste comprising inert wastes (soils, hard core and concrete) as well as a 600 square metre self-storage facility. The historic use of the site was as a greyhound racing stadium but that use has ceased some time ago (circa 2009). The site is bounded by Ystrad Road to the south, an industrial unit to the east and agricultural land to the west and north. Access to the site is directly off Ystrad Road. The site is located within an industrial estate with easy access to the M4 at junction 47 Penllergaer.

The site is accessible by walking, cycling and public transport. The majority of roads on the estate have footway provision and are lit. There is bus provision running every 30 minutes in close proximity to the site.

The roads in the area are wide as you would expect on an industrial estate and a 30mph zone is in force. Pedestrian crossings are evident and there is pedestrian provision at the signalized junction of Ystrad Road/Carmarthen Road. Car Parking within the estate is in the main unrestricted. The accident figures within the industrial estate for the years 2012-2016 inclusive show a total of 21 casualties from 10 separate accidents, three of which were serious, with zero fatalities. There were no accidents recorded in and around the proposed site. It is therefore considered that there are no inherent safety issues associated with the existing road layout. The site is being leased for a five year period to Stenor Limited from the Council.

The proposed reclamation station will consist of :

- o Waste delivery area
- o Waste storage area

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2017/0373/FUL

- o Variety of reclamation plant
- o Other small plant
- o Portacabin to act as the site control office

The proposed layout includes a self-storage facility which is indicated as being arranged as a series of shipping containers double stacked for security. Access to the site is as existing and the necessary visibility splays are indicated. A swept path analysis has been provided to show that the access can accommodate a 20t tipper lorry, there is ample space within the site for vehicles to turn. There is a parking area for staff included together with a site office. Parking for visitors to the self-storage facility is also available. The method statement advises that a delivery routing strategy will be implemented to reduce down the impact of Heavy Goods Vehicles on the Highway Network. The route to be followed is that already signposted namely from the A483 Carmarthen Road, turning into Kingsway, continuing onto Bruce Road and north onto Ystrad Road then into the site. The site is gated but it is stated that during opening hours the gates will remain open so there should not be any impact or obstruction caused to traffic on Ystrad Road. The expected trip levels have been derived from a combination of site specific experience (for the waste element from other sites run by Stenor) and the TRICS Database for the self-storage element. In terms of vehicle movements the waste recycling trips are expected to be variable but in the region of 60 trips per day (which equates to 6 per hour on a ten hour day). For the self-storage element a total of seven sites were selected and the daily trips were seen to be in the region of 20 trips (with a peak time of between 2 and 3 pm when three vehicles would be expected to arrive/depart).

In summary the proposed development is likely to generate six HGV movements per hour and a small number of car trips (for the self-storage element). It is considered that these levels of movements can be accommodated within the existing highway infrastructure without any detriment.

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

1. Delivery vehicles following the prescribed route to the M4 (in the interest of highway safety and residential amenity)
2. The gates are to open inwards only, and to be kept open at all times during the hours of operation, in the interests of highway safety.
3. The parking areas as indicated to be laid out in accordance with the approved plans and maintained for parking purposes only thereafter.
4. The provision of adequate wheel washing facilities within the site to ensure that the highway network is kept free of debris and dirt.

Drainage Officer

Initial Comments

The application form indicates the discharge to the adjacent watercourse however no information has been provided with respect to discharge rates, what, if any attenuation is required and what pollution prevention measures will be put in place as part of a Drainage Strategy appropriate to the scale and nature of the development.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2017/0373/FUL

Final Drainage Comments

No objection as the site is covered by an Environmental Permit issued by NRW which covers the control of surface water discharges from the site.

Tree Officer

Initial Comments

The site is bordered by a group of mature trees along its eastern boundary. These trees are not protected by a TPO or Conservation Area status, however under Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development, adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity. The proposed earth bank appears to be close to the trees and could have a negative effect on them by changing hydrology and compacting / suffocating the soil. These changes to the soil will reduce the ability of roots to function correctly leading to the premature decline of the trees. If the trees are required for screening it should be noted that ash are a constituent part of the group and may be lost in the short term due to ash die back disease. The current proposals are at present not acceptable. The applicant needs to demonstrate with a tree survey and arboricultural impact assessment in accordance with BS5837:2012 that the earth bank will not have a detrimental effect on the trees. If the current layout is too close to the trees then a solution will be to give more separation between the two.

Further tree comments

The provided report is at times contradictory, omits information to check its validity and does not fully address the issues. Construction is shown near to trees T1 and T2 but these trees are shown (and in the case of T2 discussed) to be retained. From the photographs tree T2 perhaps should be category U. The survey data classifies several trees as 'veteran'; although this is not an age class within BS5837 it is useful to know. The author has concluded that the RPA of veteran trees should be reduced when the opposite is true due to their sensitivity to root damage. This is reflected in our SPG and other guidance on veteran trees. RPA's of veteran trees should be considered as 15 times the stem diameter of the tree. The veteran trees are categorised as C3 - *Trees with no material conservation or other cultural value*. In my opinion large veteran trees like this have significant conservation merit. The survey data is incomplete, the stem diameters of the trees are not provided to allow verification of the RPAs. The author also does not indicate what method was used for calculating the RPAs. The author also suggests that the bund should be outside of the canopy spreads of the trees; this is not the case on the diagram supplied in the report. The arboricultural method statement (AMS) is general, not site specific and incorrect when assessing the risk to the trees. For the scheme to be acceptable the bund needs to be moved further away from the trees and either a more suitable AMS and tree protection plan provided or conditioned.

Final Tree Officer Comments

The trees along the boundary are now covered with a Tree Preservation Order (TPO). The revised layout showing the bund moved away from the trees is a better layout and is acceptable. Please add a condition for tree protection fencing during construction.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2017/0373/FUL

Pollution Control Officer

No objection subject to conditions relating to the hours of operation, noise and dust plan as stated within the Design and Access statement.

APPRAISAL

Full planning permission is sought for the retention of the use of the site for waste reclamation, recycling and self-storage units for a temporary period of ten years.

The application is reported to the Planning Committee for determination as the proposal is for a waste reclamation and recycling centre and the application site exceeds 2 hectares in size.

The proposed development involves the storage and reclamation of controlled waste comprising of inert wastes (soil, hard-core and concrete). The operation already has the benefit of an Environmental Permit issued by NRW (reference EPR/AB3392HL issued January 2017). No hazardous waste or biodegradable waste will be accepted at the site and it is anticipated that little, or no residual waste will be generated that will need to go to landfill. The waste operations follow the definition of a waste transfer and recycling station.

The operational hours will be Mon to Fri: 07.30 - 18.00hrs, Saturday: 07.30 - 14.00hrs, and not at all on Sundays and Bank Holidays.

The proposal also includes a number of self-storage units which the applicant has advised will operate on a 'by appointment' system.

The site operator will be Stenor (currently operating from Kings Dock) and they will be responsible for the manning and operation of the site.

The site is located on Ystrad Road and was formerly used as a greyhound track which closed in 2009. The site is situated within the Swansea West industrial estate and is bound to the rear by agricultural land. It is bound to the east by a line of protected trees which separates the site from the adjacent Harris Brothers tyre centre. To the west, the site is bound by Titanium Road which leads to further industrial sites. Opposite the site, on the other side of Ystrad Road, are commercial and industrial buildings.

The nearest residential dwellings are located approximately 150m to the north-east of the site in Denver Road. The residential area containing Dale Close, Fox Grove, and Mynydd Bach Y Glo are located over 350m to the south west of the site.

The site has a frontage to Ystrad Road which measures approximately 90m which is bound by a 2.1m high palisade fence and the entrance gates to the site. A 5m high bund will be formed inside part of the eastern boundary of the site. The existing fencing and protected trees along this boundary will remain in situ. The bund will accommodate approximately 170 solar PV panels along its length.

The reclamation station will comprise of a waste delivery area, waste storage area, a crusher and a screener. A temporary 'portacabin' will be placed on site to act as the site control office.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2017/0373/FUL

The south-east sector of the site would comprise the self storage area and features a mix of 12m and 6m long containers which would be double stacked - these would be operated as 'self-storage' units on an appointment only basis, and would also have 3 dedicated car parking spaces (1 for staff and 2 for the public). A further 3 car parking spaces will be provided for the staff of the waste reclamation and recycling centre. A 5 bay, single storey, mono-pitched portal frame structure is proposed to be located approx. 30m from the front boundary (behind the storage containers) which house the soil drying area. A weighbridge will be located 10m from the entrance gates.

Main Issues

The main issues for consideration relate to the acceptability of the use of the site as a waste reclamation and recycling centre and self storage facility, the impacts upon visual amenity, residential amenity, parking and highway safety, trees and environmental impacts, with regard to the provisions of policies EV1, EV2, EV3, EV30, EV33, EV34, EV35, EV40, EC3, R6, R12, AS2 and AS6 of the City and County of Swansea Unitary Development Plan 2008 (UDP). There are no overriding issues with regard to the Human Rights Act.

The application falls within an existing established industrial area and would create a new business opportunity for an existing company operating in the Swansea area.

Policy EC3 supports new business uses within established industrial and commercial areas which contribute to the provision of employment development.

Policy R12 states that proposals for the development of waste management facilities involving the transfer, treatment, re-use, recycling, in-vessel composting, energy recovery from waste or open composting in farm locations will be assessed against regional and local requirements. Proposals will be permitted within areas designated for B2 industrial use or having the benefit of lawful B2 use provided that there are no significant adverse effects in relation a defined list of criteria.

With regard to the use, scale and location of the proposed development, the site falls within an established industrial area and is of a moderate scale in term of its operation. It is therefore considered that the principle of the use of the site for a waste reclamation and recycling centre and self-storage facility is acceptable in this location. It is not considered that the proposal raises any unacceptable concerns relating to public safety.

