

# CITY AND COUNTY OF SWANSEA

## NOTICE OF MEETING

You are invited to attend a Meeting of the

## PLANNING COMMITTEE

**At:** Council Chamber, Guildhall, Swansea

**On:** Tuesday, 6 September 2016

**Time:** 2.00 pm

**Chair:** Councillor Paul Lloyd

---

### Membership:

Councillors: P M Black, A C S Colburn, D W Cole, A M Cook, M H Jones, E T Kirchner, H M Morris, P B Smith, M Thomas, D W W Thomas and T M White

The use of Welsh is welcomed. If you wish to use Welsh please inform us by noon on the working day before the meeting.

## AGENDA

	Page No.
<b>1 Apologies for Absence.</b>	
<b>2 Disclosures of Personal and Prejudicial Interests.</b> <a href="http://www.swansea.gov.uk/disclosuresofinterests">www.swansea.gov.uk/disclosuresofinterests</a>	
<b>3 Minutes.</b> To approve & sign the Minutes of the previous meeting(s) as a correct record.	1 - 5
<b>4 Items for Deferral / Withdrawal.</b>	
<b>5 Public Rights of Way - Various Alleged Public Rights of Way between Hendrefoilan Road, Huntington Way and Waunarlwydd Road in the Communities of Killay, Sketty &amp; Cockett.</b>	6 - 22
<b>6 Determination of Planning Applications under the Town &amp; Country Planning Act 1990.</b>	23 - 121
<b>7 Planning Application Ref: 2015/2506 - Land at Heol Pentre Bach, Gorseinon, Swansea SA4 4ZA.</b>	122 - 172
<b>8 Provisional Tree Preservation Order P17.7.4.618 - Land At Newton Village Hall, Caswell Road, Swansea 2016.</b>	173 - 175

**Next Meeting:** Tuesday, 4 October 2016 at 2.00 pm

*Huw Evans*

**Huw Evans**

**Head of Democratic Services**

**Tuesday, 30 August 2016**

**Contact: Democratic Services - 636923**

---

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE PLANNING COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON TUESDAY,  
2 AUGUST 2016 AT 2.00 PM

**PRESENT:** Councillor P Lloyd (Chair) Presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
P M Black	A C S Colburn	D W Cole
A M Cook	M H Jones	P B Smith
M Thomas	D W W Thomas	T M White

#### **Also Present (Local Members)**

Councillors J P Curtice, N J Davies, P N May & P M Matthews

#### **Apologies for Absence**

Councillor(s): E T Kirchner and H M Morris

#### 17 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interest was declared:

Councillor D W W Thomas – Minute No.20 – Planning Application 2015/2506 – Personal as Deputy Cabinet Member for Education

#### 18 **MINUTES.**

**RESOLVED** that the Minutes of the Planning Committee held on 5 July 2016 be approved as a correct record.

#### 19 **ITEMS FOR DEFERRAL / WITHDRAWAL.**

**RESOLVED** that the following application be deferred for a Site Visit:

**(Item 6) Planning Application.2016/1051- Replacement detached dwelling at Channel View, Three Crosses, Swansea**

Prior to deferment a visual presentation was provided.

#### 20 **DETERMINATION OF PLANNING APPLICATIONS UNDER THE TOWN & COUNTRY PLANNING ACT 1990.**

The Head of Economic Regeneration and Planning presented a series of planning applications.

Amendments to this schedule were reported and are indicated below by (#).

**RESOLVED** that:

1) the undermentioned planning application **BE DEFERRED** under the **two stage voting process** for further officer advice on the issues raised by Members specifically with regard the interpretation of the Council's Developer Guidance – Planning Applications for Non-Householder Residential Development which promotes a positive approach for appropriate residential sites recommended for allocation in the emerging LDP together with impact upon the Green Wedge, highway safety and S106 contributions.

**#(Item 1) Planning Application.2015/2506 - Residential development for the construction of 41 units with associated access and landscaping Works at Land at Heol Pentre Bach, Gorseinon, Swansea**

A visual presentation was provided.

Phil Baxter (agent) addressed the Committee.

Councillors D C Cole & J P Curtice (Local Members) addressed the Committee and spoke against the application.

(2) the undermentioned planning applications **BE APPROVED** subject to the conditions in the report and/or indicated below:

**#(Item 3) Planning Application.2014/1872 - Construction of 10 units for Class B1 and B2 use at Land opposite Makro, Beaufort Reach, Swansea**

A visual presentation was provided.

**(Item 4) Planning Application.2014/0919 - Variation of condition 13 of planning permission 2015/2119 granted 14th December 2015 to open between 0800-2200 on Bank Holidays at Lidl UK Gmbh, Trallwn Road, Llansamlet, Swansea**

**#(Item 5) Planning Application.2016/0971 - Replacement dwelling (Amendment to Planning Permission 2015/2308 granted 17th March 2016) at The Bungalow, Parkmill**

A visual presentation was provided.

**#(Item 7) Planning Application.2016/0408 - Change of use, conversion of existing first and second floors and erection of two new floors to create 44 live/work units (Class C3/B1) and associated works at 15-20 Castle Street, Swansea**

A visual presentation was provided.

**#(Item 9) Planning Application.2016/0873 - Change of use from residential (Class C3) to HMO for 4 people (Class C4) at 28 Rhyddings Park Road, Brynmill, Swansea**

A visual presentation was provided.

Further late letter of objection reported.

Councillors N J Davies & P N May (Local Members) addressed the Committee and spoke against the application.

**#(Item 10) Planning Application.2016/1114 - Change of use from residential (Class C3) to 5 bedroom HMO (Class C4) at 26 Marlborough Road, Brynmill, Swansea**

A visual presentation was provided.

Further late letter of objection reported.

Councillors N J Davies & P N May (Local Members) addressed the Committee and spoke against the application.

**(3)** the undermentioned planning application **BE REFUSED** for the reasons indicated below:

**#(Item 2) Planning Application.2016/1268 - Retention and completion of side extension and alterations to roof at Former Century Works at Frederick Place, Llansamlet, Swansea**

A visual presentation was provided.

Further late letter of objection from local resident reported.

Arthur Thomas (objector) addressed the Committee.

Councillor P M Matthews (Local Member) addressed the Committee and spoke against the application.

Application refused contrary to officer recommendations for the following reasons:

*1) The proposal, by virtue of its scale, massing and design in close proximity to the rear of properties on Peniel Green Road would have a significant detrimental impact on the residential amenity of the occupiers of the those properties. The proposal is therefore contrary to Policies EV1 and EC3 of the Adopted City and County of Swansea Unitary Development Plan (2008).*

*2) The proposal, by virtue of its scale and design would have a detrimental impact on the character of the host building and the surrounding area, to the detriment of the*

*visual amenities of the area. The proposal is therefore contrary to Policies EV1 and EC3 of the Adopted City and County of Swansea Unitary Development Plan (2008).*

**#(Item 8) Planning Application.2016/0873 - Change of use from residential (Class C3) to HMO for up to six people (Class C4) at 8 Alexandra Terrace, Brynmill, Swansea**

A visual presentation was provided.

Further late letter of objection reported.

Councillors N J Davies & P N May (Local Members) addressed the Committee and spoke against the application.

Application refused contrary to officer recommendations for the following reasons:

1) *The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within Alexandra Terrace will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 8 January 2016) of creating sustainable and inclusive mixed communities.*

2) *Insufficient information has been provided to demonstrate that additional off-street car parking provision can be provided within the site curtilage to serve the use of the property as a HMO. Accordingly the proposal, for up to 6 residents, would increase the demand for on-street parking in an already congested area and as such would be detrimental to the existing residents / car owners and the free flow of traffic, contrary to the requirements of Policy HC5 criterion (iv) and Policy AS6 of the Swansea Unitary Development Plan (2008).*

21 **TPO 617 - TOWNHILL CAMPUS, TRINITY ST DAVIDS UNIVERSITY, PANT Y CELYN ROAD, TOWNHILL.**

The Head of Economic Regeneration and Planning presented a report which sought consideration of the confirmation, as a full order, of the provisional Tree Preservation Order 617 - Townhill Campus, Trinity St Davids University, Pant y Celyn Road, Townhill.

The background history, appraisal of the site, objections and representations in support received were all outlined in the report.

**RESOLVED** that the Tree Preservation Order 617 - Townhill Campus, Trinity St Davids University, Pant y Celyn Road, Townhill, Swansea be confirmed

22 **THE PROTECTION OF TREES ON DEVELOPMENT SITES.**

The Head of Planning and City Regeneration presented a report which considered the revised Supplementary Planning Guidance (SPG) "The Protection of Trees on Development Sites (2016)" as an update to the current guidance adopted in 2008, and for adoption as SPG to the Local Development Plan (LDP).

**RESOLVED** that

1) the "The Protection of Trees on Development Sites" (2016) be consulted upon as an update to "The Protection of Trees on Development Sites" (2008) SPG in the Unitary Development Plan and the findings be reported back to Planning Committee for approval.

2) the Protection of Trees on Development Sites" (2016) as approved be included as Supplementary Planning Guidance in the Local Development Plan for adoption.

The meeting ended at 4.21 pm

**CHAIR**

# Agenda Item 5

## Report of the Head of Legal and Democratic Services

### Planning Committee - 6 September 2016

#### **PUBLIC RIGHTS OF WAY – VARIOUS ALLEGED PUBLIC RIGHTS OF WAY BETWEEN HENDREFOILAN ROAD, HUNTINGDON WAY AND WAUNARLWYDD ROAD IN THE COMMUNITIES OF KILLAY, SKETTY & COCKETT**

<b>Purpose:</b>	To consider whether to accept or reject the application to make a Modification Order to record various public footpaths on the Council's Definitive Map and Statement of Public Rights of Way
<b>Policy Framework:</b>	The Countryside Access Plan 2007-2017: Policy No.4.
<b>Statutory Test:</b>	Section 53(2) and 53(3)(b) of the Wildlife and Countryside Act 1981
<b>Reason for Decision:</b>	The evidence is considered sufficient to satisfy the statutory tests set out in this report and to make a modification order to record the claimed footpaths on the Definitive Map and Statement.
<b>Consultations:</b>	Legal, Finance and Access to Services and all the statutory consultees, including local members, landowners and the prescribed organisations
<b>Recommendation:</b>	It is recommended that the application be accepted and that modification order be made.
<b>Report Author:</b>	Kieran O'Carroll and Reshmi Mukherjee
<b>Finance Officer:</b>	Paul Roach
<b>Legal Officer:</b>	Sandie Richards
<b>Access to Services Officer:</b>	Phil Couch

## 1. Introduction

- 1.1 An application was made in 2010 for a Modification Order to add various public footpaths to the Definitive Map and Statement between

Huntingdon Way, Hendrefoilan Road and Waunarlwydd Road. A plan showing the routes claimed is enclosed at Appendix 1.

- 1.2 The purpose of this report is to establish whether the evidence submitted is sufficient to show that there has been dedication of the routes claimed as public paths.

## **The Law**

- 2.1 The application was made under the provisions of the Wildlife and Countryside Act 1981. Section 53(3)(b) requires the Council to modify the Definitive Map and Statement following the expiration of any period such that the enjoyment by the public of a way raises a presumption that the way has been dedicated as a public path. This is included at Appendix 2.
- 2.2 Section 31 of the Highways Act 1980 raises the presumption that a way has been dedicated as a highway if the route has been used by the public “as of right” (not by force nor stealth nor permission) and without interruption for a period of 20 years unless there is sufficient evidence that there was no intention during that period to dedicate it. This is known as “statutory dedication”. This section is included at Appendix 3.
- 2.3 If the tests for “statutory dedication” are not satisfied, it may be appropriate to consider whether there has been “common law dedication”. This would require consideration of three issues; whether any current or previous owners of the land had the capacity to dedicate, whether there was express or implied dedication and whether there was acceptance of the highway by the public.
- 2.4 For “common law dedication” the landowner would need to have not just acquiesced to public use but in some way facilitated or encouraged that use and a lesser period than twenty years may be sufficient.

Evidence of use by the public 'as of right' may support an inference of dedication and may also show acceptance by the public.

### **Preliminary Considerations**

- 3.1 The land between points D1 and D2 on the plan shown at Appendix 1 is registered Common Land namely CL6(S) West Cefn Coed Common. There have been public access rights for air and exercise over this land since the provisions of section 193 of the Law of Property Act 1925 came into force. Consequently, the public have already been entitled to use this part of the route since that time and therefore any use since that time will not have been "as of right". The consequence of this is that the route claimed between D1 and D2 will not be considered as part of the application.
- 3.2 It should be noted that there is no statutory provision for this Council to ensure any one route is retained across the common to enable the public to pass between points D1 and D2. As a result, this Council has no duty to maintain a route and must ask permission from the owner of the Common to cut back overgrown vegetation or to carry out any other maintenance in order to allow continued public access.
- 3.3 The route claimed between points D3 and G forms part of the adopted highway and is maintainable at public expense. Therefore, the route between these points will not be considered as part of the application.
- 3.4 To establish a public right of way use must be from one highway to another or to a point of public interest or to land across which there are already public rights of access such as common land or access land.
- 3.5 Forty-four users have submitted evidence to support the application. Various combinations of the possible routes are claimed.

3.6 Given the information above, the routes which will be considered as part of this report and for which evidence has been received are as follows:

- (a) A-B-C Between Huntingdon Way and Hendrefoilan Road
- (b) A-B-H-E Between one point and another along Hendrefoilan Road
- (c) A-B-H-D-F Between one point and another along Hendrefoilan Road
- (d) A-B-H-D-D1 Between Hendrefoilan Road and West Cefn Coed Common
- (e) C-B-H-E Between Huntingdon Way and Hendrefoilan Road
- (f) C-B-H-D-F Between Huntingdon Way and Hendrefoilan Road
- (g) C-B-H-D-D1 Between Huntingdon Way and West Cefn Coed Common
- (h) E-H-D-F Between one point and another along Hendrefoilan Road
- (i) E-H-D-D1 Between Hendrefoilan Road and West Cefn Coed Common
- (j) F-D-D1 Between Hendrefoilan Road and West Cefn Coed Common
- (k) D2-D3 Between West Cefn Coed Common and the adopted highway near Cwmllywd Nature Reserve

#### **4 Consultations**

4.1 Those consultees listed on the first page of this report have been informally consulted regarding the application in accordance with advice given in Welsh Office Circular 5/93.

4.2 The Council is the owner of the small grassed area of land near point C and four other owners have been identified and contacted.

4.3 The route between F and G is not registered with the Land Registry. The owner of the common land (D1 to D2) has been identified and part of the route (D3 to G) is the adopted highway. Notices were placed on site addressed to the owner or occupier but it has not been possible to establish the owner of the remainder of this route (F to D1 and D2 to D3)

4.4 The owners of the land between points H1 and D and five others have objected to the application.

## **5 Evidence for Statutory Dedication**

### **(a) Calling into Question**

5.1 In order to test whether statutory dedication can be established, it is necessary to determine the relevant twenty year period described in paragraph 2.2 of this report. This period has to be calculated retrospectively from the date when the right of the public to use the way was brought into question. This can occur when the path is obstructed to public use or when the landowner makes it clear to the users of the way that he or she does not consider that a public right of way exists.

5.2 In the absence of a clear calling into question, the Natural Environment and Rural Communities Act 2006 has established that the date of the application can be taken to be a calling into question and thus can be used to calculate the relevant twenty year period.

5.3 The evidence appears sufficient to find that the path between points D and H was obstructed by the landowner at point H1 by the installation of earth mounds and barbed wire fencing in 2009. However, not all the variations of routes used would require passage between points D and H.

5.4 It would therefore appear reasonable to establish a relevant period of 1989 to 2009 for all those routes that require the passage of point H1 and a relevant period of 1990 to 2010, being the date of the application, for all others.

**(b) User Evidence**

5.5 Forty-four claimants have submitted evidence of use in support of the application. However, the evidence suggests that various combinations of routes are used and not all claimants allege use of all the possible routes.

5.6 Nine claimants have not submitted sufficient information to determine which routes they have used and therefore their evidence has been discounted.

5.7 Of the thirty-five claimants who have identified the routes taken, twenty six allege twenty years use across the respective relevant periods. The following table identifies the relevant period for each of the routes claimed and the number of users who allege twenty years continuous use across that period. The main reasons for using the various paths appear to be recreation, dog walking, use as part of a larger circular route and to enjoy the views afforded.

Relevant Period	Route claimed	Number of users
1989 to 2009	A-B-H-D-F	16
	A-B-H-D-D1	14
	C-B-H-D-F	13
	E-H-D-F	17
	C-B-H-D-D1	15
	E-H-D-D1	14
1990 to 2010	A-B-C	14
	A-B-H-E	15

	C-B-H-E	12
	F-D-D1	20
	D2-D3	24

5.8 The user evidence is supportive of the frequent use of the claimed routes throughout the appropriate relevant periods for each path which raises the presumption in favour of the dedication of the footpaths. However, it is necessary to consider whether there is sufficient evidence to rebut this presumption i.e. that the landowner demonstrated to the public that there was no intention to dedicate a public right of way.

5.9 None of the claimants state that they witnessed any obstructions or notices prior to the 2009 obstruction at point H1 and none claim to have been challenged by the owner or occupier of the land regarding their use. This suggests that the landowners did not take sufficient steps to show the public that there was no intention to dedicate a right of way.

The 2003 aerial photo survey clearly shows the claimed route between points D and H1. See Appendix 5.

5.10 The leaseholder of the land between D and H1 has objected and has advised that he erected the obstructions in 2009 when he ploughed his land to house his cattle and breeding bull. He asserts that he has worked the land for some forty years and that prior to 2009, the borders to this land were overgrown with no discernible track or paths. Whilst he concedes that there have been problems with trespassers, he is adamant that the path has not been continuously exercised over his land as alleged. The solicitors acting for the freeholder of the land between D and H1 have also been in correspondence and neither can

understand how anyone can claim that they have had continuous access to this land.

- 5.11 Given the level of support for these routes and the fact that no claimants suggest that any obstructions had ever existed prior to 2009, further evidence would be required to support the landowners' contention that there could not have been dedication across their land.
- 5.12 The owner of the field between points B and B1 to the west of Huntingdon Way has also claimed that he has regularly attempted to prevent access by putting up fences but these have always been torn down. One user agrees that makeshift fencing was erected but was broken down by bikers or school children. However, he further states that this was then replaced by scaffolding either side of the tree at B1 which solved the trail bike problem without preventing use by walkers.
- 5.13 One claimant mentions that an informal stile at B-B1 was erected for stock-proofing which originally consisted of wooden planks to prevent horses escaping but that this did not stop pedestrian use. He advises that the planks were later replaced with scaffolding poles forming makeshift stiles to assist pedestrians. Five other claimants mention a makeshift stile at this location, two of which state that this has been in place since the 1980s. However, they assert that this has never prevented heavy use of the path by walkers.
- 5.14 Based on this evidence, the owner of the field through which B-B1 passes does not appear to have taken sufficient steps within the relevant period to show the public that there was no intention to dedicate a right of way. The evidence suggests that the public viewed his efforts as a method of stock-proofing and preventing use by trail bikers without hindering pedestrian use.
- 5.15 On 12<sup>th</sup> May 2016, an objection was received from the landowner between points A, B, B1, H, E1 and E. It is claimed that at these points

fences or barbed wire and gates have been removed by the public allowing horses in a nearby field access to the land and the main roads. The grounds person employed by the land owner has indicated that he has repaired the fences many times but that they continue to be vandalised. Through earlier correspondence and telephone calls, the land owner indicated that these activities occurred post 2009, and therefore not during the relevant claim period. As such this information could not have been considered in ascertaining the outcome of this matter. However, in July 2016, the aforementioned grounds person indicated that attempts to restrict access occurred as far back as thirty years ago. Confirmation that restriction to access was implemented in the relevant period was not as yet received at the time of submission of this report.

- 5.16 Two further objections were received from members of the public claiming that footpaths here would be detrimental to the environment, that the area should be kept unspoilt, that there would be public safety concerns due to the disused quarry, that residents have experienced issues with vandalism, fires and motor-bike use and that there would be a risk of injury due to animals. These issues cannot be considered when determining whether or not footpaths have been dedicated. The only issue to determine is whether the legal tests are satisfied i.e. whether or not there has been use “as of right” for the relevant twenty year period.
- 5.17 Without the submission of further evidence in support of the claims of the owners of the land between D and H1 and between B and B1, it must be concluded on balance that public rights on foot have been established across these routes.
- 5.18 There seems to be no dispute with regard to the evidence received in relation to the use of the paths between F-D1 and D2-D3. The Council’s Countryside Access Team has carried out maintenance of these routes as if they were public paths for some years.

5.19 The evidence is therefore considered sufficient to show that there has been “statutory dedication” of public rights on foot across all those paths shown in Appendix 1 and referred to in the Table at paragraph 5.7 of this report.

## **6 Conclusion**

6.1 The evidence submitted is supportive of long term frequent use of the various paths subject to the application with a significant number alleging twenty years use over the relevant periods for each path. Therefore, a presumption in favour of the dedication of the footpaths as public rights of way is raised.

6.3 Objections were received mainly in relation to the route between D and H subject to the obstruction in 2009 disputing the fact that there could have been continuous use across this land over the relevant twenty year period. A further objection was received claiming that it was not possible for the public to enjoy twenty years of uninterrupted use of the relevant period. However, sufficient evidence was not submitted in order to negate the making of a modification order.