Visual Amenity

In terms of visual impact, the proposal, by its very nature, is considered to be unsightly. The site is currently bound to the road frontage by a 2.1m high palisade fence, which is a common style of fencing within industrial areas. The proposed storage containers would be located towards the front of the site and would be double stacked. This would act a 'screen' when viewed from the street and would help to mitigate the unsightly view of the waste reclamation and recycling operation from the public realm. The existing trees and vegetation on the two side boundaries and the rear boundary would remain, which would help screen the unsightly parts of the site from the wider area.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2017/0373/FUL

In summary, it is considered that the development - given the context of the site - would not cause a detrimental impact upon the visual amenities of the area.

Residential Amenity

In terms of impacts upon the amenity of residential dwellings, the site is located within an existing industrial estate, and the nearest existing residential properties are located in Denver Road, approximately 150m to the north-east of the site. The residential area containing Dale Close, Fox Grove, and Mynydd Bach Y Glo are located over 350m to the south-west of the site. Given these separation distances and due to the setting/backdrop of the existing industrial estate, it is not considered that the proposals would unacceptably impact on the amenities of occupiers of those properties.

Transport and Highways

A Transport Statement was submitted to quantify the likely levels of movements in order to assess the impact on trip generation and parking. The proposed development is likely to generate six HGV movements per hour and a small number of car trips (for the self-storage element). It is considered that these levels of movements can be accommodated within the existing highway infrastructure without any detriment. The Head of Transportation and Engineering has accordingly offered no highway objection to the proposal.

The conditions required by the Head of Transportation and Engineering will be incorporated on any planning permission granted, with the exception of the 'delivery vehicles routing' condition which will not be used, as advice contained within Welsh Government Circular 016/2014 (the Use of Planning Conditions for Development Management) states that planning conditions are not an appropriate means of controlling the right of passage over public highways and can be very difficult to enforce. The circular goes on to advise that "where it is essential to prevent traffic from using particular routes, the correct mechanism for doing so is an Order under the Traffic Management Act 2004."

Trees

Initially, the application showed the proposed bund to be within the root protection area of the existing trees which separate the site from the adjacent Harris Bros Tyre Centre. This was not considered to be acceptable due to the potential harmful impacts that could be caused to the trees. Accordingly, the applicant agreed to move the bund away from the trees, and as such, the trees will not be harmfully affected by this proposal. During the assessment of the impacts on the trees, it was considered prudent to place a Tree Preservation Order on the existing trees as they are considered have high amenity value and provide attractive screening within the industrial estate. The Tree Preservation Order is now in place.

Environmental Impacts

Natural Resources Wales have confirmed that the applicant has an Environmental Permit for waste reclamation and recycling of inert wastes at the site and raises no environmental concerns about this activity continuing in compliance with the permit. No objection has been received from the Head of Pollution Control.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2017/0373/FUL

Accordingly, it is not considered necessary to consider these matters further as no issues have been raised which would conflict with UDP Policy EV40 (air and light pollution) or UDP Policy R12(vi).

With regard to noise, although objections have been raised, given the surrounding industrial/commercial operations and the other noise sources in the locality, it is not considered that the use would cause unacceptable levels of noise pollution. If any unacceptable noise levels do occur, then this would be controlled via the Control of Pollution Act 1974.

With regard to drainage, the applicant has confirmed that they will not install a cesspool for foul sewerage (as initially indicated) due to the concerns raised by NRW.

With regard to surface water and potential pollution of surrounding watercourses, NRW have confirmed that these matters are covered via the Environmental Permit which has already been granted to the applicant. These matters do not therefore need to be controlled by planning conditions.

Duration of Planning Permission

The applicant has requested that planning permission be granted for a period of 10 years. However, given that the proposal is considered to be acceptable in planning terms, it is not considered necessary to impose a condition that requires the cessation of the proposal after a period of 10 years.

Response to Letters of Objection

The various points of objection have been addressed above in the various sub-sections of this report.

Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, the application for the use of the site for waste reclamation, recycling and self-storage units is considered to be acceptable in terms of the acceptability of the use in this location, impacts upon visual amenity, residential amenity, parking and highway safety, trees and environmental impacts, and as such is considered to comply with the provisions of policies EV1, EV2, EV3, EV30, EV33, EV34, EV35, EV40, EC3, R6, R12, AS2 and AS6 of the Unitary Development Plan 2008 (UDP).

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and considers that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2017/0373/FUL

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents:
HD0_1902 02A - Site Location Plan and 15/9/3/Titan Rev A - Weighbridge details, received 11th May 2017. HD1902-01 Rev A - Proposed Storage Units, received 25th May 2017. HD1902-03 Rev D - Proposed Site Layout Plan, received 11th August 2017

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 2 The waste reclamation and recycling elements of the uses hereby approved shall not be operated outside the hours of 0730 - 1800hrs Monday to Friday and 0730 - 1400hrs on Saturdays. The waste reclamation and recycling elements shall not operate at all on Sundays and Bank Holidays.
Reason: To protect the amenities of the occupiers of nearby dwelling houses.
- 3 The mitigation measures relating to the control of mud and debris contained within Section 6.2 of the Design, Access and Planning Statement, submitted as part of this application, shall be employed at all times during the operation of the use hereby approved.

Prior to any vehicle leaving the site, the vehicle shall be inspected by a site operative to establish that it is free from excessive dirt, mud or other debris. If the vehicle is not free from any of these, it shall be cleansed in accordance with the details contained within Section 6.2 of the Design, Access and Planning Statement, prior to leaving the site.

Reason: In the interests of highway safety and the general amenity of the area.
- 4 The mitigation measures relating to the control of dust, fibres and particulates contained within Section 8.2 of the Design, Access and Planning Statement, submitted as part of this application, shall be employed at all times during the operation of the use hereby approved.
Reason: In the interests of the general amenity of the area.
- 5 The mitigation measures relating to the control of noise contained within Section 8.5 of the Design, Access and Planning Statement, submitted as part of this application, shall be employed at all times during the operation of the use hereby approved.
Reason: In the interests of the general amenity of the area.
- 6 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2017/0373/FUL

- 7 The entrance gates shall open inwards only, and shall be kept open at all times during the hours of operation of the use hereby approved.
Reason: In the interests of highway safety.
- 8 The parking spaces shown in the drawings hereby approved shall be laid out and made available for vehicular parking before the self-storage containers are brought into beneficial use and shall be made available for such purposes at all times thereafter.
Reason: In the interests of highway safety.
- 9 All of the protected trees located adjacent to the eastern boundary of the site and/or any trees whose canopies overhang the eastern boundary of the site shall be protected by fencing, the location and type of which shall be submitted to and approved in writing by the Local Planning Authority before the works relating to the creation of the proposed bund commence on site. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials relating to the creation of the bund are brought onto the site. The approved fencing shall be maintained in situ until all of the equipment, machinery and surplus materials relating to the creation of the bund have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the prior written consent of the Local Planning Authority.
Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape and biodiversity of the site and surrounding area.

INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV30, EV33, EV34, EV35, EV40, EC3, R6, R12, AS2 and AS6.
- 3 The proposed development is crossed by a 12 inch distribution watermain Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site. If you have any queries please contact 0800 917 2652 or via email at developer.services@dwrcymru.com
-

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 3

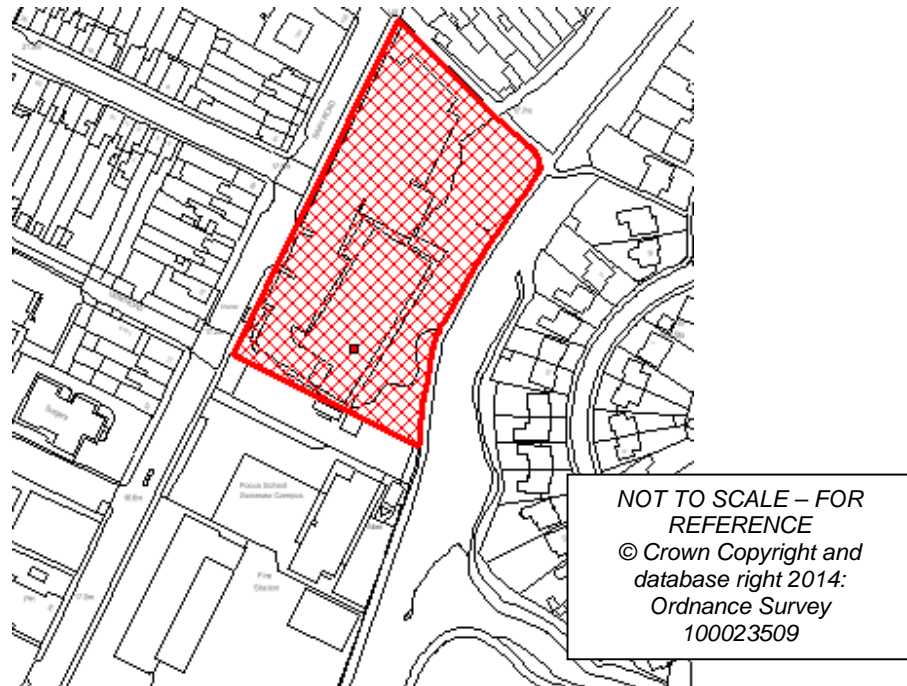
APPLICATION NO: 2017/1384/S73

WARD: Morriston - Area 1

Location: Lidl Uk Gmbh , Sway Road, Morriston, Swansea, SA6 6JA

Proposal: Variation of conditions 2 and 10 of planning permission 2016/1312 granted 12th December 2016 to alter the design of the store including a reduction in height and amend the car park layout and the removal of the need for condition 7 relating to the required provision of an additional disabled person's parking space.

Applicant: Mr Christopher Jenkins Lidl UK GmbH



BACKGROUND INFORMATION

POLICIES

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - EV2 - Siting

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).