6.4 No further evidence has been provided to show that such use was not possible and the evidence of use from the claimants is substantial. Therefore, on balance the evidence from the objectors is not considered sufficient to rebut the presumption that public footpaths have been dedicated.

6.5 It is therefore considered that the evidence available is sufficient to show that public rights of way have been established over all those routes shown on the plan at Appendix 1 and it is therefore recommended that a modification order be made to record these routes on the Definitive Map and Statement

## **7 Financial Considerations**

7.1 There are no financial implications to this report.

## **8 Equality and Engagement Implications**

8.1 There are no such implications to this report

**Background Papers:** ROW-000200/KAO

### **Appendices**

APPENDIX 1 – Plan Showing Routes Claimed

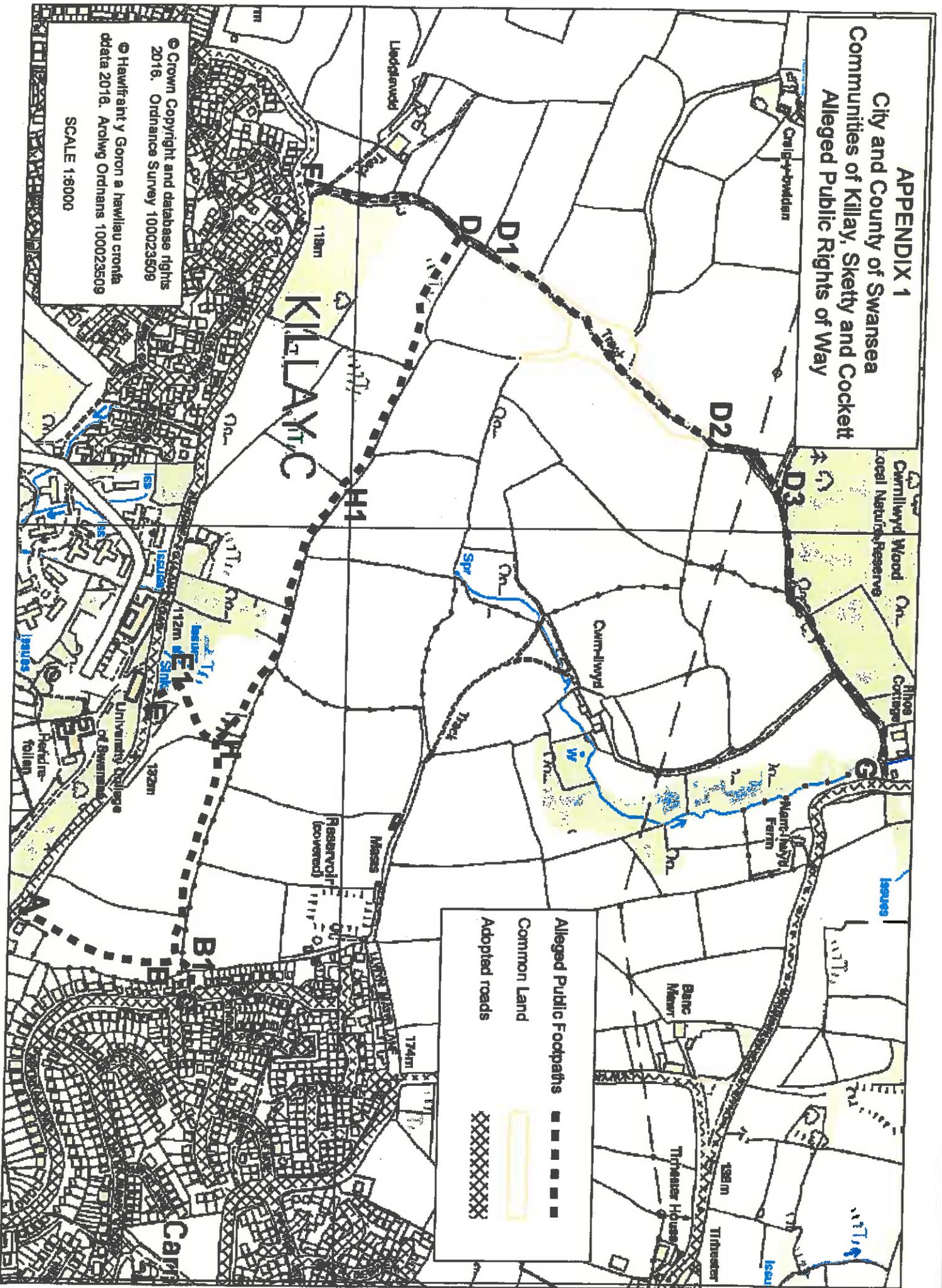
APPENDIX 2 – Section 53 Wildlife and Countryside Act

APPENDIX 3 – Section 31 Highways Act 1980

APPENDIX 4 – Dedication Under Common Law

APPENDIX 5 – Aerial Photo from 2003

**APPENDIX 1**  
**City and County of Swansea**  
**Communities of Killay, Sketty and Cockett**  
**Alleged Public Rights of Way**



## APPENDIX 2

### WILDLIFE AND COUNTRYSIDE ACT, 1981

Section 53 Duty to keep the Definitive Map and Statement under continuous review.

- (2) As regards every definitive map and statement, the surveying authority shall keep the map and statement under continuous review and as soon as possible after the occurrence of any of [events specified in sub section (3)] by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.
- (3) The events referred to in sub section (2) are as follows:-
  - (b) the expiration, in relation to anyway in the area to which the map relates of any period such that the enjoyment by the public
  - (c) the discovery by the Authority of evidence which (when considered with all other relevant evidence available to them) shows:
    - (i) that a right of way which is not shown on the map and statement subsists or is reasonably alleged to submit over land in the area to which the map relates, being a right of way to which the part applies.

## APPENDIX 3

### HIGHWAYS ACT, 1980

Section 31. Dedication of way as a highway presumed after public use for 20 years.

Where a public way over land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption of a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient that there was no intention during this period to dedicate it.

For Section 31(1) Highways Act, 1981 to operate and give rise to a presumption of dedication the following criteria must be satisfied:

- the physical nature of the path must be such as is capable of being a public right of way
- the use must be 'brought into question', i.e. challenged or disputed in some way
- use must have taken place without interruption over the period of twenty years before the date on which the right is brought into question
- use must be *as of right* i.e. without force, without stealth or without permission and in the belief that the route was public
- there must be insufficient evidence that the landowner did not intend to dedicate a right of type being claimed
- use must be by the public at large

## APPENDIX 4

### DEDICATION UNDER COMMON LAW

No minimum period of use is required, but the claimants must show that it can be inferred by the landowners conduct, that he or she had actually dedicated the route. User of right, is not of itself necessarily sufficient. Under statute, twenty years, if proved to have been uninterrupted will be sufficient to show presumed dedication.

Under common law it is still possible that use was due to the landowners tolerance rather than because that landowner had intended to dedicate. Consequently there needs to be evidence that the landowner (or owners) for whatever period is being considered, acquiesced to that use and took measures to facilitate public use.

Obviously this means the landowners have to be identified and evidence that they wished to have the route dedicated to the public.

**APPENDIX 5**  
**City and County of Swansea**  
**Communities of Killay, Sketty and Cockett**  
**Alleged Public Rights of Way**

2003



CITY AND COUNTY OF SWANSEA  
DINAS A SIR ABERTAWE

Report of the Head of Planning & City Regeneration  
to Chair and Members of Planning Committee

DATE: 6 SEPTEMBER 2016

<b>Bay Area</b> Team Leader Liam Jones - 635735	<b>Area 1</b> Team Leader: Ian Davies - 635714	<b>Area 2</b> Team Leader: Chris Healey - 637424
Castle Mayals Oystermouth St Thomas Sketty Uplands West Cross	Bonymaen Clydach Cwmbwrla Gorseinon Landore Llangyfelach Llansamlet Mawr Morryston Mynyddbach Penderry Penllergaer Penyrheol Pontarddulais Townhill	Bishopston Cockett Dunvant Fairwood Gower Gowerton Killay North Killay South Kingsbridge Lower Loughor Newton Penclawdd Pennard Upper Loughor

**Members are asked to contact the relevant team leader for the ward in which the application site is located, should they wish to have submitted plans and other images of any of the applications on this agenda displayed at the Committee meeting.**

Phil Holmes  
BS(Hons), MSc, Dip Econ  
Head of Planning & City Regeneration



## CONTENTS

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
1	2016/1051	Channel View, Three Crosses, Swansea SA4 3UR <b>Replacement detached dwelling</b>	APPROVE
2	2016/0627	Land adjacent to Morryston Hospital and Cwrtnewydd Mynydd Gelli Wastad Road Morryston Swansea SA6 6PX <b>Use of land for car parking for an operational period of three years, including alteration to existing access from Mynydd Gelliwastad Road and all associated operations and the use of adjacent land for the storage of topsoil</b>	APPROVE
3	2016/0641	Morryston Hospital Swansea NHS Trust Heol Maes Eglwys Cwmrhydyceirw Swansea SA6 6NL <b>Two/three storey private hospital with associated landscaping, roads and car parking (outline)</b>	APPROVE
4	2016/1038	124 St Helens Avenue, Brynmill, Swansea, SA1 4NW <b>Change of use from residential (Class C3) to 5 bedroom HMO (Class C4)</b>	APPROVE
5	2016/1249	26 Pinewood Road Uplands Swansea SA2 0LT <b>Change of use from residential (Class C3) to HMO for 4 people (Class C4)</b>	APPROVE
6	2016/1316	105 Rhyddings Terrace Brynmill Swansea SA2 0DS <b>Retention of change of use from a 4 bedroom dwelling (Class C3) to a 5 bedroom HMO Use (Class C4) and alterations carried out to bay window and first floor windows in front elevation.</b>	APPROVE

**PLANNING COMMITTEE – 6 SEPTEMBER 2016**

ITEM 1

APPLICATION NO.

2016/1051

WARD:

Penclawdd

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

**Proposal: Replacement detached dwelling**

**Applicant: Mr and Mrs Ngiaw and Kavitha Saw**



## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 1 (CONT'D)

APPLICATION NO.

2016/1051

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV19	Replacement dwellings in the countryside, including residential chalets, will only be permitted where the residential use has not been abandoned, the proposed new dwelling is similar in terms of siting, scale, design and character and compliments the character of the surrounding area. (City & County of Swansea Unitary Development Plan 2008)
Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)

#### **SITE HISTORY**

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 1 (CONT'D)

APPLICATION NO.

2016/1051

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

### INTRODUCTION

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

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

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

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

### RESPONSE TO CONSULTATIONS

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

#### Letter of objection –

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

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

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

#### Letter of support -

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

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

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

**Gower Society – OBJECTION**

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

**Natural Resources Wales –**

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

**Protected Species**

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 1 (CONT'D)

APPLICATION NO.

2016/1051

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

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

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

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

### Legislation and Policy

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

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

ii. There is no satisfactory alternative and

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

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

### Foul Water Disposal

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

ITEM 1 (CONT'D)

APPLICATION NO.

2016/1051

### Surface Water Disposal

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

### Gower AONB

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

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

### Welsh Water –

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

### Ecology Officer –

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

### Head of Transportation and Engineering –

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

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

## APPRAISAL

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

### Description

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

### Main Issues

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

### Policy Context

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

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

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

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

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

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

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

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

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

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

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

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

### Visual Amenity

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

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

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

ITEM 1 (CONT'D)

APPLICATION NO.

2016/1051

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

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

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

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

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

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

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

#### Residential Amenity

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 1 (CONT'D)

APPLICATION NO.

2016/1051

### Highway Safety

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

### Sustainability

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

### Ecology

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

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

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

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

### Response to Letters of Objection

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

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 1 (CONT'D)

APPLICATION NO.

2016/1051

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

### Conclusion

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

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

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

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

### **RECOMMENDATION**

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

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

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

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

Reason: To define the extent of the permission granted.

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 1 (CONT'D)

APPLICATION NO.

2016/1051

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

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

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

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

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

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

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

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

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

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

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

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

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 1 (CONT'D)

APPLICATION NO.

2016/1051

- 8 Notwithstanding the details shown on Drwg No:1584\_SHC 202, the indicative solar panels shown on the roof of the proposed dwelling are expressly excluded from this permission.  
Reason: For the avoidance of doubt and to clearly define the scope of this planning permission.
- 9 No construction works relating to the buildings hereby approved shall commence, until a drainage scheme for the new development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details relating to the disposal of surface and land water, and shall include an assessment of the potential to dispose of surface and land water by sustainable means. The scheme shall be implemented in accordance with the approved details prior to the occupation of the dwelling and shall be retained as such in perpetuity.  
Reason: To ensure that the proposal is served by an adequate surface and land water drainage system.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, EV3, EV19, EV22 and EV26 of the Unitary Development Plan
- 2 Birds may be present. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to: -  
  
Kill, injure or take any wild bird  
Take, damage or destroy the nest of any wild bird while that nest is in use or being built  
Take or destroy an egg of any wild bird  
  
Care should be taken when working on buildings, trees and clearing bushes particularly during the bird nesting season, March to August
- 3 A permit, or registration as exempt from the requirement for a permit under the Environmental Permitting (England and Wales) Regulations 2010 (as amended), is required from Natural Resources Wales. Further information is available from our website.

**PLANNING COMMITTEE – 6 SEPTEMBER 2016**

ITEM 1 (CONT'D)

APPLICATION NO.

2016/1051

4 STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

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

---

**PLANNING COMMITTEE – 6 SEPTEMBER 2016**

ITEM 2

APPLICATION NO.

2016/0627

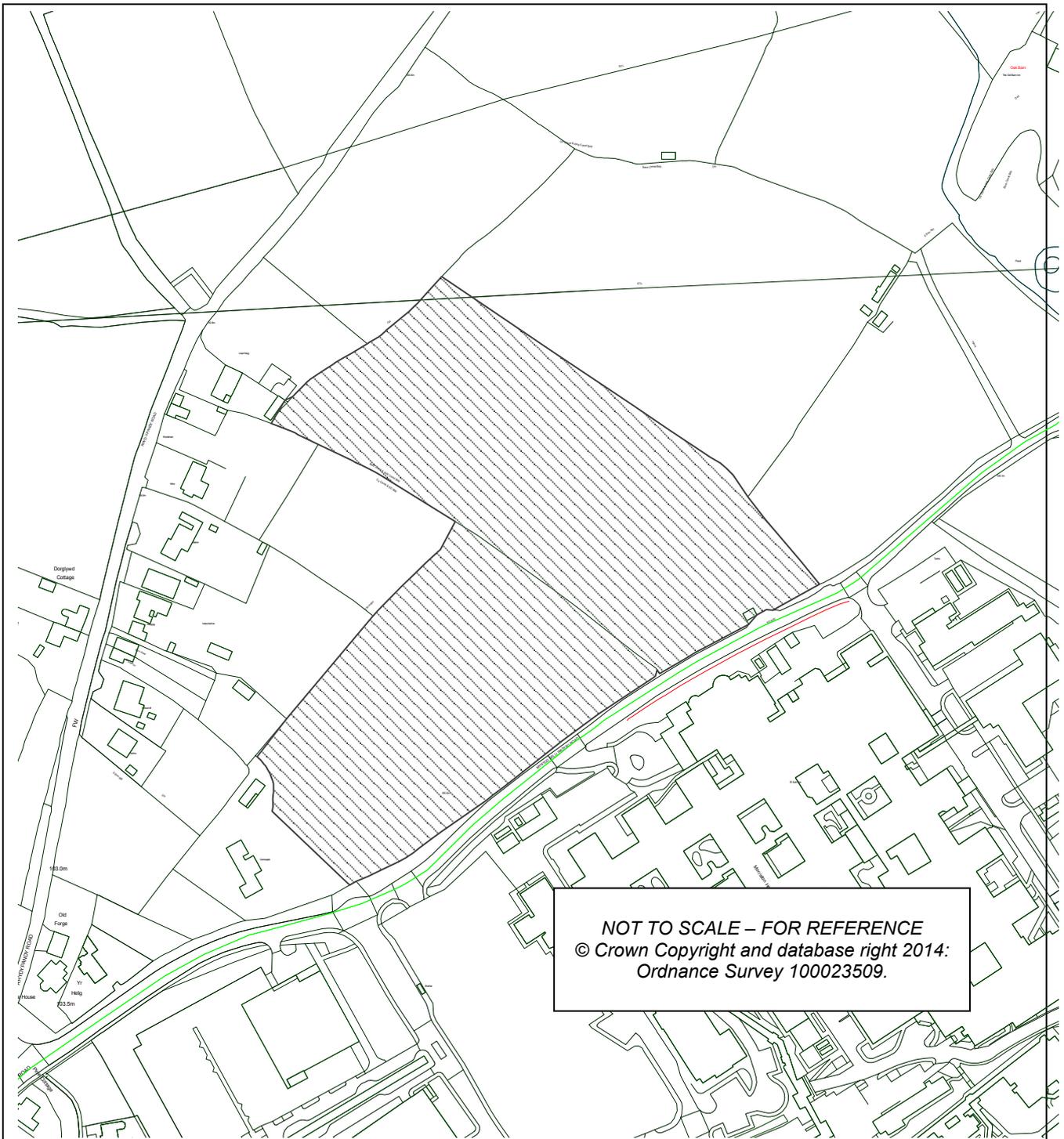
WARD:

Llangyfelach

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

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

**Applicant:** Abertawe Bro Morgannwg



## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 2 (CONT'D)

APPLICATION NO.

2016/0627

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)
Policy EV23	Within green wedges development will only be permitted if it maintains the openness and character of the green wedge and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. (City & County of Swansea Unitary Development Plan 2008)
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
Policy EV40	Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

ITEM 2 (CONT'D)

APPLICATION NO.

2016/0627

## SITE HISTORY

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

## Background

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

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

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

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

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

## Neighbour comments:

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

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

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 2 (CONT'D)

APPLICATION NO.

2016/0627

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

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

**Consultations:**

**Highways:**

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

1. Introduction

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

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

2. Transport Assessment

2.1 Existing Situation

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

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

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

2.2 Proposed works

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

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

ITEM 2 (CONT'D)

APPLICATION NO.

2016/0627

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

### 2.3 Trip rates/trip generation

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

### 2.4 Modelling/Conclusions

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

### 3. Parking

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

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

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

### 4. Travel Plan

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

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

The site is well served by public transport provision.

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 2 (CONT'D)

APPLICATION NO.

2016/0627

### 5. Conclusions

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

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

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

### 6. Recommendations

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

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

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

"No objections subject to the following conditions:

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

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

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

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

ITEM 2 (CONT'D)

APPLICATION NO.

2016/0627

**Drainage:**

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

Condition

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

Reason.

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

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

Reason.

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

Informatives.

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

**Ecology:**

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

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

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 2 (CONT'D)

APPLICATION NO.

2016/0627

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

**Landscape Officer:**

No comments received.

**Landscape Assistant (Arboriculture):**

"Recommendation: No objection subject to condition

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

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

**Comments:**

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

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

**Pollution Control:**

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

**Strategic Planning:**

No comments received.

**Natural Resources Wales:**

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 2 (CONT'D)

APPLICATION NO.

2016/0627

### Contaminated Land

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

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

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

Reasons: It is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

### Pollution Prevention & Waste Management

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

Given the presence of a watercourse to the north-west of the site, as best practice, we would advise the developer to produce a site specific Construction Management Plan / Pollution Prevention Plan, with particular reference given to the protection of the surrounding land & water environments.

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

We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission.

### Surface Water Disposal

We note the provision of the 'Technical Note (Ref: A095787/160429)', dated 29 April 2016, by WYG Ltd. We recommend any proposed surface water drainage system be designed to ensure no increased run-off from the site during and post development in all events up to the 1:100 year storm, with an allowance for climate change. Ultimately the drainage system design is a matter for the Local Authority Drainage Engineers.

### Ecology and Protected Species

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 2 (CONT'D)

APPLICATION NO.

2016/0627

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

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

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

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

No comments received.

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

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

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

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

### **Japanese Knotweed Officer:**

"Planning condition CL12 must be placed upon this application.

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

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

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

### **Site Location**

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

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

### **Description of Development**

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

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

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

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

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

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

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

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

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

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

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

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

## **APPRAISAL**

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

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

### **Main Issues**

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

### **Principle of Development**

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

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

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

- (i) Justified development in association with agriculture or forestry;
- (ii) Essential facilities for outdoor sport and recreation or cemetery use;
- (iii) Limited extension, alteration or replacement of existing dwellings;
- (iv) Small scale farm diversification;
- (v) The re-use of existing permanent/substantial buildings;
- (vi) Affordable housing for local needs under Policy EV18;
- (vii) Other uses of land and forms of development that maintain the openness of the green wedge and do not conflict with the purpose of including land within it.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Design/ Visual Impact/ Layout**

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

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

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

**Neighbouring/ Residential Amenity**

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

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

**Highway Safety/ Parking/ Public footpaths**

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 2 (CONT'D)

APPLICATION NO.

2016/0627

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

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

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

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

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

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

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

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

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

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

### **Ecology/ Trees**

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

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

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

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

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

### **Drainage/ Flooding**

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

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

ITEM 2 (CONT'D)

APPLICATION NO.

2016/0627

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

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

### **Other issues**

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

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

### **Conclusion**

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

**PLANNING COMMITTEE – 6 SEPTEMBER 2016**

ITEM 2 (CONT'D)

APPLICATION NO.