UDP - EV3 - Accessibility

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)

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 3 (CONT'D)

APPLICATION NO:

2017/1384/S73

UDP - EC9 - Out of Centre Retailing

Retail development at out of centre locations will be restricted. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV30 - Trees, Woodland and Hedgerow Protection

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)

UDP - EV40 - Air, Noise and Light Pollution

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)

UDP - EC4 - New Retail Development

All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/1384/S73	Variation of conditions 2 and 10 of planning permission 2016/1312 granted 12th December 2016 to alter the design of the store including a reduction in height and amend the car park layout and the removal of the need for condition 7 relating to the required provision of an additional disabled person's parking space.	PDE	
2016/1654	One internally illuminated pylon sign	APP	20.10.2016

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 3 (CONT'D)		APPLICATION NO:	2017/1384/S73
2016/1312	Demolition of existing store and construction of a replacement foodstore (1,424m ² sales area) with associated access, servicing and parking	APP	12.12.2016
2012/0131	One non-illuminated freestanding advertisement hoarding	REF	20.03.2012
2011/1152	One non illuminated wall mounted sign	APP	10.10.2011
2007/2273	One non-illuminated wall mounted hoarding sign and one non-illuminated freestanding hoarding sign	REF	22.11.2007

RESPONSE TO CONSULTATIONS

Highway Authority: support the highway comments submitted with the original application that 7 disabled parking spaces should be provided to meet with adopted standards.

ONE LETTER OF OBJECTION has been received, which is as follows:

I question the applicant's maths. The Parking Guidelines require a MINIMUM of 6% of total parking spaces be Blue Badge spaces. 108 spaces are to be provided, 6% of 108 gives 6.48. As .48 of a bay is obviously not practicable. We are asking for 7 spaces to be provided not the 6 proposed.

APPRAISAL

This application is reported to Committee as the amount of floorspace to be created by the development exceeds the threshold of 2000 square metres for applications to be reported to committee.

Background

Planning permission 2013/0824 was approved on 12th December 2016 for the "Demolition of existing store and construction of a replacement foodstore (1,424m² sales area) with associated access, servicing and parking". This current application seeks to vary conditions 02 and 10 and to remove condition 07 of this planning permission.

Condition 02 states:

The development shall be carried out in accordance with the following approved plans and documents: 001 Site location plan, 006 rev B proposed ground floor plan, 007 rev B proposed first floor plan, 008 rev B proposed elevations received 4th July 2016, 1214 005 rev J amended site plan, 2016/29 rev D amended landscape layout plan received 13th October 2016.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 3 (CONT'D)

APPLICATION NO:

2017/1384/S73

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

Condition 07 states:

Notwithstanding the plans hereby approved and prior to the commencement of works, an amended car parking layout including details of the location of one additional disabled parking space within the site shall be submitted to and approved in writing by the Local Planning Authority. The car park shall be laid out in accordance with the approved details before the use of the development hereby approved commences and retained as such at all times.

Reason: To ensure adequate off street parking is provided in the interest of highway safety.

Condition 10 states:

The gross retail floorspace hereby permitted shall not exceed 1424 square metres of which 285 square metres only may be used for the display and sale of comparison goods.

Reason: To ensure the development does not have an adverse impact on the vitality and viability of existing shopping centres.

The Current Proposal

The changes involve the construction of a shallower pitch roof store (where the overall height is reduced) instead of the sloping roof previously approved, changes to fenestration, change in car parking layout and installation of the store's external plant area at roof level. There are also internal changes proposed. These changes are more than could be considered as a non-material amendment to the original planning permission but they are not considered to be visually unacceptable in the context of the street scene. As these changes are considered acceptable, the variation of condition 2, which will involve the substitution of the previously approved plans and documents with the current plans and documents, is considered acceptable.

In terms of condition, 7, the condition was attached to the original planning permission to ensure disabled parking spaces to be provided at the site met adopted standards. This application seeks to remove that condition. The plans submitted with the application originally showed 6 disabled parking spaces were to be provided. However, following comments from the Highway Authority which indicated that seven disabled parking spaces were required, an amended plan has been submitted which indicates the provision of 7 spaces. This is considered acceptable and also addresses the comments from the objector.

As the amended car parking layout shows that 7 disabled spaces are proposed, the condition is not considered necessary and the removal of this condition is considered acceptable. The new layout plan will be included in the list of approved plans identified in condition 02 and a condition attached to the planning permission requiring the parking layout to be provided before the use commences and retained for the duration of the use..

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 3 (CONT'D)

APPLICATION NO:

2017/1384/S73

In terms of condition 10, the amount of floorspace identified for sales in the condition (1424 square metres) reflected the amount of sales floor space proposed in the original application. Due to the amendments to the layout proposed in this application, the amount of sales floorspace is reduced to 1325 square metres. The minor reduction in retail floorspace would not impact upon the viability and vitality of the nearby Morriston District Centre over and above the originally approved scheme and as such the variation of this condition is also considered acceptable.

In determining a Section 73 application, the Local Planning Authority has to decide whether to re-impose any conditions attached to the original planning permission. In this case, it is necessary to attach conditions relating to drainage to ensure adverse impact on the environment and local residents, the means of enclosure of part the site to ensure no adverse impact on visual amenity and restrictions on the occupier of the site and on sub division of the unit to protect the vitality and viability of existing shopping centres.

Conclusion

Consideration has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WCFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WCFG Act.

In conclusion and having regard to all material considerations, the changes proposed are considered to be an acceptable form of development at this location that complies with the overall requirements of Policies EV1, EV2, AS6, EV3, EV4, EC9, AS2, EV30, EV40 of the City and County of Swansea's Unitary Development Plan 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: 001 Site location plan received 22nd June 2017, 5796-BRA-010100 REF 3 amended site layout and parking; 5796-BRA-010101 REV 2 amended store plan; 5796-BRA-010102 REV 2 amended roof plan; 5796-BRA-020003 REV 2 amended elevations; 2016/.29 Rev E amended landscape proposals plan, received 22nd August 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 3 (CONT'D)

APPLICATION NO:

2017/1384/S73

- 3 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 4 Prior to the first beneficial occupation of the new store hereby approved and notwithstanding the details shown on the approved plans, details of an amended boundary treatment to be erected from points A- C as shown on plan no. 2016/.29 Rev E shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed as approved before the development hereby approved is commenced and retained as such for the duration of the use.
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.
- 5 The landscaping scheme hereby approved shall be completed in accordance with the approved details in the first planting season after the completion of the development or the first beneficial use of the development commencing, 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: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.
- 6 The use of the development hereby approved shall not commence until space has been laid out within the site in accordance with the approved site layout - drawing no 5796-BRA-010100 REF 3 for cars to be parked, for the loading and unloading of delivery vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. That space shall thereafter be kept available for these purposes for the duration of the use hereby approved
Reason: To enable vehicles to enter or leave the premises with a minimum of interference to the free flow of through traffic, and to reduce the likelihood of obstruction and danger to road users when vehicles are accessing the site.
- 7 The building hereby approved shall only be occupied by a Limited Assortment Discounter retailer.
Reason: To ensure the development does not have an adverse impact on the vitality and viability of existing shopping centres.
- 8 The gross retail floorspace hereby permitted shall not exceed 1325m² square metres of which 285 square metres only may be used for the display and sale of comparison goods.
Reason: To ensure the development does not have an adverse impact on the vitality and viability of existing shopping centres.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 3 (CONT'D)

APPLICATION NO:

2017/1384/S73

- 9 The retail unit hereby permitted shall not be sub-divided to form more than one retail unit.
Reason: To ensure the development does not have an adverse impact on the vitality and viability of existing shopping centres.

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, EC4, EC9, AS2, AS6, EV30, EV40
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest in use or being built
 - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.
- 4 The proposed development site is crossed by a 600mm public combined sewer overflow with the approximate position being marked on the Statutory Public Sewer Record. To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, the position shall be accurately located marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.
- 5 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication, Sewers for Adoption 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com
- 7 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.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 3 (CONT'D)

APPLICATION NO:

2017/1384/S73

- 8 The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
 - 9 The developer is advised that no development shall take place until a site notice has been displayed 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.
 - 10 The developer is advised that 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.
-

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 4

APPLICATION NO:

2017/1699/FUL

WARD:

Cockett - Area 2

Location:

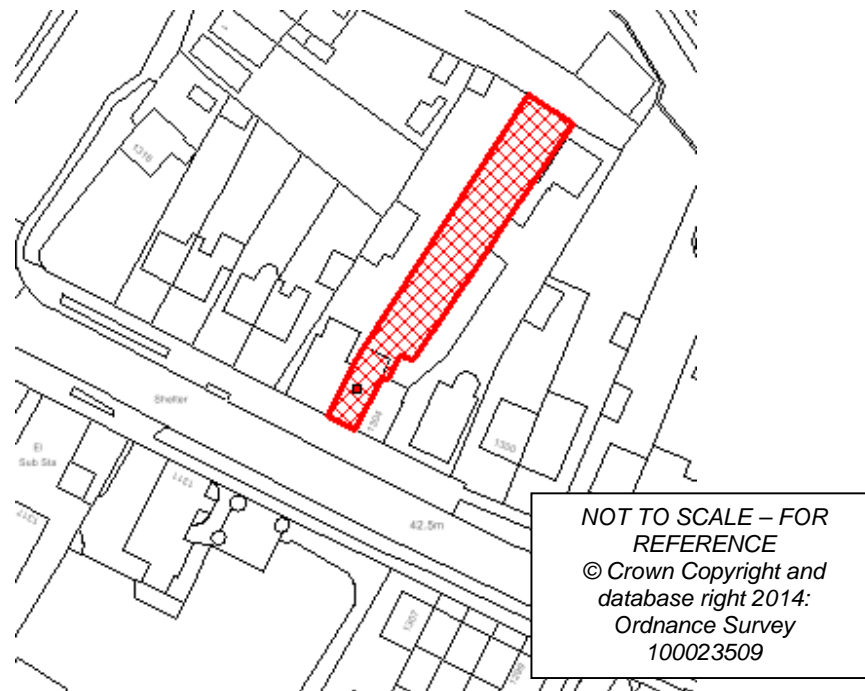
1306 Carmarthen Road, Fforestfach, Swansea, SA5 4BP

Proposal:

Single storey rear extension

Applicant:

Mr & Mrs DK & APW Phillips



BACKGROUND INFORMATION

POLICIES

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - HC7 - Residential Extensions and Alterations

Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, effect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/1699/FUL	Single storey rear extension	PDE	

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1699/FUL

INTRODUCTION

This application is reported to Committee for decision as the owner of the site is a member of staff working within the Council's Planning Department.