2016/0627

**RECOMMENDATION**

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The use hereby approved is for a temporary operational period of 3 years from the date of the first beneficial use of the car park hereby permitted commencing and shall cease after this period or following the first beneficial occupation of the replacement car park required by condition 8 of this consent, whichever is the sooner. Written confirmation of the date of the first beneficial use of the temporary car park shall be provided in writing to the Local Planning Authority no later than 1 calendar month after the date of the first beneficial use.  
Reason: The proposal is only considered justified on a temporary basis to ensure the landscape impact of the development is only temporary.
- 3 The development shall be carried out in accordance with the following approved plans and documents: Application Site Plan (A071150 Fig3) received on 1st April 2016 and the General Arrangement (10072/01 Rev. B) and Proposed Typical Cross Section (10072/03 Rev. A) received on 1st August 2016.  
Reason: To define the extent of the permission granted.
- 4 No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is being carried out.  
Reason: To comply with the requirements of Section 71ZB (2) of the Town and Country Planning Act 1990 (as amended).
- 5 No development shall take place until the developer has notified the Local Planning Authority of the initiation of development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order.  
Reason: To comply with the requirements of Section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).

**PLANNING COMMITTEE – 6 SEPTEMBER 2016**

ITEM 2 (CONT'D)

APPLICATION NO.

2016/0627

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

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

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

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

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

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

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

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

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

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

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

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

**PLANNING COMMITTEE – 6 SEPTEMBER 2016**

ITEM 2 (CONT'D)

APPLICATION NO.

2016/0627

- 10 Prior to the commencement of development, full engineering details of the junction improvements to the Pantlasau Road/ A48 Mini Roundabout (as indicated in the Transport Assessment Technical Note received on 19th July 2016) shall be submitted to and approved in writing by the Local Planning Authority. The junction improvements shall thereafter be implemented in accordance with the approved details prior to the first beneficial use of the temporary car park hereby permitted.  
Reason: In the interests of highway safety to ensure the technical details of the access are acceptable.
- 11 Prior to the commencement of development, full engineering details of the junction improvements to the Heol Maes Eglwys/Hospital Access Road (as indicated in the Transport Assessment Technical Note received on 19th July 2016) shall be submitted to and approved in writing by the Local Planning Authority. The junction improvements shall thereafter be implemented in accordance with the approved details prior to the first beneficial use of the temporary car park hereby permitted.  
Reason: In the interests of highway safety to ensure the technical details of the junction improvements are acceptable.
- 12 Notwithstanding the details submitted to date, no development shall commence until the developer has prepared a strategy for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved thereafter for the lifetime of the development.  
Reason: In the interests of highway safety to ensure the technical details of the junction improvements are acceptable.
- 13 The development shall not discharge to the receiving watercourse at any rate greater than 14.2l/s.  
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.
- 14 Prior to the commencement of development, full details of a wild flower mix to be planted on the stored topsoil, shall be submitted to and approved in writing by the Local Planning Authority. The approved wildflower mix shall be planted in the first available planting season following the storage of the topsoil.  
Reason: To prevent increased runoff to the local watercourse network and increased flood risk.

**PLANNING COMMITTEE – 6 SEPTEMBER 2016**

ITEM 2 (CONT'D)

APPLICATION NO.

2016/0627

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

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

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

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

- 17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Within 2 months of the written notice being received by the Local Planning Authority, an investigation and risk assessment must be undertaken in accordance with the requirements of the latest guidance, and where remediation is necessary a remediation scheme must be prepared which sets out a timetable for the work, which is subject to the approval in writing of the Local Planning Authority. The approved remediation scheme shall be undertaken in accordance with the approved timetable of works. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the first beneficial occupation of the development permitted.

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

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

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

- 19 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the approved details prior to the commencement of work on site.

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 2 (CONT'D)

APPLICATION NO.

2016/0627

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

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

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

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

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV22, EV23, EV34, EV35, EV40 and AS6.

- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).

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

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

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 2 (CONT'D)

APPLICATION NO.

2016/0627

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

The Officer has also advised that prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times.

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

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

**PLANNING COMMITTEE – 6 SEPTEMBER 2016**

ITEM 3

APPLICATION NO.

2016/0641

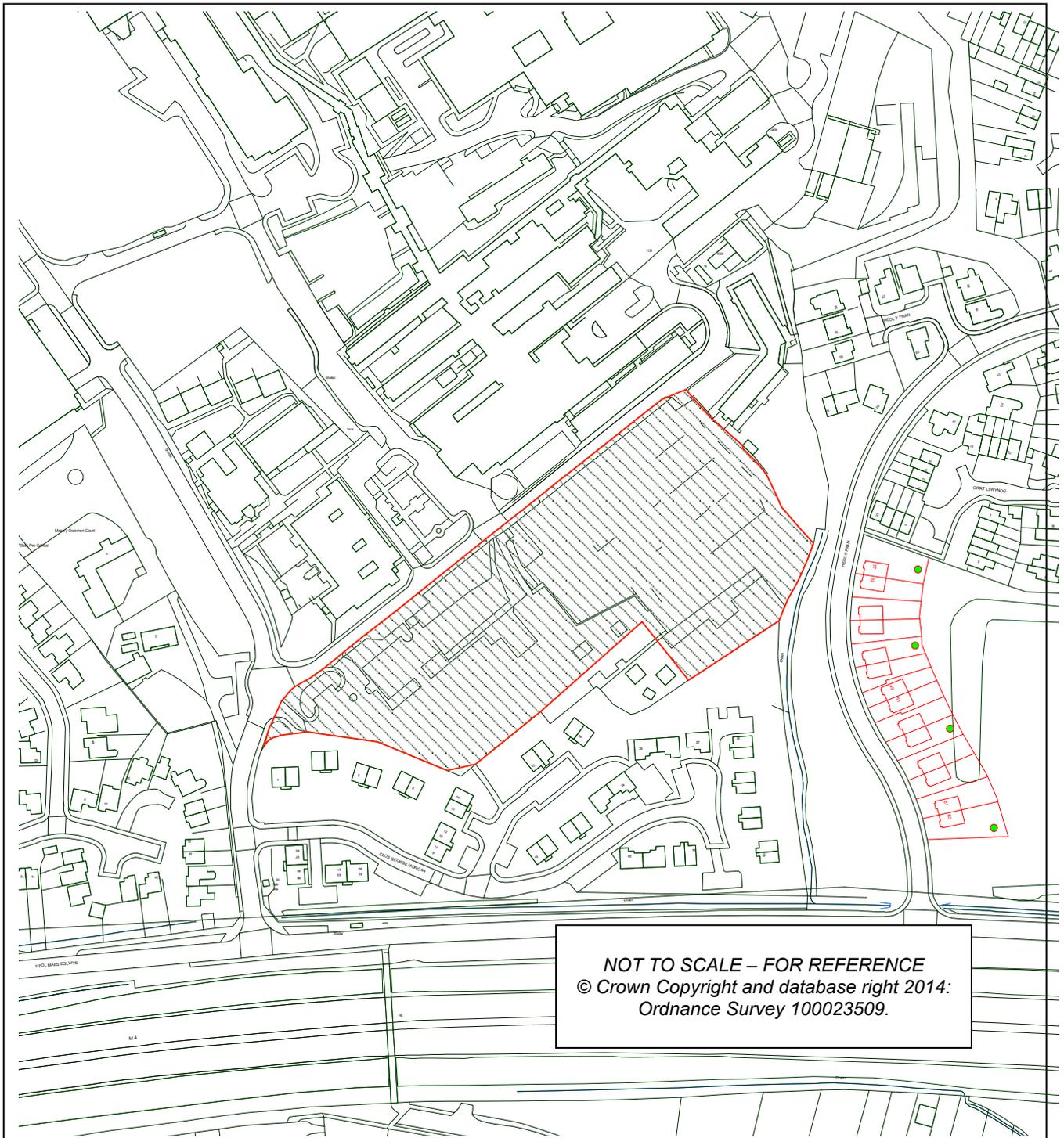
WARD:

Morrison

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

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

**Applicant:** Healthcare Management Trust



## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

### BACKGROUND INFORMATION

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
Policy EV38	Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3 (CONT'D) APPLICATION NO. 2016/0641

- Policy EV40 Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS1 Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS2 Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS5 Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS6 Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3 (CONT'D)	APPLICATION NO.	2016/0641
2002/1193	Demolition of existing nurses quarters and construction of part two storey, part three storey 73 bed key workers accommodation block, enclosed rear paved area, landscaping and 60 space car park. Decision: Grant Permission Conditional Decision Date: 08/07/2003	
2003/0844	Demolition of existing nurses quarters and construction of detached single storey building to provide creche facilities, provision of 3 drop off parking spaces, erection of means of enclosure and associated landscaping works. Decision: Grant Permission Conditional Decision Date: 24/07/2003	
2008/1495	Construction of new multi storey car park (maximum 4 levels) and surface car park (providing a total of 1305 spaces), incorporating an elevated helipad and new junction on Gelliwastad Road with new internal access road and associated infrastructure and landscaping works Decision: Grant Permission Conditional Decision Date: 18/12/2008	
2016/0851	Demolition of 26 buildings (application for Prior Notification of Demolition) Decision: Prior Approval Is Not Required Decision Date: 23/05/2016	

### Background

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

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

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

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

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

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

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

**Neighbour comments:**

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

No neighbour comments have been received to date.

**Consultations:**

**Urban Design:**

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

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

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

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

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

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

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

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

### **Highways:**

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

#### 1. Introduction

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

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

## 2. Transport Assessment

### 2.1 Existing Situation

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

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

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

### 2.2 Proposed works

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

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

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

### 2.3 Trip rates/trip generation

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

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

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

#### 2.4 Modelling/Conclusions

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

##### Heol Maes Eglwys / Southern Hospital Access

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

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

##### Clasemont Road / Pant Lasau Road

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

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

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

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

## 2.5. Revised modelling/infrastructure improvements

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

In summary the comments are:

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

### Heol Maes Eglwys / Southern Hospital Access

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

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

### Clasemont Road / Pant Lasau Road

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

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

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

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

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

## 2.6 Modelling Conclusions

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

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

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

### 3. Parking

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

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

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

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

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

### 4. Travel Plan

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

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

The site is well served by public transport provision.

### 5. Conclusions

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

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

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

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

### 6. Recommendations

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

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

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

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

### **Drainage:**

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

#### Condition

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

#### Reason.

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

Informatives.

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

**Ecology:**

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

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

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

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

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

Please include the informative below

**BIRDS**

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

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

Care should be taken when working on buildings, trees and clearing bushes particularly during the bird nesting season, March to August”

**Landscape Assistant (Arboriculture):**

“Recommendation: Acceptable subject to condition

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

### Condition 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

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

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

Comments:

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

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

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

### **Pollution Control:**

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

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

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

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

### 5.6 SOIL CHEMISTRY

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

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

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

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

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

Section 9.3 contains the following RECOMMENDATIONS

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

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

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

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

Condition

Land Contamination

Site Characterisation

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

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

Phase 1 report: Desk Top Study

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

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

The following parts of this condition remain extant:

Phase 2: Detailed Investigation

This shall:

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

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

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

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

Phase 3: Remediation Strategy Options Appraisal

This shall:

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

Phase 3: Validation/verification Report

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

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

### Condition

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

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

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

### Condition

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

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

### Condition

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

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

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

### **Natural Resources Wales:**

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

### Protected Species

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

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

Drawing 1412\_SMH\_ALL\_ATP\_103: 'Proposed Site Plan', dated 21/03/2016, indicates that the three brick buildings, which have been assessed as medium potential for bats will be retained on site in their current state. However, based on this the above plan we also note that some of the trees identified as having bat potential, will not be retained.

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

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

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

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

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

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

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

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

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

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

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

**Dwr Cymru Welsh Water:**

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

**Glamorgan Gwent Archaeology Trust:**

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

**Coal Authority:**

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

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

**Police Designing Out Crime Officer:**

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

**Site Location**

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

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

### **Description of Development**

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

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

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

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

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

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

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

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

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

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

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

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

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

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

### APPRAISAL

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

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

### **Main Issues**

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

### **Principle of Development**

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

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

### **Design/ Layout/ Impact on Trees**

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

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

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

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

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

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

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

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

### **Neighbouring/ Residential Amenity**

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

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

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

### **Highway Safety/ Parking/ Public footpaths**

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

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

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

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

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

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

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

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

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

### **Ecology/ Landscape**

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

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

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

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

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

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

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

### **Contaminated Land**

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

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

**Drainage/ Flooding**

With regards to flood risk a Technical Advice Note 15 (TAN 15) Flood Map shows the site to be in an area that is at no risk of flooding from overland flows or ground water. The site is proposed to have a developed area of 10,400m<sup>2</sup>, of which approximately 6115m<sup>2</sup> is to be impermeable surfacing. Approximately 40% of the total site area would become Greenfield land post-construction. These figures are inclusive of the proposals for possible future expansion and would result in a significantly reduced impermeable area and as such represent a significant betterment in the downstream network. The Drainage Officer has no objections to the proposal subject to conditions requiring full drainage details to be agreed.

**Conclusion**

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

**RECCOMENDATION**

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

- 1        Details of the appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.  
Reason: To ensure that the development is carried out in an orderly and satisfactory manner.
  
- 2        Detailed plans and drawings with respect to the matters reserved in condition (01) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.  
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.
  
- 3        The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.

**PLANNING COMMITTEE – 6 SEPTEMBER 2016**

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

- 4 The development, in so far as it relates to access, scale and layout, shall be carried out in accordance with the following approved plans and documents: Drawing Nos. 1412\_SMH\_ALL\_ATP\_101 (Site location plan), 1412\_SMH\_ALL\_ATP\_106 (Proposed - Level 00 - Ground Flood Plan), 1412\_SMH\_ALL\_ATP\_107 (Proposed - Level 01 - First Floor Plan), 1412\_SMH\_ALL\_ATP\_108 (Proposed - Level 02 - Plant Room Plan) and 1412\_SMH\_ALL\_ATP\_109 (Proposed - Level 03 - Roof Plan) received on 29th March 2016; 1412\_SMH\_ALL\_ATP\_103 REV P01 (Proposed Site Plan), 1412\_SMH\_ALL\_ATP\_105 REV P01 (Proposed Site Sections) and 1412\_SMH\_ALL\_ATP\_113 REV P01 (Proposed Demolition Plan) received on 4th July 2016).

Reason: To define the extent of the permission granted.

- 5 No development shall take place until the developer has notified the Local Planning Authority of the initiation of development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order.

Reason: To comply with the requirements of Section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).

- 6 No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is being carried out.

Reason: To comply with the requirements of Section 71ZB (2) of the Town and Country Planning Act 1990 (as amended).

- 7 No development shall take place under this consent until the temporary car park approved under planning permission 2016/0627 has been implemented in accordance with the approved details and the temporary car parking area is fully operational.

Reason: In the interests of highway safety to ensure that replacement parking is provided for the wider hospital before the loss of the existing car park located on the application site.

- 8 Prior to the commencement of development, samples of all external finishes for the development shall be submitted to and approved by the Local Planning Authority in writing. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure that the external appearance of the building is visually acceptable and in harmony with its surroundings.

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

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

Reason: In the interests of visual and residential amenity.

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

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

- 11 No development shall commence until an assessment of the nature and extent of contamination affecting the application site area indicated on Drawing No. 1412\_SMH\_ALL\_ATP\_101 has been submitted to and approved in writing by the local planning authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) Investigation of Potentially Contaminated Sites Code of Practice and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

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

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

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

- 13 Prior to the first beneficial occupation of the development hereby approved, all of the proposed car parking spaces as indicated on Drawing No. 1412\_SMH\_ALL\_ATP\_003 P01 shall be clearly demarcated on the ground and retained as such thereafter for the parking of vehicles.

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

- 14 Prior to the first beneficial use of the development hereby permitted, the cycle parking provision as indicated on Drawing No. 1412\_SMH\_ALL\_ATP\_003 P01 shall be provided on site for staff and visitors and shall be retained as such thereafter.

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

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

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

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

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

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

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

**PLANNING COMMITTEE – 6 SEPTEMBER 2016**

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

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

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

- 19 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Within 2 months of the written notice being received by the Local Planning Authority, an investigation and risk assessment must be undertaken in accordance with the requirements of the latest guidance, and where remediation is necessary a remediation scheme must be prepared which sets out a timetable for the work, which is subject to the approval in writing of the Local Planning Authority. The approved remediation scheme shall be undertaken in accordance with the approved timetable of works. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the first beneficial occupation of the development permitted on that particular site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 20 All planting and grass seeding or turfing comprised in the approved details of landscaping for the site shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the development or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard landscape and amenity interests.

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

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

**PLANNING COMMITTEE – 6 SEPTEMBER 2016**

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV30, EV34, EV35, EV36, EV38, EV40, AS1, AS2, AS5 and AS6.
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
  - Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild birdCare should be taken when working on buildings particularly during the bird nesting season March-August.
- 4 The Highways Officer has advised the following:  
  
Note 1: The Developer must contact the Highway Management Group , The City and County of Swansea , c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development) , e-mails to [mark.jones@swansea.gov.uk](mailto:mark.jones@swansea.gov.uk) , tel. no. 01792 636091  
  
Note 2: Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
- 5 Please be aware that the City and County of Swansea is now the Lead Local Flood Authority and that any works to the adjacent watercourses may require our prior written consent under the Land Drainage Act 1991 (as amended), irrespective of any other permissions given. We welcome early engagement with us to avoid any issues within the design process

**PLANNING COMMITTEE – 6 SEPTEMBER 2016**

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

6 The Pollution Control Officer has advised the following:

**1 Construction Noise**

The following restrictions should be applied to all works of demolition/ construction carried out on the development site

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.

The Local Authority has the power to impose the specified hours by service of an enforcement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

**2 Smoke/ Burning of materials**

No burning of any material to be undertaken on site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

**3 Dust Control:**

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

**4 Lighting**

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

**5 Imported Soils/ Material**

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

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

**PLANNING COMMITTEE – 6 SEPTEMBER 2016**

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0641

7 STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

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

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

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

---

**PLANNING COMMITTEE – 6 SEPTEMBER 2016**

ITEM 4

APPLICATION NO.

2016/1038

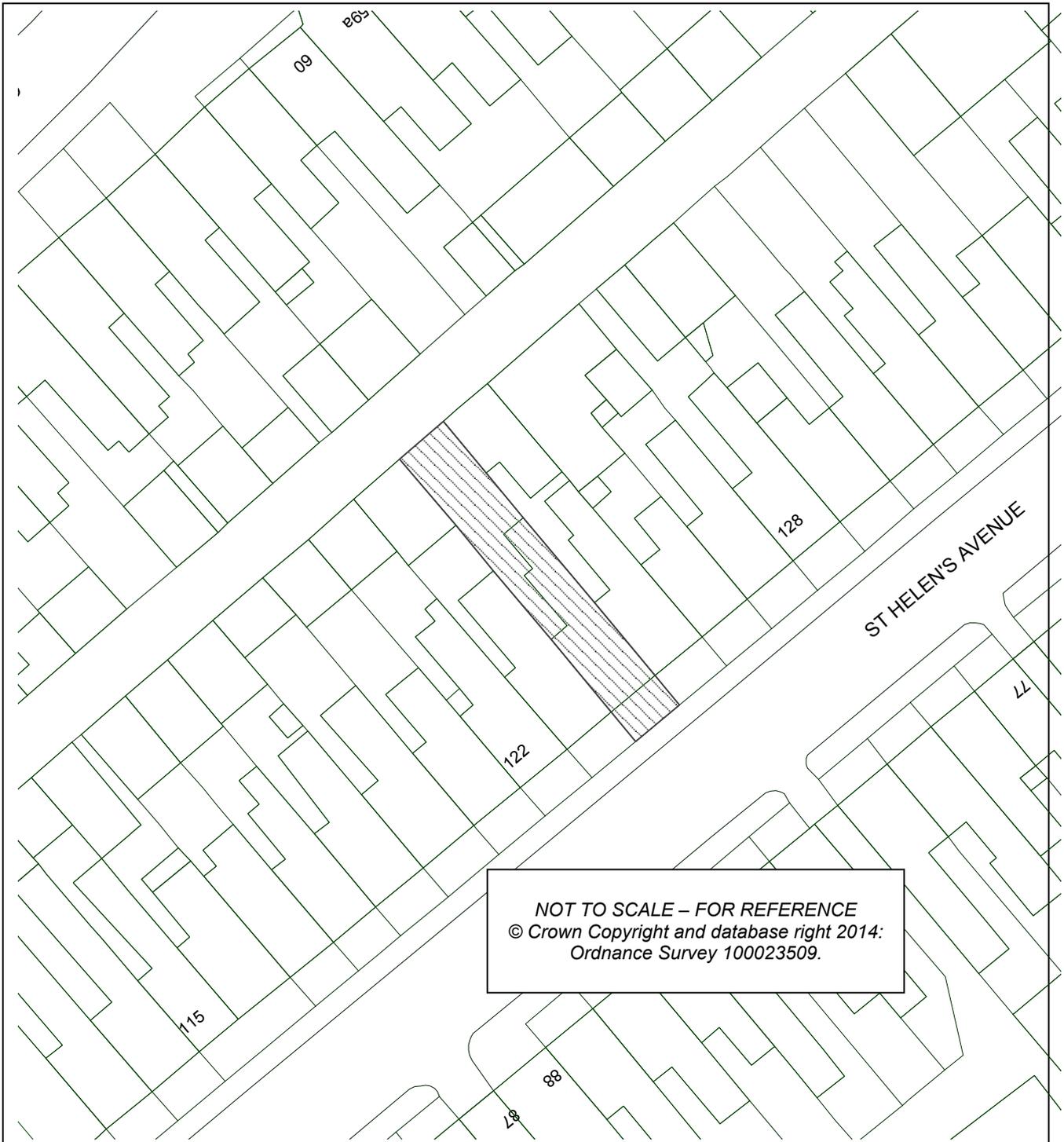
WARD:

Uplands

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

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

**Applicant:** Jonathan Johnston



## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 4 (CONT'D)

APPLICATION NO.