RESPONSE TO PUBLICITY EXERCISE

The application was publicised by sending individual letters to the occupiers of the five properties adjoining the site. No letters of objection have been received to this publicity exercise.

APPRAISAL

This planning application relates to a traditional mid-terraced dwelling which currently features an existing two storey flat roof rear extension, single storey flat roof rear extension and rear single storey canopy. The existing extensions project approximately 3.3m from the original main rear wall of the dwelling, with the canopy structure projecting approximately a further 2.5m from the extension.

The application seeks full planning permission for the construction of a single storey rear extension, which will require the removal of the existing rear canopy structure. The extension will essentially be split into two distinct parts, with a flat roof section projecting from the existing single storey rear extension and a mono-pitched section projecting from the existing two storey extension.

The extension is approximately 4.7m wide, which is approximately 0.4m short of the 5.1m width of the original dwelling (and the width of the existing extensions). The mono-pitched roof section of the proposal will have an eaves height of approximately 2.5m and a maximum height of 3.6m. The flat roof section of the proposal will have an eaves height of approximately 2.4m and a maximum height of 2.5m; the eaves and maximum height of the flat roof extension will be approximately 0.1 lower than the respective heights of the existing flat roof rear extension from which it will project. The proposed extension will project approximately 3m from the rear elevation of the existing extensions.

The primary issues for consideration with regard to this application relate to the impact of the proposal upon visual and residential amenity having regard to the provisions of Policies HC7 and EV1 of the City and County of Swansea Unitary Development Plan and the Supplementary Planning Guidance document entitled A Design Guide for Householder Development. There are in this case considered to be no additional issues arising from the provisions of the Human Rights Act.

The proposed extension, given its siting to the rear elevation of the application building would not be visible from public vantage points. The combined projection of the existing and proposed extensions would be approximately 6.3m at ground floor level. Whilst the projection represents a significant increase on the original ground floor footprint of the dwelling, it is within the 7.3m limit set by the Council's Design Guide for single storey rear extensions to traditional terraced properties.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1699/FUL

Whilst the flat roof element of the extensions is not desirable, it would nevertheless be in-keeping with the flat-roofed design of the existing single storey rear extension and would not be visible from the wider area. The remaining part of the extension utilises a conventional mono-pitched roof which is considered acceptable, as is the use of external finishes that match those of the host building. It is therefore considered that the scale, design and appearance of the proposal would both be in-keeping with the character and appearance of the existing dwelling and area in which it is sited.

In terms of its impact on the residential amenity of neighbouring occupiers, the proposed extension, given its overall scale and general design is not considered to have any negative overbearing or overlooking impacts on neighbouring occupiers.

It is acknowledged that the rear extension will breach the 45 degree rule from the ground floor rear windows of both No.1304 and No.1308 Carmarthen Road. The rear window of No.1308 is obscurely glazed and does not serve a habitable space and therefore any overshadowing impact on this window is considered acceptable.

The window of No.1304 serves a kitchen. It is noted however that the proposed extension is sited to the north-west of this window and is of a relative small scale. Taking account of the orientation of the extension relative to the neighbouring window and the fact that the extension is within the limits of the Authority's Design Guide, it is not considered that there would be any unacceptable overshadowing impacts. It is also noted that no objections have been received from neighbouring occupiers.

The proposal is not considered to increase the demand for on-site car parking, as there is no increase in habitable bedrooms. The proposals do not result in the loss of any existing parking spaces. Therefore there are no highway safety impacts to consider.

In conclusion, having regard to all material considerations including the Human Rights Act, the proposal is considered to represent an acceptable form of development which complies with current development plan Policies HC7 and EV1 of the City and County of Swansea Unitary Development Plan 2008 and the Supplementary Planning Guidance document entitled A Design Guide for Householder Development.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

RECOMMENDATION

APPROVE subject to the following conditions:

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

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1699/FUL

- 2 The development shall be carried out in accordance with the following approved plans and documents: 1306SA5-1 - Location Plan, Block Plan, Floor Plans and Elevations, received on 27th July 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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 and HC7.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 5

APPLICATION NO:

2017/1849/FUL

WARD:

Gorseinon - Area 1

Location:

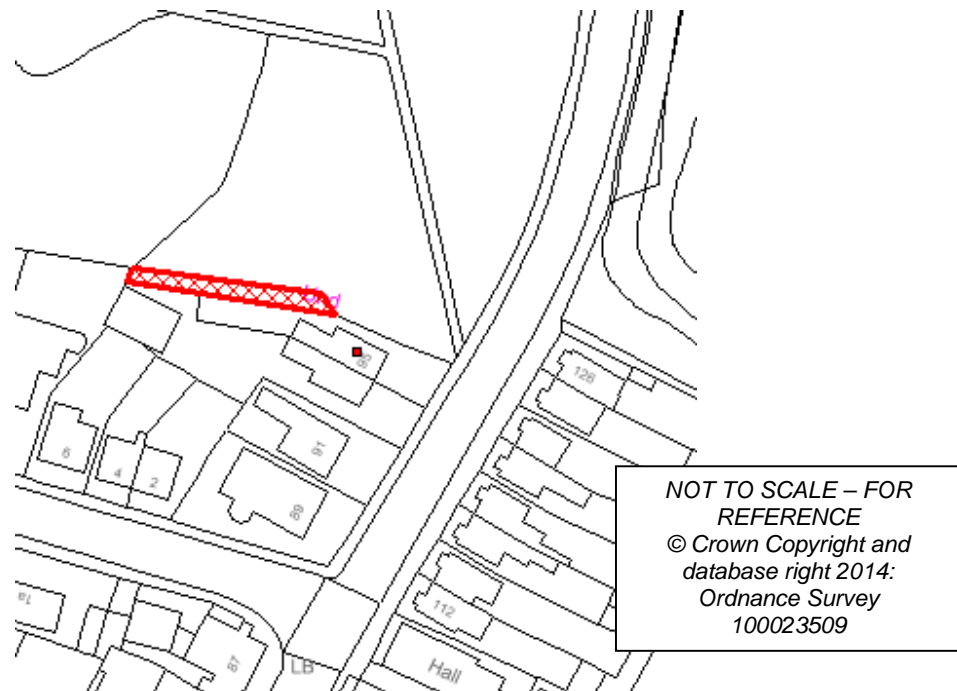
95 Pontardulais Road, Gorseinon, Swansea, SA4 4FQ

Proposal:

Incorporation of land into residential curtilage and 1.8m fence

Applicant:

Mrs Caroline Gregg



BACKGROUND INFORMATION

POLICIES

UDP - HC7 - Residential Extensions and Alterations

Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, effect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - HC23 - Community Recreation Land

Development proposals that involve the loss of land for community recreation purposes will only be permitted where they comply with a defined set of criteria. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV2 - Siting

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).

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 5 (CONT'D)

APPLICATION NO:

2017/1849/FUL

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/1849/FUL	Incorporation of land into residential curtilage and 1.8m fence	PDE	

RESPONSE TO CONSULTATIONS

The application was advertised on site and ONE neighbouring property was consulted. There was NO response.

Gorseinon Town Council - No objection

APPRAISAL

This application is reported to Committee for decision in accordance with paragraph 1.19.6 of the Council Constitution as the applicant is an Officer employed within the Planning & City Regeneration Department.

Full planning permission is sought for the incorporation of land into the residential curtilage of No. 95 Pontarddulais Road, Gorseinon. The narrow strip of land (measuring approx. 2m in width by 20m in depth) forms part of an area of open scrub land incorporating a number of trees separating the residential curtilage from the grounds of Penyrheol Comprehensive School and Leisure Centre. The proposal would see the land form part of the rear garden curtilage of the application property, enclosed by a 1.8m close board timber fence. There is a footpath that diagonally cuts across the area of open ground from the back edge of the pavement adjacent to No. 95 providing pedestrian access to the school grounds although given the set back of the application site from the roadway this will not be affected.

Main Issues

The main issues in the consideration of this application relate to the impact of the proposed development on residential and visual amenity, having regard to Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan (UDP). Regard is also made to Policy HC23 of the UDP, as the application involves a change of use of recreational land to residential.

In relation to the proposed change of use of a small parcel of recreational land to residential use Policy HC23 states that development proposals that involve the loss of land for community recreation purposes, whether in public or private ownership, will only be considered favourably where:

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

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 5 (CONT'D)

APPLICATION NO:

2017/1849/FUL

Given the nature of the site, together with its relatively small scale and the fact that the site is deemed surplus to Council requirements, in this instance, the principle of this use is considered appropriate given its context in compliance with HC23 of the Swansea UDP. The wider area of open ground/Community recreation land will not be affected by the loss of this small area of land and it is considered that the existing and potential recreational or amenity or natural heritage or historic environment value of the land is maintained. .

Visual and Residential Amenity

The existing site forms part of an open area of land on the approach to the grounds of the Penyrheol School. The trees are not subject of any TPOs. Given the limited size of the site, and its set back from the main road it is not considered the proposal would have an unacceptable impact upon the character and appearance of the street-scene or the surrounding area. Furthermore it will not result in an unacceptable impact upon the residential amenities of the occupiers of the neighbouring properties in compliance with Policies EV1 and EV2 of the City and County of Swansea Unitary Development Plan.

Access and Highway Safety

No highway consultation has been undertaken as the proposal is not considered to give rise to access or highway safety issues.

Conclusion

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

Having regard to all material planning considerations, including the Human Rights Act, the proposal is considered to represent an acceptable form of development, complying with the criteria of Policies EV1, HC7 and HC23 of the City and County of Swansea Unitary Development Plan 2008 and the guidance contained in the Supplementary Planning Guidance Document entitled 'A Design Guide for Householder Development' (2008).

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.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 5 (CONT'D)

APPLICATION NO:

2017/1849/FUL

2 The development shall be carried out in accordance with the following approved plans and documents: site location plan, block plan, fence details, fence location plan received on 22nd August 2017.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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, HC7, HC23.