2016/1038

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy HC5	Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
----------------	-----------------

None

#### **RESPONSE TO CONSULTATIONS:**

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

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

**Dwr Cymru/Welsh Water:** No objection.

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

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

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 4 (CONT'D)

APPLICATION NO.

2016/1038

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

### **APPRAISAL:**

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

#### Description

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

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

#### Main Issues

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

#### Principle of Use

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

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

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 4 (CONT'D)

APPLICATION NO.

2016/1038

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

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

The criteria of the above is addressed below:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ITEM 4 (CONT'D)

APPLICATION NO.

2016/1038

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

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

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

**Appropriate refuse storage arrangements can be provided**

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

Response to Consultations

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

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

Conclusion

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

**RECOMMENDATION:**

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

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

Reason: To define the extent of the permission granted.

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 4 (CONT'D)

APPLICATION NO.

2016/1038

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

Reason: In the interest of sustainability and highway safety.

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

Reason: In the interest of highway safety.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, HC5 and AS6
  - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-

**PLANNING COMMITTEE – 6 SEPTEMBER 2016**

ITEM 5

APPLICATION NO.

2016/1249

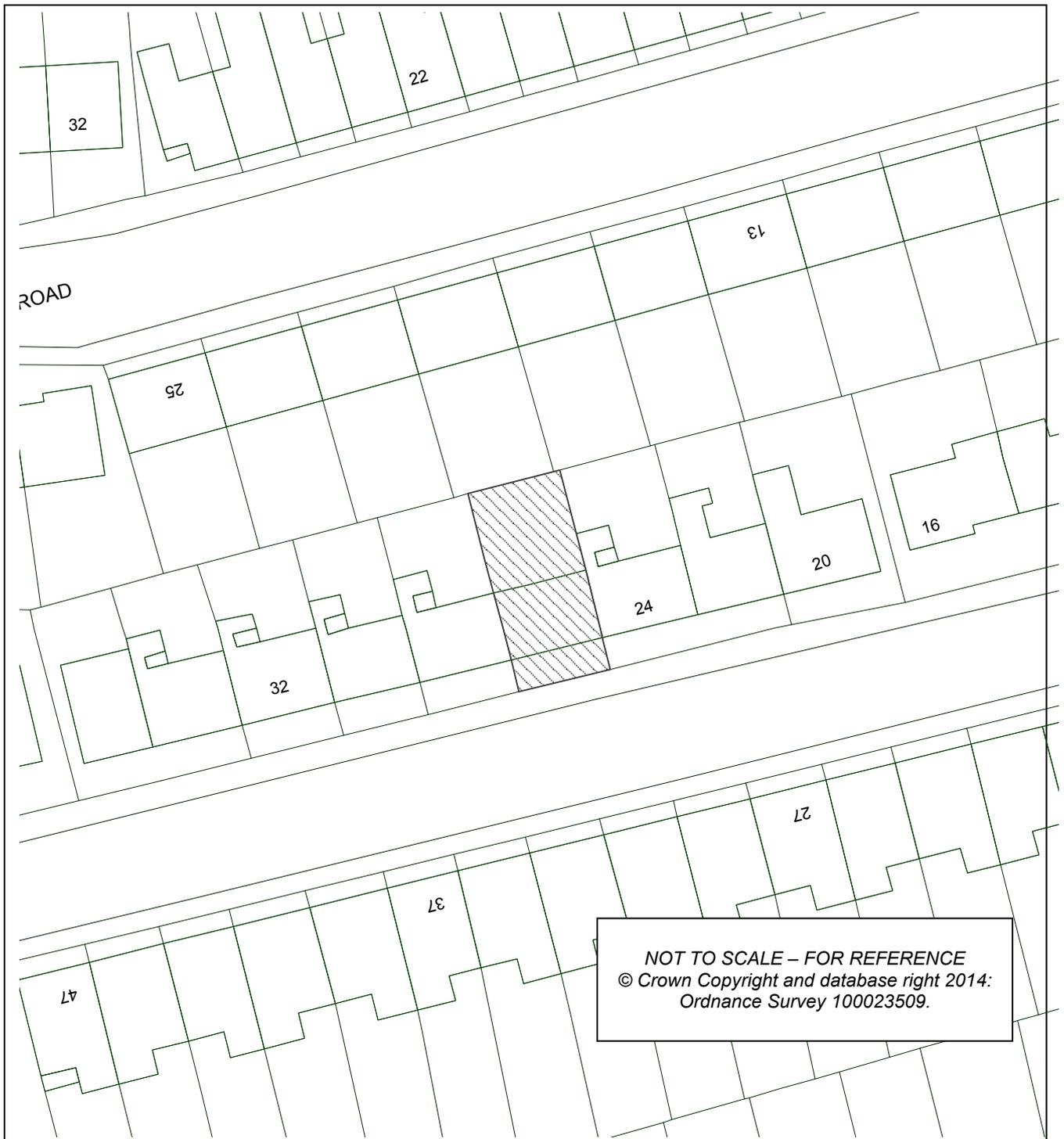
WARD:

Uplands

**Location: 26 Pinewood Road Uplands Swansea SA2 0LT**

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

**Applicant: Mrs Sharon Davies**



## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 5 (CONT'D)

APPLICATION NO.

2016/1249

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy HC5	Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
----------------	-----------------

None

#### **RESPONSE TO CONSULTATIONS**

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

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

**Dwr Cymru/Welsh Water:** No objection.

ITEM 5 (CONT'D)

APPLICATION NO.

2016/1249

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

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

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

**Pollution Control:** No objection.

### **APPRAISAL:**

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

#### Description

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

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

#### Main Issues

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

#### Principle of Use

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

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 5 (CONT'D)

APPLICATION NO.

2016/1249

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

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

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

The criteria of the above is addressed below:

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

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

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

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

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 5 (CONT'D)

APPLICATION NO.

2016/1249

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

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

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

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

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

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

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 5 (CONT'D)

APPLICATION NO.

2016/1249

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

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

### **Appropriate refuse storage arrangements can be provided**

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

### Response to Consultations

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

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

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

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

### Conclusion

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

## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 5 (CONT'D)

APPLICATION NO.

2016/1249

### RECOMMENDATION:

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

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

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, HC5 and AS6.
  - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-

**PLANNING COMMITTEE – 6 SEPTEMBER 2016**

ITEM 6

APPLICATION NO.

2016/1316

WARD:

Uplands

**Location: 105 Rhyddings Terrace Brynmill Swansea SA2 0DS**

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

**Applicant: J A Rewbridge Development Services**



## PLANNING COMMITTEE – 6 SEPTEMBER 2016

ITEM 6 (CONT'D)

APPLICATION NO.

2016/1316

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy HC5	Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
----------------	-----------------

None

#### **RESPONSE TO CONSULTATION**

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

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

ITEM 6 (CONT'D)

APPLICATION NO.

2016/1316

**Dwr Cymru/Welsh Water:** No objection.

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

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

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

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

#### **APPRAISAL:**

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

#### Description

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

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

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

#### Main Issues

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

#### Principle of Use

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

ITEM 6 (CONT'D)

APPLICATION NO.

2016/1316

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

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

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

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

The criteria of the above is addressed below:

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

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

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

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

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

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

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

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

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

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

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

ITEM 6 (CONT'D)

APPLICATION NO.

2016/1316

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

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

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

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

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

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

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

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

**Appropriate refuse storage arrangements can be provided**

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

Response to Consultations

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

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

Conclusion

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

**RECOMMENDATION:**

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

- 1 The development shall be carried out in accordance with the following approved plans and documents: Block Plan and 06.16.105RT.D1 – Existing & Previous Floor Plans and Elevations received 4<sup>th</sup> July 2016.  
Reason: To define the extent of the permission granted.
- 2 Details of facilities for the secure and undercover storage of five cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.  
Reason: In the interest of sustainability.

**INFORMATIVES**

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (EV1, HC5 and AS6)
  - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-

## Report of the Head of Planning and City Regeneration

Planning Committee - 6 September 2016

PLANNING APPLICATION REF: 2015/2506

### RESIDENTIAL DEVELOPMENT FOR THE CONSTRUCTION OF 41 UNITS WITH ASSOCIATED ACCESS AND LANDSCAPING WORKS

#### LAND AT HEOL PENTRE BACH GORSEINON SWANSEA SA4 4ZA

#### 1.0 Background

- 1.1 This application was reported to Planning Committee on 2<sup>nd</sup> August 2016 with the recommendation that planning permission be approved subject to conditions and a S106 agreement. Members did not accept the recommendation but resolved that the application be deferred under the two stage voting process so that further advice could be provided with regard to the interpretation of the Council's Developer Guidance – Planning Applications for Non-Householder Residential Development (which promotes a positive approach for appropriate residential sites recommended for allocation in the emerging LDP) and reasons for refusal relating to the impact upon the Green Wedge, highway safety and S106 contributions. The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by members.
- 1.2 In reaching a decision Members will need to consider advice on the award of costs in planning appeals in Welsh Office Circular 23/93 : 'Award of Costs incurred in Planning and other (including Compulsory Purchase Order) Proceedings'. The circular states that Planning Authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers, or received from statutory bodies or consultees. However, they will be expected to show they had reasonable planning grounds for taking a decision contrary to such advice, and be able to produce relevant evidence to support the decision. If they fail to do so, costs may be awarded against the Authority.
- 1.2 A copy of the report to Planning Committee on 2<sup>nd</sup> August 2016 is attached as Appendix A.

#### 2.0 Main Issues

- 2.1 Members identified the following areas as grounds for refusal of the application: impact on green wedge, highway safety and concerns over the S106 contributions not being provided. Issues were also raised by Members specifically with regard the interpretation of the Council's Developer Guidance – Planning Applications for Non-Householder Residential Development which promotes a positive approach for appropriate residential sites recommended for allocation in the emerging LDP. The Head of Development Management also advised Members that this was the first LDP candidate site which had been reported to Planning Committee in advance of the LDP (which was on Deposit until the end of August 2016) and further advice would be provided on the interpretation of this document to aid Committee Members.

- 2.2 The applicant's agent has submitted further information for Committee to consider in response to the discussion at the Planning Committee. The agent has provided further information with regards to each of the issues raised which will be included below where pertinent. The agent has also reiterated that much of the labour force is sourced in the local Swansea area and as a company, Elan Homes do not have an extensive land bank and as such, need to source, purchase and commence developments to ensure the continued success of the business.
- 2.3 More detailed comment is provided in each of the sub-headings below.
- 2.4 Developer Guidance Note - Planning Applications for Non-Householder Residential Development
- 2.5 This application is the first application that has been reported to Planning Committee for determination that comprises a site that is currently unallocated within the existing UDP but is proposed for inclusion within the Deposit. The Council are currently considering one other application for a site allocated in the Deposit LDP (a strategic site at Garden Village) but it is anticipated that several other such applications will be submitted in due course on sites of varying sizes.
- 2.6 In terms of background, Planning Policy Wales (9.2.3) makes it clear that Local Planning Authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan. This means that sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live. There must be sufficient sites suitable for the full range of housing types. For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study.
- 2.7 The Council's most recent Joint Housing Land Availability Study (2015) indicates that the Council currently has a 3.0 year land supply, which is less than the 5 years required under national planning policy. It is estimated that the current supply is 3.3 years (still under the 5 year land supply required).
- 2.8 The housing land supply figure should also be treated as a **material consideration** in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement, the need to increase supply should be given **considerable weight** when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies.
- 2.9 Consultation on the Deposit Local Development Plan finished on 31<sup>st</sup> August 2016. In recent correspondence regarding an amendment to the delivery agreement of the Local Development Plan, the Welsh Government stated that "It is disappointing that your plan has incurred a further delay in its preparation of 15 months. **Such delays reduce certainty; inhibit the ability to attract investment and the delivery of key Government priorities such as the delivery of housing and economic growth.**"

- 2.10 The Welsh Government considers that having complete coverage of adopted LDPs across Wales is **critical** in ensuring that the homes which are needed are delivered – these are key Government priorities. The Council does not have an adopted LDP at the current time and the end date of the current Unitary Development Plan expires on 31<sup>st</sup> December 2016. Inevitably, the number of sites contained within the UDP that remain undeveloped has diminished in recent years and there will be a significant period where the Council will not have an up-to-date development plan.
- 2.11 In order to address the shortfall in the 5 year housing land supply, provide an element of certainty for developers and attract investment and housing within the area within the aforementioned planning context, a Guidance Note for Developers – Planning Applications for Non-Householder Residential Development was approved as the Council's agreed protocol for administering and determining planning applications for non-householder residential proposals at Planning Committee in November 2015.
- 2.12 The document seeks to provide a clear strategy identifying how the Council intend to resolve the housing shortfall and provide an element of certainty for developers providing they comply with the requirements and submit evidence with the application.
- 2.13 The Guidance Note provides advice to prospective developers on how the planning authority intends to deal with planning applications for sites not currently allocated within the UDP. The main principle is to bring forward several strategic sites recommended for allocation in the emerging LDP.
- 2.14 The Guidance Note states that an evidenced based approach would be adopted and this guidance has been considered carefully during the assessment of the application. The Note identifies a four tier strategy with brownfield sites within the current UDP within the top tier, strategic sites in the emerging LDP within the second tier, sites located outside the urban boundary that are allocated in the LDP within the third tier and finally, the fourth tier comprises sites outside the existing settlement boundary that are not proposed residential allocations.
- 2.15 It is appreciated that the current proposal falls within the third tier of the hierarchy. However, during a recent appeal for a residential development of 13 dwellings outside of the Urban Boundary (land at Rhydypany Road), the appellant stated that the shortfall in housing land supply will get worse over the next few years, particularly as such strategic sites usually take several years to bring forward. The Inspector tended to share the appellant's scepticism that the strategic sites will not make any significant impact on the housing shortfall for several years. He stated that 'In the meantime, it is appropriate to give considerable weight to the need to increase supply when dealing with planning applications'.
- 2.16 It is therefore considered that a variety of scales of schemes (on the proviso that they would provide a meaningful contribution) would be required in the short term to address the housing shortfall and strategic sites will not provide the answer on their own. The consultation period for the Deposit LDP has now ended – this was the only outstanding issue with regards to the Guidance Note criteria when the application report was previously considered by Members.

- 2.17 As of the 23<sup>rd</sup> August 2016, no comments had been received via the LDP consultation with regards to this application. An update will be provided at Committee with any further comments received after this date in response to the LDP consultation.
- 2.18 The Guidance Note is the Council's agreed protocol to address the housing land supply shortfall (a shortfall of 2 years or approximately 1,900 dwellings). The strategy is required in order to provide a degree of certainty for developers before they prepare schemes and submit planning applications. This is particularly important to increase housing within the County and provide investment and employment at the same time which align with the key priorities of the Council and the Welsh Government's key priorities.
- 2.19 It is equally important to highlight some of the issues that may arise should Members be inclined not to accept the advice contained within the Guidance Note approved at Planning Committee in November 2015. Firstly, the Authority would have no strategy in place to deliver housing on sites that are not allocated within the Deposit Local Development Plan. It should be noted that were Members to recommend approval of any development for a significant residential development of 150 units or more that is not in accordance with the provisions of the development plan, they would have to refer the application to Welsh Ministers to ascertain whether they intend to call it in.
- 2.20 With regards to this application, the applicant is highly likely to appeal any refusal given that the Officer's recommendation is for approval and the proposal is in accordance with the approved Guidance Note referred to above. The applicant may wish for the appeal to be considered at Public Inquiry which would result in significant cost to the Local Planning Authority in terms of Officer time and legal representation at any Inquiry, which would increase based on the time/ complexity of the issues involved in the appeal. It should also be noted that the Local Planning Authority may also be liable for the costs incurred by the appellant in preparing for an Inquiry if the Local Planning Authority are considered to have acted unreasonably. These costs could be significant. Whilst a Hearing would reduce the costs to the Council of defending an appeal, costs could still be awarded against the Council for unreasonable behaviour via this route.
- 2.21 The Council would have no strategy/ protocol for reducing the 5 year housing land supply issue going forward and the Council must be able to show a five year land supply at adoption of the Local Development Plan. With further applications being refused, the available housing land supply could reduce further over time, and increase the weight to be afforded to this issue.
- 2.22 Technical Advice Note 1 states that the housing land supply figure should be given **considerable weight** when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies. It is considered likely that further applications are submitted on sites located outside of the urban boundary and on sites not allocated within the emerging LDP and whilst the Local Planning Authority may refuse these applications, if appealed, the final determination would be passed to the Planning Inspectorate (PINS). This is a particularly important point as Members were supportive of proposed allocations but schemes could be more difficult to resist on sites which were not included in the Deposit LDP following comprehensive consideration of all material considerations. At a recent appeal decision at Blackwood (referred to in the Officer's Report), the Inspector acknowledged that due the Council's lack of a 5 year housing land supply, substantial weight could be attributed to the fact that the Council had placed the emerging plan on Deposit with the site allocated for housing. The appeal was

subsequently allowed and several conditions requested by the Local Planning Authority were not attached to the decision. This appeal decision is of note because the appeal Inspector is the Chief Officer for the Planning Inspectorate in Wales.

- 2.23 Members should be aware that an appeal has been submitted against a recent refusal of planning permission for 300 dwellings at Parc Ceirw, Cwmrhydyceirw Quarry and adjoining land (ref: 2014/0977). This application was recommended for approval by Officers but was refused by Members in June 2016. The site was proposed for inclusion within the Deposit LDP but was subsequently omitted following the refusal of the decision at Planning Committee, prior to the LDP being placed on Deposit. This is one such appeal that the 5 year land supply issue will be integral to. It should be borne in mind that Members were agreeable to the inclusion of Heol Pentre Bach in the Deposit version of the Local Development Plan and it would be preferable for these sites to be developed rather than sites considered unsuitable by the Local Authority.
- 2.24 It should also be noted that the current application before Members was subject to significant pre-application advice between the applicant and the Local Planning Authority and has resulted in a high quality scheme. The applicant amended the scheme to take account of comments raised by Officers with regards to several aspects of the scheme which resulted in a significantly improved layout/ design prior to the application being submitted. The applicant was also willing to work with the Local Planning Authority throughout consideration of the application and subsequently amended the scheme to remove two plots to reduce the issues on trees within the site. If the Local Planning Authority is not supportive of early schemes, applicants will be less inclined in the future to enter into pre-application advice or consider the comments/ recommendations of Officers in the knowledge that the application would be determined by the Planning Inspectorate and the 5 year land supply consideration would be given considerable weight. Allied to this, applicants may choose to appeal non-determination at the end of the statutory period rather than amend proposals that would subsequently be refused in order to speed up the decision making process.
- 2.25 It should be noted that this approach would effectively reduce the role/ input of the Local Planning Authority (as a whole) and could result in poorer schemes receiving consent at appeal. The decision making process could effectively be removed from the local level and the Planning Inspectorate would have the final say on the acceptability of the scheme, any conditions that are to be attached and the requirements to be included within a S106 agreement. Further to this, there would be increased costs for the Local Planning Authority in having to prepare and defend these appeals and an increased chance of success if Inspectors opine that the Council is not taking reasonable steps to overcome the shortfall of available housing land.
- 2.26 Further to this, as the application is being considered in line with current guidance, the developer would have to provide 12 affordable housing units on site. Under the Emerging Local Development Plan, the guidance for affordable housing would be limited to 20% provision which would equate to 8 units, so the same application considered following the adoption of the LDP would result in 4 less affordable units.
- 2.27 Taking the above in consideration, it is considered that the proposed scheme is a high quality housing scheme, accords with the endorsed developer Guidance Note, has been allocated within the Deposit LDP by Members, would deliver a significant affordable housing contribution at the current time and would help provide an immediate contribution towards the housing shortfall within the Authority.