2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

3 The applicant is advised that the change of use of the land, as approved, does not constitute a formal exchange of the land ownership details and will need to formally resolve the exchange of land ownership as a separate issue.

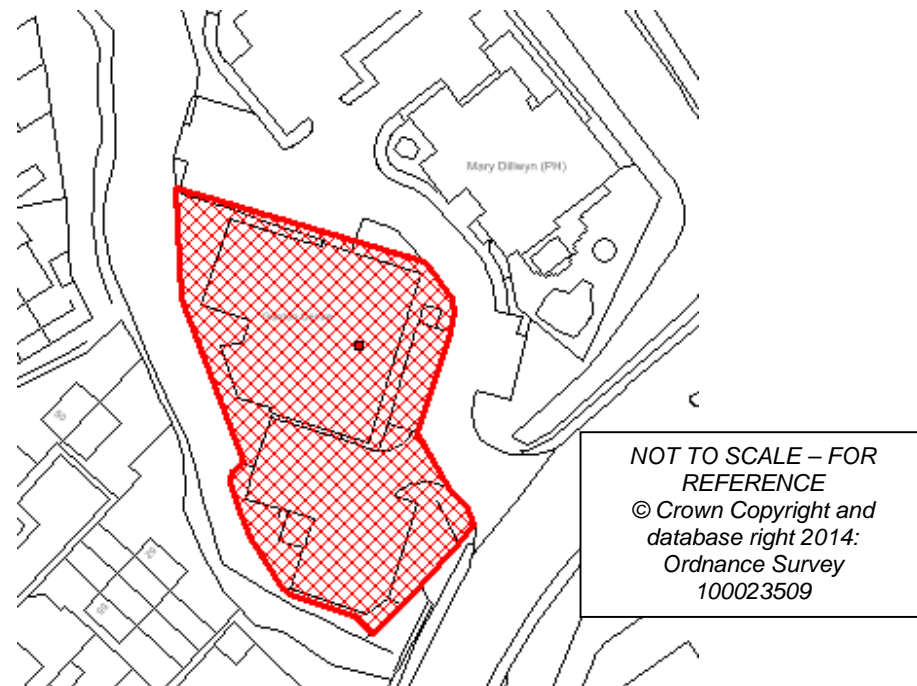
4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

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

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 **APPLICATION NO:** 2017/1231/FUL
WARD: Cockett - Area 2
Location: Fforest Mill Garden Centre, Pontardulais Road, Cadle, Swansea, SA5 4BA
Proposal: Redevelopment of the site to provide a drive-thru restaurant (Class A3) with associated car parking, access, landscaping and ancillary works
Applicant: Mr John Peach Kentucky Fried Chicken (Great Britain) Limited



BACKGROUND INFORMATION

POLICIES

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - EV2 - Siting

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).

UDP - EV3 - Accessibility

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)

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

UDP - EV33 - Sewage Disposal

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)

UDP - EV34 - Protection of Controlled Waters

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)

UDP - EV35 - Surface Water Run-Off

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)

UDP - EV40 - Air, Noise and Light Pollution

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)

UDP - HC18 - Leisure Facilities and Areas

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

UDP - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/1231/FUL	Redevelopment of the site to provide a drive-thru restaurant (Class A3) with associated car parking, access, landscaping and ancillary works	PDE	

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

RESPONSE TO PUBLICITY/CONSULTATION

Neighbours: The application was publicised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by the display of site notices within the vicinity of the site

EIGHTY-SIX LETTERS OF OBJECTION have been received in response to this publicity exercise, which are summarised as follows:

1. Undue noise and fumes in an area which already suffers from traffic congestion;
2. Parking availability would be overburdened (the application makes provision for 14 spaces but a busy sit-down restaurant as well as drive-thru would require many more);
3. Additional traffic to be generated by a busy facility in operation between 10am and 10pm in one of the busiest shopping areas in Wales;
4. There is a heavy build-up of traffic in the area currently and there is no measures in place to realistically ease the additional pressures this would cause;
5. Facility not needed (there are 3 KFCs within a short drive of the proposed site - Morfa, Uplands and Asda/Morganite);
6. Increase in litter;
7. Proximity to residential estates;
8. Noise and pollution to surrounding area;
9. Health issues;
10. Fast food developments like this often attract boy racers and youths to spend large amounts of time meeting in the car parks, and from past experience, it is loud and very antisocial. As this development shows that the car park and the drive through will back onto our residential area, I feel it will affect our living conditions;
11. Bad smells from the restaurant;
12. Vermin from the restaurant waste;
13. Impact on the Mary Dillwyn pub & restaurant;
14. The development would bring down the calibre of the area and a high possibility of lowering house prices in the vicinity;
15. There are protected bat colonies around the existing garden centre that could be driven away by the opening of this restaurant;

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

16. Local businesses should be ousted in favour of a national fast food chain. It will be an absolute disgrace to see this great garden centre replaced with yet another rubbish fast food outlet. There are far too many of them already. It's no wonder Wales has such an obesity epidemic;
17. A good community hub or play area would be more beneficial. New housing sites are built and no facilities offered outside of the home. Existing services are limited within the area;
18. If this proposal goes ahead our community charges should be reduced;
19. It will be directly behind my family home. Why can it not go in the retail park away from the residential area?
20. The drive through will cause car fumes and noise pollution;
21. The premises would be open 24/7;
22. I'm concerned about the noise and light pollution that will be created. The tree line is not sufficient to block this out to overlooking properties;
23. Loss of an independent business;
24. Breach of Human Rights under Article 8, which states that a person has the substantive right to respect for their private and family life. Private and family life therefore encompasses not only the family home, but also the surroundings. The proposed development is in the immediate vicinity of residential homes;
25. Does the planning and design ensure that the extent of the proposed development and the existing residential buildings are not overshadowed and in the direct line of artificial / neon lighting emitted from the proposed development?
26. The proximity of this business to one of Swansea's great triumph's, Penllergaer Valley Woods. This has traditionally been one of Swansea's 'green lungs'. Encroaching developments to this wonderful site can only have a detrimental effect to a jewel in Swansea's crown
27. I do not feel the survey for this development has gone out into the community. This development will have an impact on everybody who lives in the Cockett ward and beyond;
28. The pavement outside the proposed development is currently difficult to cross due to the access of the Mary Dillwyn. This proposal will make things worse;
29. This proposed development is far too close to the existing Gelli Rhedyn Apartments and even closer to some houses in the close;
30. What infrastructure would be in place as the drain capacity for the garden centre would not suffice?

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

31. The lane widening after the Mary Dilwyn Public House has had an insignificant effect on reducing traffic congestion. The yellow box junctions at the junction of Fford Cynore and Gelli Rhedyn are ineffective as they are constantly blocked with traffic causing great difficulty in getting in or out of the estate at Gelli Rhedyn; and
32. Impact on transport system.

SIX LETTERS OF SUPPORT were received (although only two letters outlined reasons for support) which are summarised below:

1. It would be good to have something close to the retail park in Fforestfach other than the Mary Dillwyn pub; and
2. I think it will be fitting with area. Morfa have a fast food outlet so why not Fforestfach?

Head of Transportation and Engineering

The following self-explanatory comments have been made by the Head of Transportation and Engineering.

1. Introduction

A Transport Assessment has been provided by Peter Evans partnership on behalf of KFC submitted by their agents Savills to support the planning application for a drive through Restaurant.

The application site is a parcel of land located off the B4260 Ffordd Cynore in the Fforestfach area of Swansea. The site is currently used as a garden centre with associated parking. Part of the site has already been developed to provide a public house, The Mary Dillwyn. The site is in close proximity to the Pontarddulais Road retail development which includes a Tesco superstore and petrol filling station and a large number of retail units with associated car parking.

The site is bounded by a residential area to the west, the B4260 to the south east, a Marstons public house (The Mary Dillwyn) to the north east and additional parking for both the public house and the garden centre directly the north.

Ffordd Cynore also provides access to two housing states plus provides a link from Pontarddulais Road through to Carmarthen Road. The site is located approximately 2.5km from junction 47 of the M4, accessed via the A483 Swansea Road and the A483 Carmarthen Road. Many of the local junctions are roundabouts designed for commercial HGV vehicles. Ffordd Cynore is lit and has adequate pedestrian access in the form of footways surrounding the site.

There is an on road cycle networks that runs within 500m of the site. The site has access to a frequent bus service running along Pontarddulais Road which is located within the 400m recommended limit as set out in the Institution of Highways and Transportation (IHT) Document Public Transport in Development. There is also access to services on Ffordd Cynore and Carmarthen Road. Pedestrians are well catered for with dropped kerbs, formal lit footways and tactile paving together with pedestrian refuges on the spilt crossings.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

The access to the site will utilize an existing access (in the form of a priority junction) which will be shared with the existing access for the Mary Dillwyn Public House.

The application site is currently used as a garden centre with associated car park. There is a café contained within the garden centre also.

2. The Transport Assessment.

The transport consultants approached CCS highways in March 2016 with a view to scoping out the junctions to be tested. The main issues to be considered were the impact of the additional traffic movements on the efficiency of the existing junctions, which at times are already over capacity.

The junctions that were requested to be analysed were:

- o The Ffordd Cynore/A483 Pontarddulais Road/Pentregethin Road crossroads.
- o The Ffordd Cynore/Tesco access/Gelli Rhedyn Crossroads.
- o Site access onto Ffordd Cynore.

The Transport Assessment (TA) document that was submitted was not accepted as being a true representation of on-site conditions and the conclusion reached by the transport consultants that the proposed development would not exacerbate existing congestion was disputed. The primary concern raised was how the site access interacted with both of the existing signalised junctions as the existing queues were present beyond the site access at each of the junctions, thus the road link was full. A request was made to re-run the model linking the two existing junctions. This was duly submitted and the capacity freed up as a result of the remodelling at each relevant junction was sufficient to accommodate the proposed development within the existing infrastructure. In linking the two junctions within the model on-site changes would be necessary in terms of infrastructure and hardware/software upgrades. The cost of these works is estimated to be £35,000. The comments made in this report from herein relate to the revised transport model which linked the two junctions.