2.28 Green Wedge

2.29 Members raised concerns that the proposed development is located within a Green Wedge. The application as reported to Committee noted this policy conflict but considered that the issues was finely balanced and that material considerations were sufficient reason to depart from the development plan in force. Based on the comments of the Planning Committee, it is considered that the following reason reflects the concerns raised:

*'The proposed residential development comprises the erection of 41 dwellings on a site which forms part of an extensive area of open land on the periphery of Queensgate that is located outside of the urban boundary and within an identified Green Wedge. The proposal is considered to be inappropriate development within the Green Wedge that would not maintain its openness nor respect the sensitive open area abutting the Loughor Estuary contrary to the provisions of policies EV22 and EV23 of the City and County of Swansea Unitary development Plan (2008).'*

2.30 The following additional information has been submitted on behalf of the applicant.

*'This issue has been comprehensively addressed by officers in the report to Planning Committee. It is accepted that the site is identified as Green Wedge in the current UDP, however, this boundary has been reviewed for the purpose of the LDP and the site allocated for residential development in the Deposit LDP in light of this. Furthermore, the application accords with the Developer Guidance Note which has been endorsed by Planning Committee in relation to Departure Applications. In order to further assist matters I have attached a copy of an Appeal Decision relating to a site in Blackwood, Caerphilly (APP/K6920/A/15/3137884) which considers similar matters to that of the current application. In that situation the site was identified as a Green Wedge in their Development Plan but was in the process of being reviewed via their Deposit LDP and allocated for residential development therein. In that instance the Appeal Inspector acknowledged, that due the Council's lack of a 5 year housing land supply, substantial weight could be attributed to the fact that the Council had placed the emerging plan on Deposit with the site allocated for housing. Approval of the current application would be consistent with this Appeal decision which was allowed.*

2.31 It is considered that it is lawful to refuse an application on the grounds of the impact of the development on the Green Wedge as the proposal is contrary to policy and the Officer's Report outlined that the application was finely balanced in that respect. Committee will need to consider whether the exceptional circumstances outlined in the Officer's Report and referred to above in further detail with regards to compliance with the adopted developer Guidance Note are sufficient to overcome the policy concerns that arise due to the policy designations of the current Unitary Development Plan. Recent appeal decisions in other Authorities have indicated that where a proposal is allocated in the Deposit LDP and the Local Planning Authority do not have a five year land supply, appeals are likely to be allowed. However, this application was finely balanced and it is entirely at Members discretion to reach a different conclusion on that balancing exercise.

2.32 Highway Safety

2.33 Committee expressed the view that the proposal would result in increased traffic in the area which would specifically impact on the junction of Heol Pentre Bach and Frampton Road. Based on the comments of the Planning Committee, it is considered that the following reason reflects the concerns raised:

*'The applicant has failed to demonstrate that the additional traffic movements generated by the proposal will not have an adverse effect on local highway safety to the detriment of the safe and free flow of vehicles and pedestrians, contrary to the provisions of policies EV1, AS2 and HC2 of the City and County of Swansea Unitary development Plan (2008).'*

2.34 With regard to highway safety, the applicant's agent has commented as follows:

*"This matter has been comprehensively addressed by your officers in the report. Concerns that have been raised have been acknowledged by the applicant and it is accepted that some improvements in the form of traffic calming in the vicinity of the Frampton Road/Heol Pentre Bach junction are required. This was also the case for an application that was recently approved near this junction (Ref: 2014/0753). It is understood that applications to discharge conditions attached to this permission have recently been submitted to the LPA."*

2.35 The Head of Highways and Transportation raised no highway objection to these proposals as part of the application.

2.36 The Head of Highways and Transportation has subsequently raised the following points since the previous committee for Members to consider:

*"Following concerns raised during debate on the above application the following points are offered to clarify the technical aspects of the highway safety and traffic concerns raised.*

*National data indicates that the likely traffic generation of the development will amount to 1 vehicle movement every 2.5 minutes during the busiest peak hours in the am and pm. This is a very small increase in traffic movements and will have no adverse impact on the operation of the local highway network. There are no sustainable reasons therefore to refuse the application due to traffic volume.*

*The available visibility at the junction of Heol Pentre Bach and Frampton Road is in accordance with recommended standards. Regardless of this, concern has been raised about the speed of vehicles in that vicinity and therefore the developer has been required to install traffic calming measures to reduce speed at the junction. The same requirement has been imposed on a smaller development on the other side of Frampton Road which was recently granted consent. The provision of the traffic calming elements, together with the fact that visibility standards are in accordance with national guidelines and no personal injury accidents have been recorded at the junction, make refusal on highway safety reasons unsustainable.*

*The development is to be laid out with road access geometry in compliance with adopted standards. On-site parking is to be provided for all dwellings and accords with adopted parking standards. Access and parking issues therefore would not be a sustainable reason to refuse the application.*

## Conclusions

*The application has been assessed against local and national standards and is shown to be in compliance. There are no sustainable reasons with technical merit to refuse the application on highway grounds. My original recommendation of approval with conditions therefore still stands.”*

2.37 It is considered lawful to refuse an application on the grounds of highway safety, but Committee will need to consider whether sufficient evidence can be provided to demonstrate that the proposal will have an unacceptable impact on highway safety. Recent appeal decisions have clearly indicated that in the absence of any evidence to prove a proposal will be detrimental to highway safety, an appeal will be allowed. Members will need to be satisfied that relevant evidence to support the decision can be provided and the Head of Highways and Transportation has emphasised that there are no technical highway reasons to refuse the application. Failure to do so, may result in costs being awarded against the Authority.

### 2.38 S106 Issues

2.39 Committee raised concerns that about whether the applicant would be able to provide the required S106 contributions given viability issues surrounding other schemes reported to Committee and issues regarding the developer and the payment of S106 contributions in the past. Based on these concerns, the following reason would cover the points raised by Committee:

*‘The developer has failed to demonstrate that the planning obligations required to make the development acceptable in planning terms can be provided, contrary to the requirements of policy HC17 of the City and County of Swansea Unitary Development Plan 2008.’*

2.40 Whilst it may be lawful to refuse an application due to concerns over the viability of a scheme, it is considered to be unreasonable in this instance. The issue here is whether it can be evidenced that the proposed development could not provide the appropriate contributions and levels of affordable housing indicated with this proposal. It should be considered that the scheme and the S106 contributions have been discussed with the applicant who has not raised any issues with regards to the financial viability of the scheme. Any recommendation for approval would be subject to conditions and a S106 agreement with the items specified in the Officer’s Report. The permission would be bound by the S106 agreement and legally binding.

2.41 If the developer sought to subsequently vary the terms of any subsequent consent at a later date for any reason, the Local Planning Authority (and Committee) would have to consider this at a subsequent stage based on the information available at that time. A planning agreement obligation may not be modified or discharged except by (i) an agreement, executed by deed, between the person against whom it is enforceable and the local planning authority, or (ii) discharge or modification by the local planning authority on application (by form as specified in the Regulations) after five years from execution, or such other period specified by the Secretary of State.

2.42 Within 5 years, the planning obligation can only be modified in *agreement* with the Local Planning Authority under S106A(1)(a). The applicant has no right of appeal against a decision made under this section, although the decision could be Judicially Reviewed. Two things should be noted in this instance. It should be noted that the applicant intends to commence development as soon as possible if permission is granted, they already own the site and therefore there are unlikely to be any significant change in circumstances within this timeframe. Secondly, any amendment would have to be with the agreement of the Council within the first 5 years of the decision.

2.43 Concerns were raised during the Committee meeting that Elan Homes Ltd has developed other sites in the locality yet they have not fulfilled S106 Obligations required of them. Reference was made to the Parc Gwyn Faen site off Brynafon Road. The Local Planning Authority

2.44 With regards to the S106 agreement, the applicant's agent has commented as follows:

*"Concerns were raised during the Committee meeting that Elan Homes Ltd has developed other sites in the locality yet they have not fulfilled S106 Obligations required of them. Reference was made to the Parc Gwyn Faen site off Brynafon Road.*

*I have attached a copy of the original S106 Agreement and the Deed of Variation in 2014. It is evident from these documents that all obligations are in fact the responsibility of the Welsh Ministers and not Elan Homes Ltd. Officers will advise whether these obligations have indeed been met by the Welsh Ministers. It is not the case that Elan Homes Ltd has not fulfilled S106 Obligations required of them.*

*Concerns were also raised that the S106 Obligations requested by the LPA had not been agreed, leading to a view that these would be challenged further down the line. I can categorically say that all S106 Obligations requested have been agreed by Elan Homes Ltd. This is because they are in the fortunate and relatively unique position of owning the site and there are low infrastructure costs associated with delivering the development of this Greenfield site. This is not always the case with other sites which tend to have significant abnormal costs and land costs to take account of.*

*It is also the case that the S106 Obligations will be fulfilled relatively quickly given that Elan Homes Ltd have made a commitment to commence development within 12 months of consent being granted (when the norm is a 5 year implementation condition) and as the development is for 41 units the site could be complete within 12 months of commencement."*

2.45 The Local Planning Authority have also reviewed the situation with regards to the aforementioned S106 issues elsewhere within the locality and whilst there are outstanding S106 issues to resolve principally with regard to off-site highway contributions, the onus is on the landowner / applicant under the outline permission i.e. Welsh Government & City and County of Swansea, not on Elan Homes.

2.46 In view of the above, it is not considered that this issue can form a reasonable reason for refusal that could be supported at appeal and to refuse the application for this reason would leave the Council open to an application for costs at any subsequent appeal.

### **3.0 Conclusion**

3.1 My original report to Planning Committee on 2<sup>nd</sup> August 2016 recommended approval of the application and I have received no evidence to change this recommendation. However, it is recognised that Committee may not accept my recommendation and should this be the case, any decision to refuse the application will need to take into account my advice given above in relation to each possible reason for refusal Committee identified previously.

### **4.0 Recommendation**

4.1 The application be approved in accordance with the recommendation set out in Appendix A, subject to an amendment to condition 2 updating two of the plan revision reference numbers.

If, however, Committee does not consider that the application should be approved, the reason(s) for refusal should take into account the advice given above.

## **BACKGROUND PAPERS**

### **Local Government Act 1972 (Section 100) (As Amended)**

The following documents were used in the preparation of this report:  
Application file, together with the files and documents referred to in the background information section of the appended Development Control committee report.

<b>Contact Officer:</b>	<i>Andrew Ferguson</i>	<b>Extension No:</b>	<i>3947</i>
<b>Date of Production:</b>	<i>24<sup>th</sup> August 2016</i>	<b>Document Name:</b>	<i>Heol Pentre Bach</i>

ITEM

APPLICATION NO.

2015/2506

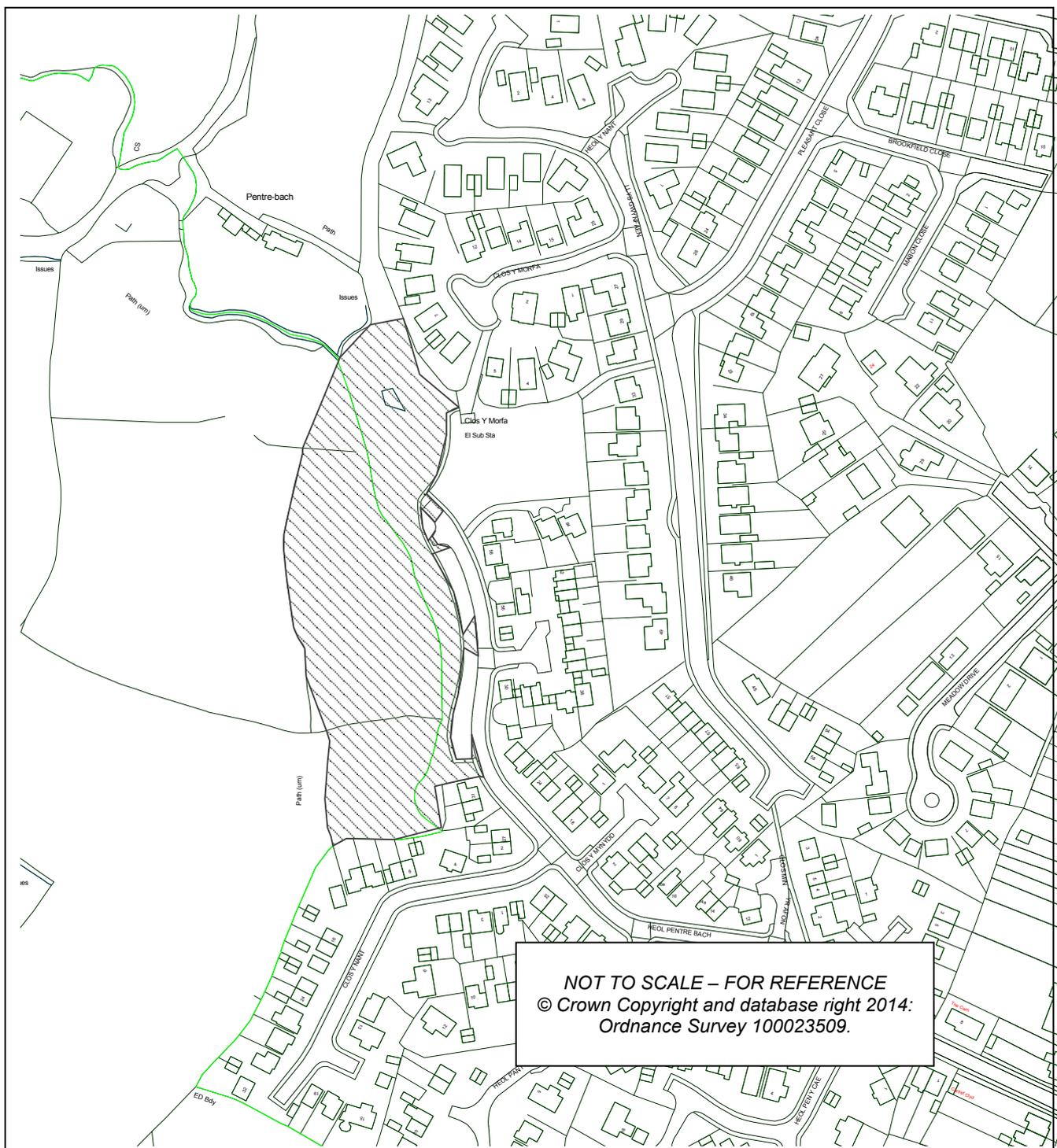
WARD:

Penyrheol

**Location:** Land at Heol Pentre Bach Gorseinon Swansea SA4 4ZA

**Proposal:** Residential development for the construction of 41 units with associated access and landscaping works

**Applicant:** Elan Homes



## **BACKGROUND INFORMATION**

### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)
Policy EV23	Within green wedges development will only be permitted if it maintains the openness and character of the green wedge and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. (City & County of Swansea Unitary Development Plan 2008)
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
Policy EV38	Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be

taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)

- Policy EV40 Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC3 Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC17 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)
- Policy AS2 Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS5 Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS6 Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

## **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2005/0678	Residential development (outline) Decision: Withdrawn Decision Date: 31/05/2005
2015/1670	PRE APP Residential development Decision: Negative Response Decision Date: 18/09/2015
LV/94/0254/03	RESIDENTIAL DEVELOPMENT Decision: *HRND - Refusal of Non-Determination Decision Date: 23/03/1995
LV/90/0449/03	SUBSTITUTION OF PLOTS 102-105 AND 138 Decision: *HGPCU - GRANT PERMISSION UNCONDITIONAL Decision Date: 13/09/1990

## Background

**This application is being reported to Planning Committee as it is a departure from the Unitary Development Plan currently in force.** Councillor Cole also requested the application be reported to Planning Committee.

Since the application was submitted, the City and County of Swansea Deposit Local Development Plan was presented to Council on 16 June and endorsed for a public consultation. The public consultation will run from 27 June to 31 August 2016.

The application has subsequently been amended to reduce the number of units from 43 to 41 following concerns over the impact of the proposals on trees. A Tree Preservation Order has also been placed on a group of Oak trees along the western boundary of the site.

An appeal was submitted to the Planning Inspectorate for the residential development on the application site and the adjoining land in 1994 following Lliw Valley's failure to determine the application within the prescribed timeframe (ref: LV/94/0254/03). The site contained 3.4Ha of land for a residential development of 67 dwellings.

The Inspector considered the main issues to be whether the proposals conflicted with the local planning policies which aimed to protect the open countryside, whether the proposals were premature with regards to the emerging local plan for the area, whether the proposal would set a precedent for future development and whether the proposal would have a satisfactory means of access for emergency vehicles. On these matters, the Inspector concluded that the development amounted to development within the countryside and government policy was that the countryside should be safeguarded for its own sake. Further to this, whilst not particularly prominent, the proposed development would spoil views outwards over the appeal site. The Inspector went on to state that the proposals represented encroachment and would not extend the urban boundary in a logical manner and the existing boundary to the built up area was clearly defined. The Inspector stated that allowing the development would be likely to frustrate the objective of utilising previously developed land within the urban boundary and could be said to be premature.

The subsequent outline application submitted in 2005 utilised a smaller section of land and proposed 39 dwellings on the indicative plan submitted with the application. This application raised similar concerns to the previous application with residents referring to the previous appeal decision and the similarities between the two applications. The application was subject to significant local objection. The application was written up with a recommendation for refusal and the applicant subsequently withdrew the application prior to the Committee meeting.

The current application site is similar in area to the 2005 application site and has an area of approximately 1.23Ha. A Screening Opinion was carried out in accordance with Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

#### Neighbour comments:

The development was advertised in the Press on 13<sup>th</sup> January 2016, on site with four site notices, and 17 no. properties were consulted individually.

16 letters of objection have been received in response to this application which have been summarised below:

- Over development of site and of Queensgate Village, loss of village feel

- Safety fears for pedestrians and existing local residents due to increase in traffic – the road is already narrow and hazardous due to on street parking and surrounding roads cannot cope (such as Frampton Road)
- Visibility at junctions is already obscured and will be made worse with three extra turn offs
- Entrance to Heol Pentre Bach already busy and partially obstructed AM & PM. Junction is blind due to parked cars on Frampton road, this will only be made worse
- Increase in pollution – noise, light and traffic (on site and Gorseinon in general)
- Number of vehicles is likely to be higher than predicted
- Concerns over data used in the transport statement
- Bus services to the site are infrequent
- It is not clear from the plans I have seen of the site whether the existing mature trees and shrubs that immediate lie to the rear of my property will remain undisturbed, a large oak tree in particular – disturbance will affect stability of wall
- Trees provide habitat for biodiversity and screen the development
- Extra strain on local services including schools and emergency services – doctors at full capacity
- Public footpaths and rights of way potentially blocked/ obscured – area is a popular dog walking route
- Dwr Cymru previously objected to development on this site
- Concerns over drainage – the new development would increase the amount of surface run off while reducing the natural soak off areas
- Site is marshy
- Flood assessment should be provided
- Loss of outlook/ view and resultant devaluation of property
- Overbearing impact on the existing estate
- Dwellings should match the existing dwellings on site – no render or render at first floor level only
- Application submitted and refused on site every five years – what has changed?
- Land is green wedge in the open countryside – brownfield land should be developed
- Concern about whether exploratory bore holes have been drilled on site
- Loughor Estuary is a SSSI – there should be a buffer zone around the protected area
- Corridor for low flying aircraft between the estuary and the residential estate – new houses may move possible flights line into the Estuary and impact on wildlife
- No mention is made of S106 – community clawback
- Disruption, noise and disturbance during construction phase
- Traffic calming measures cause multiple toxins responsible for 50,000 deaths annually
- Vehicles parked on pavements means people on mobility scooters have to go on to the carriageway
- Development will affect quality of live for all residents – agree with previous objections.

One local resident has written in to support the application and these comments are summarised below:

- Positives outweigh most of the small negatives
- Not enough 4 bedrooms properties for young families – need for housing in the area
- More people means more money being spent in the local area
- Residents stating that countryside views will be lost forget that they themselves are in a new development that impacted on views of those people living on Frampton Road.

## Highways:

### “1 Introduction

- 1.1 This proposal is for the construction of up to 43 dwellings on undeveloped land fronting Heol Pentrebach in Penyrheol. The site is to be accessed from three locations along the site frontage and is supported by a Transport Statement that assesses the sites accessibility and traffic impact.

### 2 Traffic Generation

- 2.1 Traffic movements have been quantified with reference to national data for housing developments and indicate that the likely movements would be 6 in and 18 out in the am peak and 16 in and 8 out in the pm peak. This equates to 24 two-way movements or just 0.45 movements per minute in each peak hour which is not considered a high volume. The number of predicted movements is too small to have any adverse effect on the operation of any junctions and the surrounding highway network.

### 3 Accessibility

- 3.1 The site is well served by footways and there are public rights of way to the north and west of the site. There are no dedicated cycle facilities in the immediate area and all cyclists have to use existing roads. There are bus stops within 500m and 650m with approximately 8 services per hour, therefore adequate bus provision is available.

### 4 Site Layout

- 4.1 All roads within the development are indicated to adoptable standards and are acceptable to serve the development. A combination of standard cul-de-sac provision is indicated together with some shared surface roads and links to the adjacent public rights of way are also shown.
- 4.2 Each plot is provided with parking in accordance with adopted standards and road widths are in accordance with adopted guidance.

### 5 Highway Safety

- 5.1 Some local concern has been raised about the additional traffic and difficulties currently experienced due to on street parking in the area. The predicted traffic generation is relatively low and unlikely to result in any congestion issues. Parking is provided within each plot and therefore is acceptable and in accordance with adopted standards.
- 5.2 There are general concerns regarding the speed of traffic along Frampton Road in the vicinity of the junction with Pentrebach Road. A recent planning application opposite the site was granted consent and required to provide some form of traffic calming which would also cover the Pentrebach Road junction and therefore the same requirement should be imposed on this application. Whichever site develops first will be required to secure appropriate traffic calming.

### 6 Conclusions and Recommendation

- 6.1 The assessment of traffic impact indicates that the site is capable of supporting the number of dwellings proposed and the indicated layout is acceptable.

I recommend no highway objection subject to the following;

- i. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times

unless otherwise agreed by the Local Planning Authority.

- ii. No building works 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].
- iii. The site shall not be brought into beneficial use until such time as speed reduction measures at the junction have been completed in accordance with details to be agreed.
- iv. All internal roads must be constructed to adoptable standards.

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

**Highways (following reduction of units):**

“No further comments.”