The Peter Evans Partnership subsequently issued a transport modelling note which outlined the current situation, namely that the existing junctions did not operate satisfactorily as they are run on a vehicle actuation system and are not linked, and as such vehicles currently experience queuing and delays at peak times. The Fforestfach and Tesco crossroads currently run independently from each other. The Fforestfach junction runs on a 160 second cycle and the Tesco Junction runs on a 180 second cycle. In the revised model, both junctions were run on a 160 second cycle.

Base traffic flows were taken from a survey in 2016 and these compared favourably with an additional ATC (Automatic traffic count) in July 2017. The flows in 2017 showed a marginal decrease compared to the levels in 2016 but for the sake of a robust assessment the 2016 figures were used. The linked model was run with existing flows to provide a validation exercise to ensure that the model accurately represented on site conditions/congestion.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

The Peak hours were identified as;

Friday 1600 to 1700hrs at both cross roads
 1630 to 1730hrs at the Garden Centre Access

Saturday 1230 to 1330hrs at Pontarddulais Rd / Pentregethin Rd.
 1245 to 1345hrs at Ffordd Cynore / Tesco.
 1300 to 1400hrs at the garden centre access.

In terms of trip generation, the National Database TRICS has been used to assess likely trip numbers for both the existing and proposed uses. However it was agreed that the pattern of movements associated with the KFC drive through was significantly different in nature to other drive-thru units. The TRICS database was interrogated for both the existing and proposed site uses. It was thought that the database did not contain a representative sample for a KFC restaurant which typically has a different trip profile than other fast food outlets. Due to this, other KFC restaurants were investigated and the existing site at Andover was chosen as being a similar size to that proposed, and in a similar location, and therefore would replicate best the levels of expected movements at the Fforestmill site. In addition, customer survey data from the restaurant in Andover, plus sites in Plymouth and Cardiff were utilized to evidence likely levels of linked trips (those already on the road network).

Based on this the following assumptions have been made:

- o 25% passing on A483 (with 60% of these from the South)
- o 10% diverting from local roads
- o 15% linked with the retail park to the South
- o 10% linked with the retail park to the East
- o 40% new trips to the network.

Based on the available data this is thought to be a reasonable assumption. This figure is comparable with other similar consented schemes in and around Swansea.

In summary the trips were derived as;

Friday road network peak hour (1600 -1700hrs) - 39 arrivals and 35 departures - two way 74
Friday KFC peak (1800-1900hrs) - 73 arrivals and 71 departures - two way 144
Saturday KFC peak hour (1230 -1330hrs) - 70 arrivals and 74 departures - two way 144

In the above figures, no account has been taken of the existing garden centre use nor the amount of linked and pass-by trips which reduce the overall impact of new trips on the highway.

The garden centre peak times did not coincide with the KFC peak times but for completeness are reported as follows;

KFC Saturday peak (1230-1330hrs) - 22 arrivals
Garden Centre Saturday peak (1400-1500hrs) - 25 arrivals.

Traffic capacity testing was undertaken on the A483 / Pentregethin Road junction, Ffordd / Cynore / Tesco Access junction and the site access.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

Base models were validated against on street observations and are seen to be correct. PRCs are negative in the Friday and Saturday Road Peak hours which is to be expected. (PRC is the Practical Reserve Capacity - a negative reserve capacity indicates a junction is above its maximum theoretical capacity)

Alterations to road markings and the application of linked MOVA (Microprocessor Optimised Vehicle Actuation) have been proposed as potential mitigation measures necessary to make the linked junctions operate successfully. The costs of doing this has been estimated at £35,000, which the applicant will have to pay for in order to allow the site to be developed out, as per the submitted plans. The mitigation proposals involve wirelessly linking the junctions. This will be done by mounting Wifi aerials at each site, which will allow each site to relay information to the other in order to maintain coordination.

The analysis has been re-run for the amended layouts, and with the junctions running the same cycle times (this will mimic the effect of linking the junctions, although still does not fully replicate the effect of MOVA operation which increases capacity at individual junctions by 15%).

In all subsequent scenarios following the works, the PRC is predicted to be positive, with reduced queues on all approaches.

It is thought that the proposed mitigation (in addition to allowing the network in the area to cope with the additional generated traffic) will offer a real benefit in terms of increasing capacity and reducing queues for all users.

3. Accident data

The record of personal injury accidents in the area reveals from 2010 to 2015 showed 11 slight accidents were recorded in the area reviewed. Seven of which took place in the Carmarthen Road/Ffordd Cynore crossroads. None were recorded at the site access or Fforestfach Retail park access. It is reasonable therefore to assume that there are no inherent problems with the highway layout in the vicinity.

4. Parking

Parking is in excess of our adopted parking standards (based on site specific needs) and indicates 30 car parking spaces. In addition there is overspill parking available in the Mary Dillwyn Public House should this be necessary, but it is unlikely to be called into use. The application form details cycle parking as being proposed at four stands (8 cycles) and this is in line with CCS standards and should encourage non-car usage. The 'drive through' lane allows adequate queuing for about 6 vehicles which is likely to be sufficient to not cause obstruction within the car park itself or out onto Ffordd Cynore. Swept paths have also been provided to show that a minibus and a large 4 x 4 can use the drive through lanes.

5. Servicing

Autotrack has been provided demonstrating that delivery vehicles (10.7m articulated truck) can safely access and serve and leave the site in a forward gear by using the drive through lane. Servicing is undertaken at fixed times outside the busy period. Servicing takes place three to five times a week. An articulated lorry or large rigid lorry will be used to service this KFC.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

Servicing will take place in the service bay and using part of the customer car park which will be cordoned off to prevent any conflict. Swept paths analysis has been shown that a vehicle can enter, turn and leave the site in a forward gear.

6. Conclusions

It is considered that the existing strategic highway network can accommodate the trips generated by this development without any highway safety issues arising (subject to the works to the junction that have been agreed in principle at a cost to the Developer (£35,000.)) As such the development can be accommodated without detriment to the surrounding retail sites. The trips generated by the proposal can be accommodated within the existing strategic highway network without detriment being caused. On that basis there is no justifiable reason to not support the application subject to the works as agreed being undertaken prior to any works commencing on site.

The pedestrian facilities, cycle provision and proximity to bus services mean that the site is likely to appeal to visitors utilizing a number of different modes of transport. Whilst it is a drive through restaurant, there are alternative forms of transport provision available apart from a car to visit the site. The location of the site allows linked trips with the adjacent Fforestfach Retail Park and Pontarddulais Road Retail Park. The site is therefore well located to reduce additional new trips onto the network. The level of parking proposed (car and cycle) is sufficient to accommodate the likely customer numbers. The site can be adequately serviced by articulated and rigid HGV's.

Subject to the improvement works to the junctions the traffic generated by the development will have no material impact on the local road network and the linking of the junctions should result in a noticeable benefit to all users.

7. Recommendations

There is no objection to the proposal subject to:-

- a) The development not coming into beneficial use until the car park and drive through have been completed in accordance with the approved plans, and maintained as such in perpetuity.
- b) An appropriate signage scheme to direct vehicles around the site has been implemented in accordance with details to be submitted for the approval to the LPA.
- c) The disabled parking provision to be laid out to the current British Standard.
- d) The cycle parking shall be implemented in accordance with details as indicated on drawing 000/2016/G121
- e) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

- vi) measures to control the emission of dust and dirt during demolition and construction; and
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- f) The linking of the two existing crossroad junctions in accordance with details to be submitted for approval to the LPA (under a Section 106 agreement for the sum of £35,000 to be paid and the works implemented) prior to any works commencing on site-reducing down the congestion during the construction process and beyond

Pollution Control (Noise)

No objection subject to conditions in respect of fixed plant noise, acoustic fencing, delivery hours and introduction of a barrier.

Pollution Control (Air)

Having been through the updated Air Quality Assessment (rev 1.4), carried out by Entran Environmental and Transportation, I have no grounds to object to the application.

The modelling work carried out indicates that there will be a 'negligible' impact/change to the existing pollutant concentrations at this site. The Air Quality Objectives are health based concentrations; an Annual Mean concentration of 40ug/m³ and a 1-hour concentration of 200ugm/3; the data put forward in the report and the local data collected over the year's shows that a breach of the objectives is unlikely at this location.

The potential effects of noise from the use of the 'drive-thru' and the cooking 'extraction system' have been addressed by the addition of conditions upon the application.

The odour abatement system information supplied as part of the application is in-line with the requirements for an operation of this nature.

Ecology Officer

The preliminary Ecological Appraisal Report (June 2017), undertaken by Wild Wood Ecology Ltd concluded that the buildings have negligible potential for use by bats and there is the potential use of the buildings by nesting birds. The off-site stream to the immediate west of the site feeds into the Carmarthen Bay and Estuary European Marine Sites. The stream corridor is of high value with trees and scrub habitat, and is potentially used by bats and otters.

As bats may be present in this building, please note that 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. If a bat is encountered during demolition/construction, work must cease immediately and Natural Resources Wales informed (01792 634960). In addition, no clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should be undertaken during the bird nesting season, March to August.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

The building is in a location where there is good foraging available for bats, and also suitable habitat for otters. The Garden Centre has three Sites of Importance for Nature Conservation nearby (SINC references 205, 207 and 212). The ecological report does not refer to these, but full details of the important species and habitat features of the sites are attached.

Drainage

No objection subject to conditions in respect of satisfactory means of drainage.

APPRAISAL

This application has been called in to Committee for decision at the request of Councillor Wendy Lewis and has met the threshold set out in the Council's Constitution for 'Councillor Call in' due to the receipt of over 20 letters of objection (86 letters of objection received) from different people at different addresses.

Full planning permission is sought for the redevelopment of Fforest Mill Garden Centre for a single storey restaurant/takeaway and a drive-through lane (Class A3) with associated car parking, access, landscaping and ancillary works. It is intended that the unit be occupied by Kentucky Fried Chicken (KFC).

The application site is situated on the junction of Pontarddulais Road (A483) and Ffordd Cynore, opposite Fforestfach Retail Park and currently comprises a single storey retail outlet operating as a garden centre. The site is bound to the north by the Mary Dilwyn Public House and associated car parking, to the west by residential development and to the south by Ffordd Cynore.

It is proposed to demolish the existing single storey garden centre building on the site in order to facilitate the new development. The new building would be sited within the footprint of the existing garden centre building within the northern sector of the site with a drive-through lane adjacent to the north and western boundaries. The single storey building would measure a maximum of 29.5 metres in width and 13.5 metres in depth and have a maximum height of 6 metres. The existing access/egress to the site would be utilised which was upgraded as part of the adjacent Mary Dillwyn Public House development. 31 car parking spaces would be provided including 2 no. disabled and 2 no. grill bays. The proposed opening hours of the restaurant unit and drive-through facility would be between 10.30am to 23.00pm Sunday to Thursday, and until midnight on Friday and Saturday.

Main Issues

The main issues for consideration during the determination of this application relate to the principle of this form of development at this location, the impact of the proposal upon the visual amenity of the area and wider street-scene, the residential amenities of the neighbouring properties, ecology of the site, drainage and highway safety, having regard to the provisions of the City and County of Swansea Unitary Development Plan 2008 and the Supplementary Planning Guidance document entitled 'District Centres, Local Centres and Community Facilities.'

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

Principle of Development

The site is identified as 'white land' under the provisions of the proposals map of the Unitary Development Plan, lying outside the adjacent Parc Fforestfach District Centre. Whilst it is acknowledged that the site is on the edge of the District Centre and Policy EC5 of the UDP supports development and uses which maintain or improve the range and quality of shopping facilities within District Centres, this Policy would not be considered to be strictly relevant to the determination of this planning application as the site falls outside of the District Centre. Policy HC18 of the UDP focuses on new leisure facilities such as this outside District Centres within the urban area. This policy states that the development of new leisure facilities will be permitted provided that:

- (i) Outside existing centres the need for the facility is assessed and justified,
- (ii) The proposal either singularly or cumulatively with existing or approved developments does not undermine the vitality and viability of the City Centre and District Shopping Centre,
- (iii) A sequential evaluation indicates that there are no more suitable alternative sites, with priority given to the City Centre, District Shopping Centres and Edge of Centre sites,
- (iv) There is an acceptable means of access (including public transport, walking and cycling) and an appropriate level of parking and
- (v) The highway network is capable of accommodating the traffic generated by the proposal without a significant effect on traffic

The site is situated on the edge of Parc Fforestfach, a modern district centre which comprises approximately 15 retail units together with Tesco Extra and caters primarily for car borne shoppers. Whilst Parc Fforestfach features a number of small A3 units (Café Nero and Costa Coffee) and some ancillary A3 elements within the (Tesco) supermarket, it is considered that the proposed use of the site as a restaurant and drive-through, in addition to the Mary Dillwyn Public House would complement the retail offer and would not undermine the vitality and viability of the District Shopping Centre and the City Centre. The proposed development is not likely to draw shoppers from the City Centre but would merely support the adjacent shopping centre and provide local residents with a local alternative local facility which may reduce the need for car borne traffic.

Sequential Test

In accordance with UDP Policy HC18, the applicant has conducted a sequential evaluation in order to ascertain whether there are any alternative sites within or on the edge of the District Centre which could accommodate the proposal. The applicant has identified 5 potential sites and assessed them against availability and suitability. The sites identified included:

1. Tesco Extra Superstore / Parc Fforestfach Car Park (within District Centre)
2. Tesco PFS / ARC Car Wash Site (within District Centre)
3. Land South of Dunelm, Pontardulais Road (edge-of-centre)
4. 'City Plumbers' Site, Pontardulais Road (edge-of-centre)
5. Former Walkers Crisps Factory (occupied by Inca Creative), Pontardulais Road (edge-of-centre)

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

Availability

In terms of availability, the applicant only considered sites which were available or were likely to become available within a reasonable period of time (with specific reference to the potential for acquisition, i.e. sites that have recently or currently marketed). All sites other than the proposed site were discounted on availability grounds.

Suitability

The minimum site size requirement for the drive-through model is approximately 0.3ha. Other factors that could make sites unsuitable could include unsatisfactory proximity to residential or other sensitive uses (i.e. directly adjacent), unsatisfactory access arrangements, landscape or heritage / conservation issues, flooding and sites without direct or with restricted vehicular access. Whilst it is evident from the sequential assessment that some of the sites may be suitable for the proposed development within or on the edge of the District Centre, it is noted that such sites are not available to acquire.

Conclusion

The sequential assessment has concluded that the two sites located within the District Centre are not available for the proposed development. In such circumstances, TAN 4 (Retail and Commercial Development) advises that edge-of-centre locations should be considered with preference given to brownfield sites (previously developed land) that are or well connected to the existing centre and accessible by a variety of means of transport. The other three assessed are edge of centre sites, but have been dismissed as they are not currently available or comprise a greenfield site. In summary, the conclusions of the sequential assessment are accepted. In terms of the proposal, the application site is within the urban area, is previously developed land under the definition of Planning Policy Wales (Edition 9, November 2016) is situated at an edge of centre location and on a main bus route.

Therefore it is concluded that the applicant has adequately demonstrated that there are no suitable alternative sites within or at the edge of the District Centre in accordance with criteria (iii) of the policy HC18 of the Swansea Unitary Development Plan. In respect of the remaining criteria contained within policy HC18, given the floor area of the proposed development (less than 2500sqm gross), there is no requirement to assess the need for the development (as set by TAN 4). Notwithstanding this, the applicant has advised that the decision by KFC to develop a new restaurant in this location is a reflection of market demand and need for the proposed development which is argued justifies the proposal in accordance with Criteria (i) of UDP Policy HC18 is therefore met. Whilst it is considered that the justification and assessment of the need for the facility provided by the application is thin, neither is there any evidence to suggest that the need for the proposal is not justified.

Criteria (ii) of UDP Policy HC18 requires that the proposal does not either singularly or cumulatively with existing or approved development, undermine the vitality and viability of the City Centre and District Shopping Centres. In this instance, the proposed development would provide surrounding residents and visitors with a community facility and would complement the adjacent District Centre as a Class A3 food and drink use and would not undermine its vitality or viability and that of the City Centre. Criteria (iv) and (v) will be addressed later in the highways section of the report.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

It is also important to note that the proposal will involve the removal of an A1 (retail) use from an edge of centre location, which is supported.

Therefore, this edge of centre location is considered acceptable to accommodate the proposal in this instance and the principle of development is considered appropriate in compliance with the provisions of criteria i, ii, and iii of Policy HC18.

Visual Amenity

In respect of visual amenity, the proposed development would comprise the demolition of the existing single storey garden centre building and the construction of a modern purpose built restaurant for KFC. The external materials comprise a differing palette of cladding systems to include timber and stone effect for the walls and full height glazed windows with capping to match the cladding on the roof. The fenestration details including service windows and reveals would be red in colour to reflect KFC's corporate image. Signage is proposed which is subject to a separate application for advertisement consent (planning application number 2017/1232/ADV). The proposal also incorporates elements of landscaping and lighting.

The proposed development is considered appropriate in the local context of the adjacent recently constructed Mary Dillwyn Public House and Fforestfach Retail Park opposite. Therefore the proposed scheme is considered to respect the visual amenities of the area, in compliance with the provisions of UDP Policies EV1 and EV2.

Residential Amenity

The amenity impacts of the proposal are one of the key concerns for the nearby residents. When assessing the impact of development proposal on amenity and in order to consider potentially refusing an application the Local Planning Authority must identify and evidence significant demonstrable harm from the proposals over and above the prevailing site circumstances and the current actual and potential impact of the existing use.

The scale, height, massing of the proposed building and the intervening separation distances from the adjacent residential development and first floor managers accommodation at the Mary Dillwyn Public House would ensure that the proposal would not result in a significant detrimental impact on local amenity in terms of loss of privacy, overshadowing or overbearance in accordance with UDP Policy EV1.

The site has a long established, authorised retail use as a garden centre in addition to the more recent food and drink use associated with the Mary Dillwyn public house.

It is however clear that the proposal would introduce an intensification in activity and vehicle movements compared to the existing garden centre. In light of this it is important to consider the impact on amenity in terms of noise and air pollution. These issues are assessed below.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

Noise Pollution

Despite the relatively low-key activity associated with existing garden centre use, the nearby residential dwellings, some of which lie some 15 - 20 metres from the western boundary of the site, are subject to a degree of background noise emanating from the proximity of both Pontarddulais Road (A483) and Ffordd Cynore.

An Environmental Noise Assessment has been submitted by the applicant. This identifies that noise from the proposed drive-through lane and customer car parking activity would comply with World Health Organisation guidance values and is well below the existing noise climate for operating between 0700 hours and midnight (based on the installation of a 2 metre high acoustic barrier along the western site boundary). The noise assessment goes on to demonstrate that the rating noise level of fixed plant would be designed and controlled so as to not exceed the existing typical background noise climate; 49 dB during the daytime and a rating level of 45 dB at night. Finally it was identified that noise from customer vehicles on the local road network would result in an imperceptible change in road traffic noise and would have no impact on the amenity of the existing residents.

The Council's Pollution Control Division have been consulted and have advised that the submitted Environmental Noise Assessment is satisfactory and have raised no objection to the proposal in respect of noise pollution, subject to the imposition of conditions that relate to; the approval of details to control plant noise, details of the acoustic fencing proposed adjacent to the drive-through lane being provided, hours of delivery being restricted and the introduction of a barrier to prohibit access outside opening hours.

Smells/odours

The applicant has submitted an assessment of the 'Mechanical Ventilation and Environmental Control Equipment' to be used in the proposed development. On the basis of this document, the Council's Environmental Health Officer raised no objection to the proposed development on the grounds of generation of odours. Notwithstanding this, a suitably worded condition is considered necessary to fully control the installation and operation of the ventilation and extraction system serving the proposed building.