**Pollution Control:**

“I have no objection to this application but would like to make the following comments and attach the following conditions please: -

Land:

Unforeseen Contamination

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

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

The site investigation report submitted with the application refers to further assessment at location TP7 due to the presence of asbestos and potential ACM's; I would agree with this statement and require the information to be submitted. Also, reference is made to further assessments of the 'Overgrown Northern Part of the Site' which has not been investigated fully; again I would require the outcome of the assessment to be submitted.

Construction:

Construction Site Management Plan

- Prior to the commencement of demolition/construction works on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the LPA. The CPMP is to include the following:
  - a) Construction programme and timetable
  - b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
  - c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;

- d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
- e) Proposed working hours;
- f) Principal Contractor details, which will include a nominated contact for complaints;
- g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
- h) Details of on site dust mitigation measures having regard to BPM;
- i) Details of on site noise mitigation measures having regard to BPM;
- j) Details of waste management arrangements (including any proposed crushing/screening operations); and
- k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.

## INFORMATIVES

### 1 Construction Noise

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

### 2 Smoke/ Burning of materials

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

### 3 Dust Control:

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

### 4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local's residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk ] recommendations.”

### **Drainage:**

“We have reviewed the submitted application and based on the document entitled Flood Risk Assessment & Drainage Strategy ref 7444/FRA/JRV/2, dated 14 April 2016 recommend that the following is appended to any permissions given.

#### Condition

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

be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason.

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

Condition

2. The development shall not discharge to the adjacent watercourse at any rate greater than 7.5l/s.

Reason.

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

Informatives.

Any onsite watercourses identified must remain open and undisturbed and wherever possible habitats enhanced through the use of SuDS mitigation measures acting in combination with the natural environment. Please be aware that the Authority's prior written consent under the Land Drainage Act 1991 (as amended) is required for any works that have the potential to affect the flow in any watercourses, ditch or stream."

#### **Urban Design Officer:**

"The proposal provides active frontage onto the street (Heol Pentre Bach) and the open space. In order to face houses onto the open space, plots 37-43 back onto the street and whilst this isn't ideal it ensures a positive frontage onto the open space and the rear gardens are secured by robust brick walls. The entrances to the site are well defined by corner turning houses and the vistas into the site are closed by focal buildings.

The site is laid out as 3 cul-de-sacs and whilst the adopted residential Design Guide discourages this approach in favour of connected streets it is considered acceptable on this occasion given the shallow depth of the site and the short distance in terms of connectivity.

The proposed slate colour concrete tile with predominantly red brick walls and some accent render areas are fine for the suburban location. There is a lack of robust brick screen walls in some locations and this should be addressed by condition.

It is for you as case officer to assess the amenity relationships.

Approval is recommended with the standard conditions, plus a boundary wall condition as follows:

Notwithstanding the plans submitted, the garden boundaries to the following plots must be brick screen walls:

9 (south and west)

10 (north west corner)

11 (west side)

14 (west side)

15 (south side)

23 (west side)

37/38 (north side)."

#### **Urban Design Officer (following reduction of units):**

"No further comments."

#### **Housing:**

We will require a 30% affordable housing contribution on this site. This should be split between 60% intermediate units at 70% of ACG or OMV (whichever is lower at the point of

transfer) and 40% social rented at 42% ACG or OMV (whichever is lower at the point of transfer) – all to be disposed of via a RSL.

The social rented units should be 2 and 3 bedroom houses, with 1 x 4 bedroom unit, and the intermediate should be 2 and 3 bedrooms, (there is also a high need for bungalows so this could be one of the 2 bedroom units). All the units must be DQR compliant and should pepper potted throughout the development.

### **Strategic Planning**

“The site is outside the adopted Unitary Development Plan (UDP) settlement boundary and is designated as EV20/21 - Development in the Countryside; and EV23 - Green Wedge. As such the proposed development represents a departure to existing development plan policy, which presumes against residential development at such locations.

The emerging Local Development Plan (LDP), whilst still at Pre-Deposit stage, is of relevance to the determination of the proposal. The LDP Preferred Strategy identifies opportunities for appropriate greenfield releases on the edge of the settlement boundary at Gorseinon and Loughor on a small scale where these would constitute appropriate rounding off. The site in question was identified under Candidate Site Reference UL002 as one of these potential allocations in the and was as one of the sites recommended for inclusion in the Deposit Local Development Plan (LDP) due to be published for consultation in May/June 2016. The site was attributed with a provisional capacity for 40 residential units.

The housing land supply currently stands at 3.0 years (2015 JHLAS), which is less than the 5 years required under national planning policy. The Council has demonstrated its commitment to increasing the available housing land supply through publication of the *Developer Guidance – Planning Applications for Non-Householder Residential Development*.

This guidance sets out that the Council will take a positive approach to the negotiation and preparation of appropriate planning applications for non-householder residential development on sites recommended for allocation in the emerging LDP. Where such cases represent a departure from the adopted UDP, the Council will prioritise identified strategic sites to ensure the high numbers attributed to them can be delivered and because these sites are most capable of delivering the widest social/economic benefits to contribute towards achievement of the LDP strategy and sustainability. The guidance states that the Council will also prioritise sites identified for the particular purpose of delivering majority proportions of affordable housing. The application site does not fall into either of the aforementioned categories, and is instead a proposed ‘non-strategic’ housing site. The guidance sets out that lower priority will be afforded to any such non-Strategic site recommended for LDP allocation beyond adopted UDP settlement boundaries, because they:

- are less likely to deliver associated wider community facilities and highway improvements
- will deliver fewer units than larger strategic sites
- could divert the attention and resources of a developer away from delivering units and infrastructure on Strategic Sites; and
- would require multiple releases to redress the shortfall

However, the guidance also notes that the Council will take an evidenced approach and consider the merits of any planning application with full regard to the particular circumstances and planning issues. It states there may be circumstances when a small scale site could provide a contribution to housing numbers that would not otherwise be

secured by other strategic sites. The Guidance states that such departure applications will need to demonstrate that the proposed development:

1. is in-line with the emerging LDP
2. will deliver a meaningful and early contribution to meeting housing supply before adoption of the LDP and will not divert the attention and resources of a developer away from delivering units and infrastructure on Strategic Sites
3. is sustainable, viable and will deliver any necessary social/economic benefits such as community facilities and highways improvements to make the development acceptable

The principle of allowing the development has been assessed under these three points below.

#### Site Assessment

1. As noted, the site has been agreed by Members as a suitable housing allocation for the Deposit LDP for a very similar number of units. The Preferred Strategy seeks to ensure such allocations secure a settlement rounding off. This is particularly relevant at this location in that a Candidate Site proposal was made proposing a large (12 hectare) residential development further west, at land known as 'Whitley Fach' (Candidate Site UL008). Following detailed assessment the Council has resolved not to allocate a strategic site at this location and land further west of the application site will therefore be designated as open countryside beyond the settlement boundary in the forthcoming Deposit LDP. Given these circumstances, it is vital that the layout of this site does not facilitate the potential for further expansion to the west of the application site at 'Whitley Fach', and instead secures a rounding off and re-enforced defensible boundary through its design.

In this respect it is noted with concern that the applicant proposes to remove a large section of the existing vegetative western boundary screening to facilitate a storm drain (nos. 15-17); and that properties at the south west (nos. 3-8) and in the north west (nos. 32-36) of the site appear to have no natural screening or the vegetation is proposed to be removed. There also appears a lack of re-planting required to deliver a suitably robust boundary and screen.

Land around the estuary has been identified as the Lower Loughor Valley and Estuary Special Landscape Area (SLA) demonstrating its outstanding quality visual, sensory and habitat landscapes that make it a landscape of significant local importance. Emerging LDP policy will seek to ensure no significant adverse effect on the features and characteristics for which the SLAs have been designated. The effects of the proposal on the sensitive landscape area beyond and the importance therefore of delivering a strong permanent western boundary is clearly of key significance to determining the suitability of the proposal. It is also requested that the street/mews highway details are configured to exclude the opportunity for the proposed estate road to be extended at a later date or utilised by increased volumes of traffic.

In summary, in relation to site appraisal, the proposal does represent an opportunity to round off the settlement in an appropriate manner (meeting the in-principle provisions of the LDP Preferred Strategy), however further amended details of the site layout and works to be undertaken to maintain and enhance the boundary are considered necessary to satisfy this element, and to ensure the scheme does not facilitate future encroachment of development to the west.

2. The proposal has potential to deliver housing land supply before LDP adoption. There appear to be no major constraints which might delay the site's commencement and I understand that the developer, Elan Homes, maintains that it can demonstrate, with evidence, that the development economics of the scheme enable it to come forward

immediately and that the company has a track record of building out sites in the vicinity soon after planning permission. It is noted that the Planning Statement states that they have a firm intention to proceed with development in the shorter term and that Elan Homes are a smaller house builder who do not currently have involvement in any of the LDP Strategic Sites. However the Statement submitted is considered insufficiently detailed in terms of evidencing this position and the developer must submit a clear economic and viability case to illustrate that the site should be categorised as an 'exception' site in this regard.

Subject to further evidence being received, and in the event that planning permission is recommended, an appropriate condition should be placed on the planning permission restricting it to a time period leading up to LDP adoption.

It is significant that the large scale 'Whitley Fach' proposal submitted to the Council as an LDP 'Candidate Site' for consideration has been assessed in detail and is considered unsuitable for development, and therefore there is no alternative strategic site to the application site at this location. The application therefore represents a non-strategic scale alternative site that does not compete with a strategic scheme being progressed in the vicinity.

3. A full planning application has been submitted in-line with the Developer Guidance. Based on the stakeholder consultation responses it will be necessary to ensure the development delivers any infrastructure / community improvements necessary to make the development acceptable and that this will not affect the viability and prompt deliverability of the site. It is positive that the Planning Statement notes that the developer intends to deliver 30% of the site as affordable housing units.

## Conclusion

The proposed development is a departure to the extant UDP. Notwithstanding this it has potential to accord with the provisions of the recently approved Guidance Note on Non Householder Residential Development in respect of departure applications, subject to further detailed information being provided as described above.

The Guidance sets out that it would be inappropriate to determine prior to public consultation on the LDP Deposit being concluded as there may need to be focussed changes made to the Deposit arising from the consultation ahead of the Plan being submitted to Welsh Government as sound.

Any permission granted should be time restricted to ensure development takes place promptly and that the site contributes to the land supply before LDP adoption."

## Education

Proposed residential development comprising now of 43 dwellings: 4 x 1 bed flats, and 39 x 2/3/4 bed dwellings.

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

	Catchment schools	Number of unfilled places Date Sept. 2015	%	Number of unfilled places Date Sept. 2022	%
English Medium Primary	Tre Uchaf Primary	41	19.9	42	20.39
English Medium Secondary	Penyrheol Comprehensive	63	6.46	87	8.92

Welsh Medium Primary	YGG Pontybrenin	14	2.95	-51	-10.76
Welsh Medium Secondary	YG Y Gwyr	105	11.16	-327	-34.75

SPG Pupil Generation (39 Dwellings)

Recommendation:

Primary:

- English Medium: there is currently enough capacity within the existing English Medium School in this developments catchment. The overall impact of the Local Development Plan will take this school over its capacity.
- Welsh Medium: the Welsh Medium catchment school is projected to be over-capacity and there are a large number of developments that have successfully obtained planning applications that will further exacerbate the situation, without the impact of the LDP.

Secondary

- English Medium: whilst there is currently capacity at Penyrheol Comprehensive school, the surplus capacity is operating at below 10%, which is the percentage Welsh Government deem to be sufficient to allow flexibility for the school to operate sufficiently and effectively. The existing commitments (excluding the combined impact of the LDP) will create significant pressures and a shortfall in accommodation for Penyrheol Comprehensive School.
- Welsh Medium: the Welsh Medium secondary school is projected to be over-capacity and there are a large number of developments that have successfully obtained planning applications that will further exacerbate the situation, without the impact of the LDP.

Requested contribution:

Providing the information above, the request for contributions from this development is:

- Primary: £23,700 plus inflation (18.9% of £125,397) towards additional year 5/6 accommodation at YGG Pontybrenin.
- Secondary: £135,976 plus inflation towards replacement of Science demountable at Penyrheol Comprehensive School.”

**Ecology:**

“The development will have a negative effect on the ecology of the site, this impact can be minimised by following the guidance indicated in section 5 of the Reptile Survey (Wyg December 2015) and section 5 of the Extended Phase 1 Survey (Wyg December 2015). A condition should be added to any permission we give to ensure that this guidance is followed. Habitat mitigation should include enhancement of retained habitats and the planting of ecologically friendly landscape planting.

Some areas of the site are likely to contain reptiles; in order to protect them the mitigation described in section 5 of the reptile survey must be followed. The stream adjacent to the site is suitable for occasional use by otters this habitat and the adjacent strip of habitat should not be disturbed by the development. Any scrub on the site may contain nesting birds; scrub should only be cleared outside the bird nesting season (March to September). The boundary trees should be retained.”

**Natural Resources Wales:**

“We would not object to the above application, however we wish to make the following comments.

## FLOOD RISK

The application site is located within Zone A, as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July 2004). We have no knowledge of flooding at this location, but there is an ordinary watercourse adjacent to the site and therefore any flood risk associated with this should be assessed by yourselves, as the Lead Local Flood Authority.

## ECOLOGY AND PROTECTED SPECIES

We note the submission of the document entitled; '*Land at Heol Pentre Bach, Gorseinon: Extended Phase 1 Habitat Survey Report*', dated December 2015, by WYG Limited. Along with the document entitled; '*Land at Heol Pentre Bach, Gorseinon: Bat Activity Survey Report*', dated December 2015 by WYG Ltd. Section 4.3.3 of the Extended Phase 1 Habitat Survey Report states that no buildings are present on site, but a number of semi-mature and mature trees are present.

We welcome the recommendations in Section 5.3.3, that further bat surveys are carried out on trees which are proposed to be lost and that have the potential to support roosting bats.

We advise that trees are surveyed and assessed in accordance with '*Bat Surveys; Good Practice Guidelines 2nd Edition*' published by the Bat Conservation Trust 2012, and that the results used to inform the planning application. We recommend you seek the advice of your Authority's Planning Ecologist to determine the surveys required to inform the planning application.

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

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. We recommend that you seek further advice from your Authority's Planning Ecologist in relation to these species and habitats.

## PROTECTED SITES

We note that the site is located approximately 170m from the boundary of the Carmarthen Bay and Estuaries SAC and the Burry Inlet and Loughor Estuary SSSI. A watercourse on the northern boundary of the site also appears to provide a direct hydrological link between the site and the SAC/SSSI.

We consider it unlikely that the on-site works would have a significant adverse effect on the SAC/SSSI, providing appropriate pollution prevention and construction management plans are in place.

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

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

## POLLUTION PREVENTION & WASTE MANAGEMENT

The biggest risk in relation to pollution, occurs during construction and we would remind the applicant/developer that the responsibility for preventing pollution rests with those in control

on the site. Works should therefore be carefully planned, so that contaminated water cannot run uncontrolled into any watercourses (including ditches).

As best practice, we would advise the developer to produce a site specific construction management plan / pollution prevention plan, with particular reference given to the protection of the surrounding land & water environments. For detailed pollution prevention guidance we would refer the applicant/developer to the Environment Agency's Pollution Prevention Guidance available from their website:

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

We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission."

#### **Arboricultural Officer:**

"Recommendation: Acceptable subject to condition

#### Condition 1

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

REASON: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity in accordance with Policy EV30

#### Comments:

The revision of the scheme has moved the houses further away from the category A oak trees on the western boundary. This will have reduced further pressure on these trees and future pruning will be controlled by means of a Tree Preservation Order served on 12/07/16.

The routing of the storm drain appears to be sympathetic to the retained trees and is an improvement on previous drawings. The submitted tree protection plan now does not relate to the new layout and an update is required.

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

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

- The footpath that runs to the West of the site (LC45) is very wet. The Countryside Access Team would not want any more water drained onto this land as it will compound the problems on the right of way.
- The tree line on the Western side of the site should be retained due to the amount of water that the trees will utilise.

- Footpath LC46 runs down the Western side of the development. It looks as if the entrance road apron to houses 27 – 43 may encroach over this. The end of the footpath is denoted by the footpath sign, which has had a dog bin attached to it. The Countryside Access Team can accept a couple of metres of the path being under the concrete apron as opposed to tarmac. The sign post with dog bin on it must be replaced at the boundary of the newly adopted highway once the apron has been completed.
- It looks from the plans as if a small walkway is going to link the development to footpath LC46 in the North West. If this is so, the Countryside Access Team would look for footpath LC46 to have works completed on it through planning gain to include some clearance, levelling and surfacing in the form of tarmacking.
- Other footpaths in the area may be affected by the development, specifically LC18, which is on route to the sewage treatment plant. The developer should be aware that if they need to work on public rights of way, or dig them up, they should contact the Countryside Access Team to discuss.
- It appears the actual route the storm drain / ditch would cut across the footpath. If so, this would need to be a culvert to allow people to walk across the top of it uninterrupted. We'd be happy with the culverted area being 2 to 2.5 metres wide.
- If the drain is continuing for a significant distance from the development I'd expect there to be no effect on the path at either end.
- Footpath improvements would involve a digger scrape of vegetation off the path to make a wider more convenient walking surface for the local populace. In terms of surfacing, we'd be looking for the improved path to be surfaced with type 1 to dust to 1200mm wide to a depth of 100mm. I haven't measured the path's exact length, but would estimate it at no more than 200m.
- 2 of the stiles should be replaced with kissing gates as this improves the access for walkers.

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

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

#### **SEWERAGE**

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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.

The proposed development site is crossed by a 375mm & 150mm combined sewer overflow pipe with their approximate position being marked on the attached Statutory Public Sewer Record. Their 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 sewers.

Reason: To protect the integrity of the public (sewer/sewers) and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

#### **SEWAGE TREATMENT**

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

#### WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development.”

#### **Glamorgan Gwent Archaeological Trust:**

An archaeological desk based assessment prepared by Archaeology Wales and submitted in support of the application has identified the potential for any development here to impact on post-medieval archaeology; notably the remains of a small farmstead known as Pen Y Cae. The assessment indicated that there was a need to record the upstanding remains of Pen Y Cae prior to work commencing on site and for an archaeological watching brief to be maintained during groundworks associated with the development. This is a recommendation with which we concur. We therefore recommend that two conditions are attached to any consent granted. The first to ensure that the necessary building recording work is carried out in a suitable manner. We envisage that this work be undertaken to Level 2 as detailed in the 2016 Historic England guide to understanding historic buildings. We therefore suggest that a condition worded in a manner similar to model condition 73 given in Welsh Government Circular 016/2014 is attached to any consent that is granted in response to the current application. This condition is worded:-

No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

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

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

We also recommend that a second condition requiring an archaeological watching brief to be conducted during the groundworks for the development should be attached to any planning consent granted in respect to the current application. This should include all ground breaking activities including works for foundations and for the provision of services. This recommendation is made following the guidance given in Planning Policy Wales 2016 (Edition 8) Section 6.5.3 with additional advice being provided in Welsh Office Circular 60/96, section 22. It is suggested that the condition should be worded in a manner similar to model condition 22 given in Welsh Government Circular 016/2014 No development or site clearance shall commence until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted.

No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed.

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

We again recommend that a note should be attached to the planning consent explaining that:

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

**Japanese Knotweed Officer:**

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

**Coal Authority:**

“The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

**The Coal Authority Response: Material Consideration**

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Appropriate mining information for the proposed development site has been obtained on behalf of the applicant has been used to inform a Site Investigation Report (November 2015, prepared by Intégral Géotechnique (Wales) Limited), which accompanies this planning application.

The Site Investigation Report correctly identifies that the application site has been subject to past coal mining activity. In addition to the mining of deep coal seams, The Coal Authority records indicate that a thick coal seam outcrops at or close to the surface of the site which may have been worked in the past.

The Site Investigation Report has been informed by an appropriate range of sources of information including a Coal Authority Mining Report, an Envirocheck Report, historical OS mapping, and BGS geological mapping. The Report indicates that on the basis of a desk-based review of mining and geological data, shallow coal mine workings were identified as potentially posing a risk to stability at the site.

The Site Investigation Report goes on to detail the results of subsequent intrusive investigations carried out at the site, which comprised the excavation of eight trial pits and the drilling of six rotary boreholes. These investigations only encountered one coal seam of any note at the southern end of the site which was found to be 0.5m thick and at depth of in excess of 25m. No coal was encountered where records suggest the outcropping coal seam should be present.

On the basis of the above, the Report is able to conclude that the risk from unrecorded shallow mining is very low and that precautions against shallow mining subsidence are not required.

**The Coal Authority Recommendation to the LPA**

The Coal Authority is satisfied with the broad conclusions of the Site Investigation Report, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority does not object to the proposed development and no

specific mitigation measures are required as part of this development proposal to address coal mining legacy issues. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.”

**Police Designing Out Crime Officer:**

“I am pleased generally with the site layout. The parking is within curtilage and/or overlooked. There is parking to the rear of plots 37-42 but it is overlooked by the properties at plots 33-36.

Pedestrian routes must be designed to ensure that they are visually open, direct, overlooked, lit and well used. They should not undermine the defensible space of neighbourhoods. Routes for pedestrians, cyclists and vehicles should not ideally be segregated from one another or provide access to rear gardens as is the case with the footpath that runs to the rear of plots 3-8. Such paths have been proven to generate crime.

Ideally this path would be designed out. I realise that as it is an existing path this may not be an option. If it is to remain rear gardens adjacent to this path should also be protected by fencing at least 2 metres in height. Paths ideally should be direct, have no hiding areas, be 3 metres wide and lit.

Entry onto the estate should be restricted to the designated routes.”

Other general comments were provided with regards to lighting, boundary identification, landscaping and planting, side and rear parking, vehicle parking, garden sheds, bin stores, security lighting, drainpipes, public utilities, blank walls, door security, window security, intruder alarm system, identification of properties and garages.

**Llwchwr Town Council:**

No objection.

**Gorseinon Council:**

“Members noted that this was within the Llwwchwr Town Council area, and whilst the site was being considered for the LDP it was currently in the open countryside. The access to the site was via the Queensgate development and there were ongoing problems where the site exits on to Frampton Road, which would be exacerbated by the additional 43 dwellings proposed. If approved, a Section 106 agreement would be needed to improve the junction. The housing mix was also criticised as not including any affordable homes. Members also felt the current brownfield sites in the area should be developed before greenfield sites are released.”

Site Location

The application site covers an area of approximately 1.23 hectares and lies to the west of Heol Pentre Bach where it terminates. The site comprises the whole of one field and smaller parts of three other fields. A landscaped strip separates the site from Heol Pentre Bach with a turning head located at the northern end of the road. Clos Y Morfa adjoins the northern end of the site with a pedestrian footpath running between the two roads, adjacent to an area of public open space. Dwellings on Heol Y Nant wrap around the southern boundary of the site. Heol Pentre Bach is accessed off Frampton Road which links Penyrheol and Loughor.

The site is currently agricultural land that rises gently from east to west and slopes down towards the north with a mature hedge atop a bank running along the western site boundary. The site is predominantly grass land with sporadic trees/ hedges throughout. Two public footpaths (Nos 45 and 46) run adjacent to the site. The site has good access to a number of public footpaths that extend into the surrounding countryside and link it to the

nearby Loughor Estuary foreshore. The character of the nearby residential areas is typical of the type of relatively modern suburban streets with various cul-de-sacs stretching off the main spine road, comprising of predominantly two storey detached and semi-detached properties.

### Description of Development

This is a full application for planning permission for 41 dwellings comprising a mix of 1, 2, 3 and 4 bed dwellings and associated access and landscaping works. Two units have been removed to reduce the impact of the proposals on trees along the western boundary.

The proposed layout comprises an extension to the end of this road to provide a new access into the development along with 2 new accesses off Heol Pentre Bach with the turning head also utilised to access two garages located within the development. The development would consist of 3 cul-de-sacs each with a private drive(s) to serve several of the dwellings.

12 different house types are proposed as part of the development which would comprise detached, semi-detached and terraced properties. The dwellings would be two-storey finished either in brick or brick and render. The proposed development allows for 12 of the proposed units to be affordable (approximately 29%). The mix of affordable units comprises 4 x no. 1-bed flats, 3 x no. 2-bed houses, 4 x no. 3-bed houses and 1 x 4 bed house.

The application has been submitted along with an Extended Phase 1 Habitat Survey Report, Reptile Survey, Bat Activity Survey, a Transport Statement, Landscape Character and Visual Impact Assessment, Site Investigation Report, Tree Condition and Valuation Survey, a Flood Consequences Assessment and Drainage Strategy, an Archaeological Desk Based Assessment and a Welsh Language Impact Statement.

### APPRAISAL

This is a full planning application for 41 dwellings comprising a mix of 1, 2, 3 and 4 bed dwellings and associated works including access and landscaping at Heol Pentre Bach. The application site covers an area of approximately 1.23 hectares and lies at the northern end and to the west of Heol Pentre Bach. The site is currently pasture land enclosed with trees and is located outside of the Urban Boundary within a Green Wedge.

### **Main Issues**

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

### **Principle of the Development**

The application site is located within a green wedge, outside of the Urban Boundary as defined in the Adopted Unitary Development Plan. Local residents have stated that the proposal is contrary to policy EV23 and various applications have been submitted, refused and dismissed on appeal on this site over the last 20 years. Policies EV18 and EV20 are not considered applicable as this is not a rural exception site proposed for affordable housing to meet an identified need and the proposal is not for persons primarily employed in agriculture, forestry or an appropriate rural use. The key policies are therefore Policy EV23, EV1 (which requires good design, including relationship to existing development patterns) and EV2 (which gives preference to the use of previously developed land over

greenfield sites and requires regard to be had to its surroundings) along with guidance contained with Planning Policy Wales (8<sup>th</sup> Edition) and the accompanying Technical Advice Notes. Policy EV 20 seeks to control development in the countryside in order to conserve and enhance its value.

Both National and development plan policy aims to safeguard the openness of green wedge land, and Unitary Development Plan Policy EV23 states that development will only be permitted within a green wedge if it maintains the openness and character of the land and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area.

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

- (i) Justified development in association with agriculture or forestry;
- (ii) Essential facilities for outdoor sport and recreation or cemetery use;
- (iii) Limited extension, alteration or replacement of existing dwellings;
- (iv) Small scale farm diversification;
- (v) The re-use of existing permanent/substantial buildings;
- (vi) Affordable housing for local needs under Policy EV18;
- (vii) Other uses of land and forms of development that maintain the openness of the green wedge and do not conflict with the purpose of including land within it.

The character of the area is dependent to a large part on the balance between the built environment and open space. The site presents a sizable area of open space abutting the access road, surrounded by existing landscaping that adds significantly to the rural character of the area which is considered to form the urban fringe. The proposal would not maintain the openness of the green wedge in this location.

It is clear from the outset that the proposed residential development of this site falls outside the definition of appropriate development as defined in UDP Policy EV23 and within the PPW definition of inappropriate development. Paragraph 4.8.14 of PPW states that when considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. Local planning authorities should attach substantial weight to any harmful impact which a development would have on a Green Belt or green wedge. It also says that planning permission should not be granted for inappropriate development **except** in very exceptional circumstances where other considerations clearly outweigh the harm that would be caused to the green wedge.

As a starting point, it is considered that the development of 41 dwellings in this location, with associated access, would, in principle result in an unjustified form of urbanising development that would have a harmful impact on the character and openness of the green wedge contrary to UDP Polices. Substantial weight should be placed on this.

With regards to the two previous applications, the first application (submitted in 1994) resulted in an appeal against non-determination and the second application for a smaller parcel of land was withdrawn prior to determination. At appeal, the Inspector concluded that the development amounted to development within the countryside and government policy was that the countryside should be safeguarded for its own sake. Further to this, whilst not particularly prominent, the proposed development would spoil views outwards over the appeal site. The Inspector went on to state that the proposals represented encroachment and would not extend the urban boundary in a logical manner and the existing boundary to the built up area is clearly defined. The Inspector stated that allowing the development would be likely to frustrate the objective of utilising previously developed land within the urban boundary and could be said to be premature. The second application was withdrawn before a decision was made.

Whilst this appeal decision is a material consideration in the determination of this application, it is materially different to the current application in that the site was significantly larger and included land to the west of the site and the decision was made over 20 years ago when the local/ national policy context was different.

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

In this instance, the applicant argues that the application site is proposed as an allocated site for residential development within the Local Development Plan and the Council do not currently have a 5 year housing land supply which constitutes the exceptional circumstances required by Planning Policy Wales.

The Draft Local Development Plan was endorsed for a public consultation on 16<sup>th</sup> June and is currently out for public consultation. The site is allocated within the emerging LDP for housing for approximately 40 dwellings.

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

The Strategic Planning Officer has advised that the LDP Preferred Strategy identifies opportunities for appropriate greenfield releases on the edge of the settlement boundary at Gorseinon and Loughor on a small scale where these would constitute appropriate rounding off. It is also clear that the LDP would be reliant on greenfield land to meet the housing targets identified. The site has been reduced from that previously considered at appeal and represents an appropriate opportunity to round off the settlement in an appropriate manner providing the existing field boundary is respected.

The proposal has potential to deliver housing land supply before LDP adoption. There appear to be no major constraints which might delay the site's commencement, the developer, Elan Homes, has demonstrated that the development economics of the scheme enable it to come forward immediately and that the company has a track record of building out sites in the vicinity soon after planning permission. It is noted that the Planning Statement states that they have a firm intention to proceed with development in the shorter term and that Elan Homes are a smaller house builder who do not currently have involvement in any of the LDP Strategic Sites. It should also be noted that the proposal represents a non-strategic scale alternative site that does not compete with a strategic scheme being progressed in the vicinity.

In the event that planning permission is recommended, an appropriate condition should be placed on the planning permission restricting it to a time period leading up to LDP adoption.

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

this regard, some weight (albeit limited) is to be given to the allocation within the emerging plan.

Turning now to the matter of housing land supply, the most recent Joint Housing Land Availability Study (September 2015) concluded that there is only a 3 years supply of housing land available in Swansea, substantially less than the 5 years supply prescribed in national policy. PPW states that Local Planning Authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing, and TAN1 (Joint Housing Land Availability Studies) advises that, where a housing land supply shortage exists, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies.

In conjunction with its preparations for the emerging LDP, the Council has produced a Guidance Note, Planning Applications for Non-householder Residential Development, which aims to provide a clear strategy to address the housing land shortfall and includes advice to prospective developers on how the planning authority intends to deal with planning applications for sites not currently allocated within the UDP. The main principle is to bring forward several strategic sites recommended for allocation in the emerging LDP. However, at the current time, no applications have been submitted on strategic sites and therefore these sites would not make any significant impact on the housing shortfall for several years. In the meantime, it is appropriate to give considerable weight to the need to increase supply when dealing with planning applications.

The current proposal complies with many national and development plan policies, particularly many elements of sustainability due to the location of the site just outside the settlement boundary and the availability of public transport nearby. Its main conflict is in respect of the matters in the first main issue above, i.e. harm to the openness and character of the green wedge and the open countryside. However, notwithstanding these conflicts, it is considered the need to increase housing supply to warrant considerable weight in the short term.

The issue regarding the policy conflict and the weight to be given to the material considerations in this respect must be weighed in the planning balance along with all of the other issues that are considered further below before determining whether the principle is considered acceptable.

### **Design/ Visual Impact/ Layout**

The layout has been designed with two new cul-de-sacs accessed off Heol Pentre Bach and the turning head at the end of the road extended to provide for a new turning head and a private parking court for residents of the northern half of the development. The site layout has been amended so that the plots 35-40 front onto the open space and public walkway between Heol Pentre Bach and Clos Y Morfa. Whilst the parking for these properties is at the rear, the parking is overlooked from several properties and the rear gardens are secured by robust brick walls. The Urban Design Officer has advised that entrances to the site are well defined by corner turning houses and the vistas into the site are closed by focal buildings.

Whilst the adopted residential Design Guide discourages the approach of cul-de-sacs in favour of connected streets it is considered acceptable on this occasion given the shallow depth of the site and the short distance in terms of connectivity.

A resident has written in to state that the dwellings should match the existing dwellings on site with no render or render at first floor level. The resident stated that previous phases have not tied in with earlier developments. The proposed slate colour concrete tile with predominantly red brick walls and some accent render areas are considered acceptable for

the suburban location given that there are examples of render in the area. The design of the dwellings is considered appropriate to this area and respect the scale and design of the existing vernacular. However, the Urban Design Officer has advised that there is a lack of robust brick screen walls in some locations and this should be addressed by condition. When the amendment was submitted, the applicant amended the boundary treatments on several properties but was unable to amend others due to a drainage easement, but has sought to screen them with planting. This is considered acceptable.

The Police Designing Out Crime Officer does not object to the proposals and is generally supportive of the layout as the parking areas/ public spaces are overlooked. He did raise concern with regards to an existing footpath at the rear of units 3-8 but this runs along the whole of the site boundary and is an existing public right of way.

Local residents have raised concerns with regards to the loss of outlook/ view as a result of this development along with the resultant devaluation of property. Devaluation of property has been given limited weight in the determination of this application. A Landscape Character & Visual Impact Assessment (LCVIA) has been prepared by White Young Green in support of this application. The Report states that the landscape fabric of the site contributes to the character of the landscape context of the site. Whilst the proposed development would maintain the existing mature vegetation along the northern and western site boundary and this would be supplemented with additional planting, the existing area of pasture and mature trees within the site boundary would be lost. Proposed planting would offer biodiversity enhancements where shrubs replace agricultural pasture.

In the long term the overall impact on the landscape amenity of local residents would be adverse. For those properties adjacent to the eastern boundary of the site there would be a moderate adverse impact as a result of a change in their outlook, although this would in part be mitigated by the filtering effect of existing vegetation and the establishment of proposed vegetation. In the long term there would be no change to the landscape amenity of footpath users in the wider area due to separation distance and/or intervening features. Landscape character is partly derived from the vegetation pattern of the site, which includes the site boundary vegetation. The proposed development retains and supplements this vegetation which would be a small-scale change but beneficial in terms of its contribution to the vegetation pattern. In the long-term the proposed development would become integrated into its landscape setting. The potential initial adverse impacts on landscape amenity would reduce for all receptors, including those with most adverse change near the eastern boundary of the site.

Given that this site is allocated within the Deposit Local Development Plan for 40 dwellings, the Council have acknowledged that the character of the site itself would change as a result of the development of this site. It is appreciated that the proposals would have a moderate adverse impact on the properties directly opposite the site to the east, which amounts to approximately 4 properties (of which 1 has no windows on the side elevation facing the site) although other properties adjoining the site would be impacted upon. Planning guidance indicates that there is no protection for private views and the LVIA concludes that impact would be partly mitigated by the retention of existing vegetation at the front of the site and within this context, whilst there would be an impact, it is not considered significant enough to warrant refusal on this issue. As the resident who supports the application has pointed out, the Queensgate development itself is relatively new and this development impacted on the views of those existing residents beforehand who themselves enjoyed views of the Estuary.

Overall, the resultant development would be similar to other recently constructed developments within the locality. It is therefore considered that the detailed design and layout of this proposal is acceptable, in terms of its impact on the character of the area.

The proposed development is located to the east of dwellings on Heol Pentre Bach, to the north of properties on Heol Y Nant and south of properties in Clos Y Morfa. The issues of the visual impact and loss of outlook/ devaluation has been considered above. Comments have been received that the proposals would have an overbearing impact on the existing estate, would result in the loss of the village feel and pollution (noise, light and traffic) would increase both within the site and Gorseinon in general.

In terms of separation distances, officers raised concerns with regards to the relationship of some of the new plots to the existing buildings and sought amendments to the site layout and sections through the site to indicate the relationship between these properties. As a result, the siting of plots 1, 3 and 35-36 were amended to ensure that sufficient space was provided between dwellings with 15m provided between the rear elevation of existing buildings and the side elevation of proposed buildings. The distance between the side elevations of plots 37 and 38 (which have secondary windows at first floor level serving habitable rooms) is 18m but given that this is at an angle with planting in between, this relationship is considered acceptable in this instance on balance and these windows would have obscure glazing installed as they are secondary windows. Within the site, the dwellings achieve the minimum distances recommended within the Residential Design Guide. It is therefore considered that the proposals would not have an overbearing impact on the existing development and there are no concerns regarding a significant reduction of privacy for these bungalows.

In terms of general noise/ disturbance/ light pollution, it is not considered that there would be a significant increase over and above the present situation given that the site is surrounded by existing residential development. Concerns have been raised regarding increased traffic pollution but the Pollution Control Officer has not objected to the proposals on these grounds. As such, it is not considered that the proposed residential use of this site would have an adverse impact on the amenity of existing neighbouring uses.

Finally, residents have commented over disruption, noise and disturbance during the construction phase. Given the proximity of nearby dwellings and the issues involved with the construction of the development on nearby residents, it is considered appropriate to attach a condition requiring the submission of a Construction Pollution Management Plan for the proposed development in line with the request of the Pollution Control Officer.

### **Highway Safety/ Parking/ Public footpaths**

Residents have raised several concerns with regards to transport and highway safety issues. Comments have been received with regards to safety fears for pedestrians/ scooter users and existing local residents due to an increase in traffic, concerns the road is already narrow and hazardous due to on street parking and surrounding roads cannot cope, visibility at junctions and queries over the content of the transport statement.

The Transport Assessment states Heol Pentre Bach is single carriageway and is subject to a 30 mph speed limit with no white lining present. The latest available recorded Personal Injury Accident (PIA) data was obtained for the Frampton Road corridor and the junction with Heol Pentre Bach. It is thought that there are local concerns regarding the safety at this junction. The accident data covered a five year period from the 1st January 2010 and concluded that there was one record of a personal injury accident during the period that resulted in 2 casualties with a fatal severity (the police report indicates that it was caused by driver error). There were five other incidents during the period (4 of which were slight). However, traffic calming is proposed at the junction of Frampton Road and Pentre Bach Road given concerns from local residents and the Highways department on previous applications.

The site is highly accessible by a variety of transport modes, including walking, cycling and public transport and is surrounded by a network of safe attractive and convenient walking and cycling routes in the local area. A number of key local amenities and Gorseinon town centre are all located within 2km of the site. A number of bus services operate in the vicinity of the site, providing services to Llanelli and Swansea.

The TRICS database has been interrogated to provide an appropriate per dwelling trip rate for the proposed residential development (based on 44 dwellings). The development proposal would generate 24 two-way vehicle trips in the AM peak and 24 two-way vehicle trips in the PM peak. This would result in one extra vehicle every two minutes in the AM Peak, and PM peak respectively. This level of effect would not change the character or performance of the local highway network. The development proposal would generate 68 two-way multi-modal trips in the AM peak and 61 two-way multi-modal trips in the PM peak.

The Highways Officer has raised no issues with regards to the content of the Transport Assessment which have been quantified with reference to national data for housing developments. The Officer has advised that the number of predicted movements is too small to have any adverse effect on the operation of any junctions and the surrounding highway network. All roads within the development are indicated to adoptable standards and are acceptable to serve the development. A combination of standard cul-de-sac provision is indicated together with some shared surface roads and links to the adjacent public rights of way are also shown. Each plot is provided with parking in accordance with adopted standards and road widths are in accordance with adopted guidance.

Some local concern has been raised about the additional traffic and difficulties currently experienced due to on street parking in the area. The predicted traffic generation is relatively low and unlikely to result in any congestion issues. However, the Officer has advised that there are general concerns regarding the speed of traffic along Frampton Road in the vicinity of the junction with Heol Pentre Bach. A recent planning application opposite the site was granted consent and required to provide some form of traffic calming which would also cover the Heol Pentre Bach junction. The same requirement should be imposed on this application. The Highways Officers does not object to the application subject to conditions which would be attached to any grant of consent.

In terms of public footpaths, comments have been received raising concerns that routes would be blocked. The PROW Officer has advised that several footpaths are located within the vicinity and would be affected as a result of the development and the path has poor drainage currently. The Officer has requested works to improve footpath LC46 to include clearance, levelling and surfacing. A scheme for these works would be attached as a condition of any consent granted. The proposed drainage ditch may require a culvert to ensure that access is uninterrupted across the top but drainage details are considered in the section below. As a result of the proposals, the existing footpath sign would need to be replaced and this would also be resolved via condition. Finally, the Officer has advised that two existing stiles should also be replaced with kissing gates to improve access for all users of the adjacent footpaths and this would be included within a S106 agreement attached to any consent granted.

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

## **Ecology/ Trees**

The Extended Phase 1 Habitat Survey resulted in the requirement for further bat and reptile surveys which have subsequently been submitted. Based on the presence of suitable habitat and the high mobility of badgers it is possible badgers may use the site in the future for refuge, foraging and possibly sett building. It is recommended an update badger survey be undertaken within a month prior to construction commencing, to identify if any active

setts are present and to assess if these will be impacted by development proposals. It is recommended that any removal of habitat suitable for breeding birds (trees and dense scrub) is completed outside the bird breeding season (considered to be March to September inclusive, although it can vary depending on weather conditions and species present). No reptiles were recorded during the presence/ likely absence surveys. However due to the timing of the surveys, at the end of the reptile season, it is considered possible very low numbers of common reptiles, including slow worm and common lizard, could be present. A precautionary clearance methodology is proposed including careful staged strimming of suitable habitat, long grass and scrub areas, to approximately 100 mm to encourage reptiles to move towards the suitable habitat in the wider landscape.

Residents have commented that Loughor Estuary is a SSSI and there should be a buffer zone around the protected area. Natural Resources Wales do not object to the application and have advised that the recommendations in Section 5.3.3, that further bat surveys are carried out on trees which are proposed to be lost and that have the potential to support roosting bats, should be followed. NRW note that the site is located approximately 170m from the boundary of the Carmarthen Bay and Estuaries SAC and the Burry Inlet and Loughor Estuary SSSI. A watercourse on the northern boundary of the site also appears to provide a direct hydrological link between the site and the SAC/SSSI. However, they consider it unlikely that the on-site works would have a significant adverse effect on the SAC/SSSI, providing appropriate pollution prevention and construction management plans are in place.

The Council's Ecologist has advised that whilst the development would have an impact on the ecology of the site, this impact would be minimised by following the guidance indicated in section 5 of the Reptile Survey (WYG December 2015) and section 5 of the Extended Phase 1 Survey (WYG December 2015). Habitat mitigation should include enhancement of retained habitats and the planting of ecologically friendly landscape planting. The Ecologist has concluded that as the proposed development is entirely residential, the likely impacts on the protected site features include disturbance through noise and illumination and contaminated water running off the site. The development site falls on a slight eastward slope falling away from the Burry Inlet SAC; there are a series of hedges between the site and the SAC. Because of the geography and distance between the sites noise and light disturbance would not affect the SAC. Drainage issues are covered by the existing Habitats Regulation Assessment dated 5th March (David Tyldesley & Associates). It can be concluded that the development would not have a significant effect on the features of the Burry Inlet SAC. Further to this, the development is 1.5 km from the Burry Inlet SPA and Ramsar sites; this includes a large block of land with residential development which would act a significant buffer. This distance is sufficient to prevent disturbance of the bird features of the protected site. It is concluded that the development would not adversely affect the features of the Bury Inlet SPA or Ramsar sites.