Air quality

The applicant has submitted an Air Quality Assessment which was updated during the course of the planning application to fully consider the impact of the proposed drive-through lane on the nearby residential properties. On the basis of this document, the modelling work undertaken identifies that there would be a negligible impact to the existing pollutant concentrations as a result of the proposed development and as such the Council's Environmental Health Officer has raised no objection to the proposed development.

Light Pollution

It is not considered that the light emitted from the proposed building will adversely affect the living conditions of nearby residential occupiers.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

Furthermore, given the positioning of the 2m high acoustic fencing to be erected along the western site boundary, together with the internal layout of the proposal, it is not considered that the light from the headlights of vehicles visiting the site will adversely impact upon nearby residential occupiers. It is again noted that the Pollution Control Division has not raised any concerns to the proposal.

Conclusion

In view of the above evidence submitted, it is considered that the proposed development would not result in significant harm to health or local amenity because of significant impact on air quality, creation of odours, noise or light pollution, in accordance with Policy EV40.

Ecology

The submitted Ecological Appraisal Report concluded that the buildings have negligible potential for use by bats and there is the potential use of the buildings for nesting birds. On the basis of this document, the Council's Ecologist has raised no objection to the redevelopment of the site. An informative will be used to ensure that the developer is aware that no clearance works or demolition works should take place during the bird nesting season.

The Ecologist has noted that there are three SINCS (Sites of Importance for Nature Conservation) within close proximity to the site, although these three SINCS have not been discussed in the Ecological Appraisal Report. The Ecologist has not however sought any information regarding the potential for the development to impact upon these three SINCS, nor have any concerns been raised relating to this. In the absence of any such concerns from the Ecologist, it is not considered that the proposal will adversely affect the three SINCS.

Drainage

The applicant has submitted a Drainage Strategy which was updated during the course of the planning application to reassess the discharge strategy to the adjacent watercourse. On the basis of the updated document, the Council's Drainage Engineer has raised no objection to the proposal, subject to conditions.

Highways

The full response received from the Head of Transportation and Engineering is provided in the 'Response to Consultation' section of the report.

To summarise, it is considered that the existing strategic highway network can accommodate the trips generated by the proposed development without any highway safety issues arising (subject to the works to the junction that have been agreed in principle at a cost to the Developer (£35,000.)) As such, it is considered that the development can be accommodated without detriment to the surrounding retail sites or local residents. The trips generated by the proposal can be accommodated within the existing strategic highway network without detriment being caused.

The means of access serving the site is also considered acceptable as is the internal layout of the proposal.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

The pedestrian facilities, cycle provision and proximity to bus services mean that the site is likely to appeal to visitors utilising a number of different modes of transport. Whilst the proposal includes a 'drive through' facility, there are alternative forms of transport provision available apart from a car to visit the site. The location of the site allows linked trips with the adjacent Fforestfach Retail Park and Pontarddulais Road Retail Park. The site is therefore well located to reduce additional new trips onto the network. The level of parking proposed (car and cycle) is sufficient to accommodate the likely customer numbers. The site can be adequately serviced by articulated and rigid HGV's. Subject to the improvement works to the junctions, the traffic generated by the development will have no material impact on the local road network.

The Head of Transportation and Engineering has advised that the improvement works to the two junctions near the site entrance, by means of 'linking' the junctions by means of MOVA (Microprocessor Optimised Vehicular Actuation) to improve co-ordination between them, in order to reduce queues, should result in a noticeable benefit to all users.

Response to Consultation

It is acknowledged that there has been a significant level of objection to the proposed development from local residents. Concerns raised in respect to the principle of development, noise, odours, light pollution, air pollution, highways, impact of residential amenity, ecology and drainage have been addressed in the earlier sections of the report.

In respect of antisocial behaviour, whilst it is acknowledged that the proposed use may attract younger people (and the associated noise and disturbance and vehicle movements) the Pollution Control Division has considered this issue and has not objected to the proposed development on such grounds. The Pollution Control Division has however requested the imposition of a condition that requires that a barrier be introduced within the site, so that once the premises is closed and the barrier utilised, vehicles cannot access the proposed car park. Any anti-social behaviour during the premises' operating hours will need to be managed and controlled by the site operator.

In respect of the concerns raised with regard to litter, whilst it is inevitable that people sometimes discard packaging, bins would be provided to serve the restaurant. KFC have also advised that they operate a litter-picking policy which should reduce the likelihood of any nuisance caused by litter dropped by customers. This should also reduce the likelihood of vermin being attracted to the site.

Concern has been expressed that the proposed development would encourage unhealthy eating. Ultimately it is a lifestyle decision for the individual and the Council's planning policies do not provide a basis for refusing planning permission on such grounds.

Finally, in respect of comments made with regard to competition between retailers, impact on surrounding house values and reduction in Council Tax, these issues are not material planning considerations.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

CONCLUSION

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

It is considered that the applicant has demonstrated to the satisfaction of this Authority that there is a need for this sort of facility at this location, the use would complement and not compete and undermine the vitality and viability of the adjacent District Shopping Centre and that through a sequential test it has been demonstrated that there is not a more suitable alternative site for this scheme. Furthermore the scheme is considered to respect the visual amenities of the area and would not result in significant harm to residential amenities of the neighbouring properties or local ecology. The proposal is also considered acceptable in highway terms. The scheme is therefore considered to comply with the provisions of Policies EV1, EV2, EV3, HC18, AS1, AS2, EV33, EV34, EV35 and EV40 of the UDP.

RECOMMENDATION:

APPROVE, subject to the following conditions and the applicant entering into a S106 Planning Obligation in respect of:

- * **A highways contribution of £35,000 (to be used to carry out works to 'link' the two junctions near the site entrance in order to improve their co-ordination with one another)**
- * **Payment of the Council's legal fees (£800.00) for the drafting of the S106 agreement.**

CONDITIONS

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

2 The development shall be carried out in accordance with the following approved plans and documents:

Site Location Plan and Existing Site Plan (0000/2016/G120), Acoustic Fence Details (0000/2016/G128), Proposed Shell Plan (0000/2016/G129 Rev A) and Proposed Roof Plan (0000/2016/G130 Rev A) received 5th June 2017. Proposed External Elevations (0000/2016/G211 Rev H) received 12th June 2017. Proposed Site Signage Plan (0000/2016/G123 Rev L) and Sectional Elevation (0000/2016/G127 Rev E), received 31st July 2017. Proposed Site Plan (0000/2016/G121 Rev B) and Site Landscaping (0000/2016/G126, Rev J), received 25th September 2017.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

- 3 No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
- 4 Customers are not permitted on the premises outside the hours of 1030 to 2300hrs Sundays to Thursdays and 1030 to 2400hrs Fridays and Saturdays.
Reason: To protect the amenities of the occupiers of nearby dwelling houses.
- 5 Prior to the restaurant hereby approved being brought into beneficial use, the car parking areas and drive-through lane shall be laid out and completed in accordance with the approved plans, and shall be maintained as such and made available for such purposes at all times thereafter during the lifetime of the development.
Reason: In the interests of highway safety.
- 6 Prior to the restaurant hereby approved being brought into beneficial use, the cycle parking facilities shall be provided in accordance with the approved plans, and shall be made available for such purposes at all times thereafter during the lifetime of the development.
Reason: In order to ensure that cycle parking is made available in the interests of sustainability.
- 7 Prior to the restaurant hereby approved being brought into beneficial use, a signage scheme to direct vehicles within the site, shall be implemented in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The signage scheme shall be maintained as approved during the lifetime of the development.
Reason: In the interests of highway safety.
- 8 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.
- 9 The proposed development shall not discharge to the adjacent watercourse at a rate greater than 4.75l/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.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

- 10 The rating level of the sound emitted from the proposed development shall not exceed 49 DBA between 0700 and 2300hrs and 45 dBA at all other times. The sound levels shall be determined by measurement or calculations at the nearest noise sensitive premises in Gelli Rhedyn. The measurements and assessment shall be made according to BS 4142:2014.

No fixed plant and/or machinery shall come into operation until details of these together with any mitigation measures required to achieve the above noise levels, are submitted to and approved in writing by the Local Planning Authority. Only the approved plant, machinery and mitigation measures shall be utilised thereafter.

Reason: In the interests of residential amenity.

- 11 The 2 metre high acoustic fencing hereby approved shall be erected along the western boundary of the site in accordance with the approved drawings before the restaurant hereby approved is brought into beneficial use. The acoustic fencing shall be retained and maintained in accordance with the approved details at all times thereafter during the lifetime of the development.

Reason: In the interests of residential amenity.

- 12 Deliveries shall not be taken at or dispatched from the site outside the hours of 0700 to 2300hrs on any day.

Reason: To protect the amenities of the occupiers of nearby dwelling houses.

- 13 Prior to the restaurant hereby approved being brought into beneficial use, a vehicle entrance barrier shall be installed within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The barrier shall be maintained in accordance with the approved details at all times thereafter during the lifetime of the development. The barrier shall be utilised (closed) when the premises are closed.

Reason: In the interests of residential amenity.

- 14 Prior to the restaurant hereby approved being brought into beneficial use, the equipment to be used to control the emission of fumes and odour from the premises shall be installed in accordance with the 'Mechanical Ventilation and Environmental Control Equipment' document submitted as part of the planning application. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the approved details/manufacturers specification for the lifetime of the development.

Reason: In the interests of conserving public health and local amenity.

- 15 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

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

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

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, HC18, AS1, AS2, EV33, EV34, EV35 and EV40 of the Swansea UDP
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 5 The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Team Leader, e-mails to mark.jones@swansea.gov.uk tel. no. 01792 636091.
- 6 The Developer should contact Telematics ,The City and County of Swansea, The Civic Centre , Swansea SA1 3SN to discuss the works required to link the junctions and payment thereof under a section 106 Agreement. Please contact the Team Leader matthew.bowyer@swansea.gov.uk telephone number 0172 636132
- 7 The site does fall within the Gowerton STW catchment and therefore compensatory surface water removal should be considered as it is likely that foul flows to the sewer will increase.

PLANNING COMMITTEE – 3RD OCTOBER 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/1231/FUL

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