Residents have commented that it is not clear what trees would be removed and the trees provide a habitat for biodiversity and screen the development. The Tree Survey identified that the area surveyed contains 37 individual trees or groups of trees of varying age, from young to over mature trees. Overall most trees are considered to have some amenity value, particularly if maintenance recommendations are undertaken. A total of 7 no. high quality and value (Category A) have been identified within the area surveyed. These are all large mature oaks typical of farmland field boundaries. A total of 9 individual trees and 5 groups of trees of moderate quality and value category (category B) were identified within or near the footprint of the buildings at the proposed development. A total of 7 individual trees and 9 groups of trees were assigned to the low quality and value category (category C). The scheme would require the removal of 11 individually surveyed trees, nine groups of trees and shrubs, and part of a further one group of trees. Of the individual trees to be removed, one is a tree of high quality (A category) and seven are trees of moderate quality (B category). Four of the groups to be removed, or partly removed, are groups of moderate

quality. There is no evidence that the removal of trees would affect land stability within the area.

The Arboricultural Officer originally objected to the proposals over concerns on the relationship of trees along the boundary and the proximity to the new dwellings and requested an Arboricultural Impact Assessment was provided with the submission. The Officer also raised concerns with regards to the drainage easement to the west of the site and its impact on trees. The current design requires the loss of trees internal to the site which is inevitable if the site is developed and the Arboricultural Officer has not raised concern with regards to the loss of these trees.

Officers discussed these concerns with the applicant and it was suggested that two plots be removed to enable the plots along the western boundary to be relocated further away from the trees by approximately 5 metres. An amended layout to this effect was subsequently submitted and the Arboricultural Officer advised that the revision of the scheme has moved the houses further away from the category A oak trees on the western boundary. This would reduce further pressure on these trees and future pruning would be controlled by means of a Tree Preservation Order made during the course of the application. The routing of the storm drain appears to be sympathetic to the retained trees and is an improvement on previous drawings, but a condition requiring further details as part of the drainage scheme is considered reasonable and necessary. As the submitted tree protection plan now does not relate to the new layout, an update would be required by condition along with an arboricultural method statement.

### **Contaminated Land**

A Site Investigation has been prepared by Integral Geotechnique. The site was tested for ground contamination as part of the process, where it was established that trigger levels for pollutants were below guidelines for residential gardens with in-situ soils classified as inert. No contamination sources were found in the groundwater with no ground gas risk.

The Council's Pollution Control Officer has reviewed the site investigation report accompanying the application and has no objections provided that further assessment at the "Overgrown northern part of the site" and location TP7 is undertaken (due to the presence of asbestos and potential Asbestos Containing Materials). A condition to this effect would be attached to any grant of consent. The Officer has also requested a condition regarding unforeseen contamination and a Construction Site Management Plan. NRW has no adverse comments subject to the inclusion of a condition regarding a Pollution Management Plan which has already been covered above in the residential amenity section. The Officer has raised no concerns with regards to traffic/ transport pollution in general as a result of this development. Therefore, the approach recommended by the Council's Pollution Control Officer is considered appropriate for this development.

The Coal Authority is satisfied with the broad conclusions of the Site Investigation Report, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, the Coal Authority does not object to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

### **Affordable Housing**

The applicant has proposed 12 units of Affordable Housing within this development, split between the northern and southern sections of the site (4 x 1 bed, 3 x 2 bed, 4 x 3 bed and 1 x 4 bedrooms). This equates to 29% provision on site. The Council's Affordable Housing Officer has advised that this should be split between 60% intermediate units at 70% of ACG

or OMV (whichever is lower at the point of transfer) and 42% social rented at 42% ACG or OMV (whichever is lower at the point of transfer) – all to be disposed of via a RSL.

The social rented units should be 2 and 3 bedroom houses, with 1 x 4 bedroom unit, and the intermediate should be 2 and 3 bedrooms. All the units must be DQR compliant and should be pepper potted throughout the development. On the basis of the submitted information, the proposals are considered acceptable and these requirements would be secured via a S106 agreement.

## Education

The Education Officer advised that the proposal would generate pupils from 39 dwellings; however the scheme has subsequently been reduced by two properties. The Officer has advised that there is currently enough capacity within the existing English Medium Primary school and the Welsh Medium Secondary school but requested contributions towards the Welsh Primary and English Secondary schools. The applicant queried the amount requested and asked for further clarification on the proposed projections.

From an Education perspective, it is appreciated that future projections indicate that there could be significant issues in the catchment schools up to 2022. Allied to this, they have different legislative requirements in terms of unfilled spaces and the capacity required within schools. However, the CIL Regulations tests identified in the legislation clarify that contributions have to be reasonable and necessary for planning purposes to meet the requisite tests.

In addition, given that the development is relatively small in nature (and could be built within a year) and would be time limited in terms of commencement, it is considered fair and reasonable to base the proposals on current projections rather than future projections.

The following pupil generation has therefore been calculated (following the amendment):

Pupil generation:

	Pupil Numbers	English	Welsh
Primary	11	9	2
Secondary	8	6	2

When considering existing capacity and proposed commitments, it is apparent that there is a shortfall of 2 spaces at English Medium Secondary level and a shortfall of 2 spaces at Welsh Medium Primary Level based on the figures provided by Education and considering existing commitments.

Therefore, in line with the Council's Planning Obligations SPG, it is proposed that a contribution of 31,696 would be required towards Penyrheol Comprehensive School and £20,744 towards YGG Pontybrenin.

## Archaeology

The Archaeological Assessment assessed the potential impact of the proposed development on the archaeological resource, and examined designated sites and landscapes within an agreed search area of 1km around the proposed development site, and undesignated sites within an agreed search area of 0.5km. It concludes that given the topography of the area as well as the adjacent housing estates, no Scheduled Ancient Monuments (none within the search area), Listed Buildings (7 within 1km) or their settings would be indirectly (visually) affected by or have any visual relationship with the development. Two local sites of archaeological interest have been identified within the proposed development area, namely a former quarry (HPB01) and farmstead/cottage

(HPB02). The general archaeological potential for this proposed development is considered to be low. However, due to the presence of these two identified archaeological sites (HPB01 & HPB02) it is recommended that mitigation may be required to further record their remains during development works on the site. In the first instance it is suggested that more detailed survey and recording of the surviving above-ground remains of Pen-y-Cae be undertaken once tree-cover has been removed from the site. Subsequently, it is recommended that an archaeological watching brief, with contingencies, is conducted on any intrusive ground works within the proposed development area in order to record any below-ground archaeological remains that may be disturbed during development of the site.

The Glamorgan Gwent Archaeological Trust agree with the assessment and advise that two conditions should be attached to any grant of consent, one requiring historic building recording and one requiring a watching brief during the course of works.

## **Drainage/ Flooding**

Residents have commented that the site is marshy, DWCC has previously objected to development on this site, the development would increase run off whilst reducing natural percolation and a flood assessment should be undertaken.

The flood consequences and drainage assessment states that with the advent of the residential development which took place in the locality during the early 1990's, the adjoining watercourse along the eastern boundary has been culverted to allow development to take place. This runs for the length of the site to a chamber near the head of the Heol Pentre Bach road but located within the site. A short run of 900 mm pipe brings the line onto another chamber which receives flow from the 150 mm pipe exiting at the end of a hydro-brake chamber located at the extreme end of Heol Pentre Bach. Upstream of this is a 600 mm storage pipe located within Heol Pentre Bach. This 900 mm culvert would be diverted at the southern end of the site and routed to the western perimeter where it would either be an open watercourse or a culvert depending upon topographic levels.

The site is located within Zone A as indicated on the Welsh Government Development Advice Maps. The Flood Consequences Assessment concludes that the site is at little or no risk of fluvial or tidal / coastal flooding. The FCA concludes that there is a low risk of this site flooding considering all the sources required by WG planning guidance on flooding. NRW has no knowledge of flooding on this site.

Percolation tests showed the ground to be impermeable for this site and as such infiltration systems including soakaways would not be appropriate. The attenuation tank would be designed with a capacity of approximately 250 m<sup>3</sup>. This would be split between Q30 (climate change) storage being part of the adopted system as oversized concrete pipes within the roads and the remainder of storage being private tanks consisting of geocell units wrapped in impermeable membranes. The private tanks would be sited within accessible, non-adopted road and drive areas and be maintained by a management company on behalf of Elan Homes.

The existing foul drainage in the locality consists of a separate gravity fed pumping station which pumps via rising mains to Llys Gwynfaen Road from where it eventually ends up at Llannant WWTW. DCWW have confirmed that there is sufficient capacity within the existing drains and pumping station as well as the receiving waste water treatment works at Llannant, which lies some 500-600m north of the site.

The Council's Drainage Officer does not object to the proposals on the proviso that a condition is attached requiring full drainage details to be agreed prior to the commencement of development and provided run-off to the adjacent watercourse does not exceed 7.5l/s. Dwr Cymru Welsh Water has not objected to the planning application.

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

## Burry Inlet Habitat Regulations Assessment

### Introduction

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

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

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

### Water Quality

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

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

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

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

The removal of any surface water from the combined system would be greatly beneficial in that its removal would result in fewer CSO spills, reducing bacterial and nutrient impact on the controlled waters. The removal of surface water from combined sewers generally would

reduce the volume of flow (even within developments) such that storage facilities at the pumping stations would more efficiently cater for more frequent storm events or greater population equivalence.

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

#### Other possible effects on CBEEMs features

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

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

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

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

#### Conclusion

In conclusion, DCWW have not objected to this scheme, and the Council's HRA which has been adopted for all development in the Gowerton WwTW drainage network area runs up until the end of 2017. The HRA has been agreed with NRW and concludes that 'It is the opinion of the Authority that this development can be accommodated within the post Review of Consents (RoC) discharge consent limits, and would not be likely to have a significant effect either alone or in-combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet Spa and Ramsar. Such effects can be excluded on the basis of the objective information available through the 2010 Environment Agency review.

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

#### **Welsh Language**

The Welsh Language Impact Assessment indicates that at the time of the 2011 Census, 20.3% of the residents of the Upper Loughor Ward could read, write or speak Welsh and 18.1% of residents in the adjoining ward (Penyrheol) could read, write or speak Welsh. The percentage at a County level is 13.8% (21.31% nationally). Based on the census figures of residents per household, it is anticipated that 101 new residents would be created as a result of this development. Upper Loughor is also identified as a Language Sensitive Area in the LDP. Based on similar developments within the locality, it is apparent that approximately 80% of people moving to the estate would come from the surrounding area

(SA4 postcode) which equates to 15 people out of the anticipated 101 new residents that could read, write or speak Welsh which is considered to have a neutral impact.

Information in recent Joint Housing Land Availability Studies points to a substantial reduction in house building in Swansea over the last decade. As a result, rather than encouraging in-migration, this trend may result in Welsh speakers leaving the area. Given that a new development as proposed is likely to draw largely from local first time buyers and those wishing to upgrade but remain in the area, the percentage of 'local buyers' given by previous market research may be a minimum and in fact likely to be greater, which would in turn increase the number of Welsh speaking households on the development and decrease the number of non-Welsh speaking households anticipated. Numerically, based on the findings outlined in this study, the number of Welsh speakers in the area is likely to increase by some 20 residents, due particularly to the volume of buyers/occupiers coming from within the North Swansea area. As a result, the development is unlikely to lead to a loss in Welsh speaking households. The mix of units, which has been based on a local market assessment (and includes 12 affordable units), would ensure that the dwellings do not favour/ discriminate against one particular age group. The housing mix would help cater for people of different ages and economic status, with different lifestyles and levels of independence.

Due to the nature of the scheme (residential), it is not considered that the proposals would lead to greater economic diversity resulting in in-migration of non-Welsh speakers or increased competition for Welsh speaking businesses. The price structure of the houses have been based on an assessment of local market need and are comparable with average 3 and 4 bed houses within Swansea. It is therefore considered unlikely that the development would force the local Welsh speaking community to leave the area. The proposed development would generate 11 children of primary school age, 8 children of secondary school age and 2 students of post-16 age. As a result of the limited number of pupils generated by the development, it is considered unlikely that the proposal would alter the balance between Welsh speaking and non-Welsh speaking students. The overall assessment equates to 4 positive scores, no negative score and 14 neutral scores which equates to the proposal scoring +4 on the PWL scoring system, and result in a positive impact on the Welsh language. However, mitigation in the form of promoting the proximity of Welsh speaking schools in advertising literature, strong advertising within the local area and bilingual sales to be made available on request and this would be included as an advice note to any permission granted.

### **Other issues**

One resident has stated that there is a corridor of low flying aircraft between the estuary and residential area and the new estate may move flights into the estuary and thus impact on wildlife. However, the development is in between two existing parcels of development and there is no evidence that this development would impact on flight paths so this issue has been given limited weight. Comments have been received about S106/ community clawback and this proposal would be subject to a S106 agreement should it be recommended for approval. Finally, there is no evidence of insufficient utility and local service infrastructure capacity within the area, a contribution would be provided towards education and this issue has not arisen through the LDP candidate site assessment.

### **Planning Balance**

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

The proposed residential development of this site falls outside the definition of appropriate development as defined in UDP Policy EV23 and is within the PPW definition of inappropriate development. Paragraph 4.8.14 of PPW states that when considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. It also says that planning permission should not be granted for inappropriate development except in very exceptional circumstances where other considerations clearly outweigh the harm that would be caused to the green wedge.

In this instance, the applicant argues that the application site is proposed as an allocated site for residential development within the Local Development Plan and the Council do not currently have a 5 year housing land supply, both of which weigh in favour of the application.

The housing land supply currently stands at 3.0 years (2015 JHLAS), which is less than the 5 years required under national planning policy. The Council has demonstrated its commitment to increasing the available housing land supply through publication of the *Developer Guidance – Planning Applications for Non-Householder Residential Development*.

This guidance sets out that the Council will take a positive approach to the negotiation and preparation of appropriate planning applications for non-householder residential development on sites recommended for allocation in the emerging LDP. Where such cases represent a departure from the adopted UDP, the Council will prioritise identified strategic sites to ensure the high numbers attributed to them can be delivered and because these sites are most capable of delivering the widest social/economic benefits to contribute towards achievement of the LDP strategy and sustainability. The guidance states that the Council will also prioritise sites identified for the particular purpose of delivering majority proportions of affordable housing. The application site does not fall into either of the aforementioned categories, and is instead a proposed 'non-strategic' housing site.

However, the guidance also notes that the Council will take an evidenced approach and consider the merits of any planning application with full regard to the particular circumstances and planning issues. It states there may be circumstances when a small scale site could provide a contribution to housing numbers that would not otherwise be secured by other strategic sites.

In this instance, it is considered that the proposal is in line with the Deposit LDP, the proposal would provide a meaningful early contribution towards meeting the housing supply before adoption of the LDP (provided a condition to commence development within 1 year is attached) and as a small-medium provider, it would not divert attention/ resources away from a strategic site. It should also be noted that the proposal would provide a contribution towards affordable housing and education and is considered sustainable and viable.

The Deposit Local Development Plan was endorsed for a public consultation on 16<sup>th</sup> June and is currently out for public consultation. The site is allocated within the emerging LDP for housing for approximately 40 dwellings. Further to this, it is noted that the Council cannot meet its future housing land supply needs without allocating greenfield sites.

The current proposal complies with many national and development plan policies, particularly many elements of sustainability due to the location of the site just outside the settlement boundary, the availability of public transport nearby and the provision of affordable housing on site and it is considered the need to increase housing supply to warrant considerable weight in the short term.

The planning balance in this respect is therefore finely balanced.

National Planning Policy states that there should be exceptional circumstances to justify a proposal within a green wedge. In this instance, the LDP (whilst of limited weight) acknowledges that that greenfield land would be required to meet future housing targets and is it unlikely that this approach would change significantly due to the housing requirements for the plan period. Further to this, the site is located within an allocated site within the Deposit LDP which weighs in the sites favour, along with the consideration that the proposal represents a natural rounding off of this settlement boundary. The Council do not have a 5 year land supply and the applicant has stated that they would be committed to implementing the development prior to the adoption of the LDP (which could be secured via condition) and this issue should be given considerable weight given that this is a meaningful contribution and it is likely increasing pressure would be placed on greenfield sites in the future that are not allocated within the LDP. The proposal would also provide a contribution towards affordable housing on site.

When assessing all of these issues, it is considered that the clear benefits of the development marginally outweigh the policy breach of restricting development within a green wedge, and constitute very exceptional circumstances providing that a condition is attached requiring the development to be implemented within one year of permission being granted to ensure the prompt delivery of much needed housing.

### **Planning Obligations:**

The Planning Obligations associated with this development include:

- Provision of 12 affordable housing units on site to DQR (29% of the development – of which 60% intermediate units at 70% of ACG or OMV (whichever is lower at the point of transfer) and 40% social rented at 42% ACG or OMV (whichever is lower at the point of transfer) – all to be disposed of via a RSL)
- £52,440 contribution towards Education (£31,696 would be required towards Penyrheol Comprehensive School and £20,744 towards YGG Pontybrenin)
- £750 contribution to replace two existing stiles with kissing gates
- £1,064 contribution towards ongoing management and monitoring fees (2% of obligation)

In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

- a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure that an adequate sum is provided towards Education, provide affordable housing on site and to improve accessibility for pedestrians to/ from the development.)
- b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development.)

and

- c) Fairly and reasonably related in scale and kind to the development. (The obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure a contribution towards education, improvements to the local PROWs and the provision of affordable housing.)

Whilst the proposals are located outside of the settlement boundary, within a Green Wedge, the development is considered acceptable on balance when considering all material

considerations. It is therefore concluded that the application should be approved subject to the following conditions and the completion of a S106 agreement.

**That the application be APPROVED, subject to the conditions indicated below and the applicant entering into a Section 106 Planning Obligation in respect of the contributions listed above.**

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

Reason: To ensure the development is commenced in a short timeframe to enable the delivery of dwellings to help meet the identified shortfall and 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:

HBP-LP-001 REV. A (Site Location Plan), HPB-CS-002 REV C (Site Cross Sections Proposed), HPB-SS-001 REV. D (Proposed Street Scenes), HPB-G-P/HAR-01 REV. C (The Hartland - Plots 35/36), HPB-G-P/HAR-02 REV. B (The Hartland - Plots 39/40), HPB-G-P/HAY-01 REV. B (The Hayfield), HPB-G-P/RIP-01 REV. A (The Ripley - Type 1), HPB-G-P/RIP-02 REV. A (The Ripley - Type 2), HPB-G-P/GLO-01 REV. B (The Glossop - Type 1), HPB-G-P/GLO-02 REV. B (The Glossop - Type 2), HPB-G-P/SHE-01 REV. B (The Sheldon), HPB-G-P/BER-01 REV. A (The Berkshire), HPB-G-P/BELV-01 REV. B (The Belvoir), HPB-G-P/SOU-01 REV. A (The Southwold), HPB-G-P/BRAM-01 REV. B (The Brampton), BT-BRN/01 REV. B (The Brandon), BT-BUN/01 REV. A (The Bunbury - Type 1), BT-BUN/02 REV. A (The Bunbury - Type 2), HPB-G-P/OAKSP-01 REV. C (Oakham Special), HPB-G-P/OAKSP-02 REV. D (Oakham Special) and HPB-G-P/GAR-01 REV. B (Garages) received on 14th July 2016; and HPB-PL-001 REV. M (Planning Layout), HPB-PL-002 REV. H (Planning Layout B&W) and HPB-LL-001 REV. J (Landscaping Layout) received on 15th July 2016.

Reason: To define the extent of the permission granted.

3 No development shall take place until the developer has notified the Local Planning Authority of the initiation of development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order.

Reason: To comply with the requirements of Section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).

4 No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is being carried out.

Reason: To comply with the requirements of Section 71ZB (2) of the Town and Country Planning Act 1990 (as amended).

5 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

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

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

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

- 7 No development shall take place in the area identified as 'heavily overgrown area' on Figure 2b of the Site Investigation Report (11625/PB/15) until a site investigation of the nature and extent of contamination in this area has been carried out. The results of the site investigation shall be made available to the local planning authority before any development begins on this area. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the area to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins on this area of land.

Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the first beneficial occupation of the development permitted.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

- a) Construction programme and timetable;
- b) Detailed site plans to include details of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas for site operatives and visitors etc;
- c) Traffic scheme (access and egress) in respect of all construction related vehicles including the loading and unloading of plant and materials;
- d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
- e) Proposed working hours;
- f) Principal Contractor details, which will include a nominated contact for

complaints;

g) Details of all on site lighting (including mitigation measures) having regards to best practicable means (BPM) and avoidance of statutory nuisance impacts;

h) Details of on-site dust mitigation measures having regard to BPM;

i) Details of on-site noise mitigation measures having regard to BPM;

j) Details of waste management arrangements (including any crushing/ screening operations);

k) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses;

m) How each of these watercourses and pathways will be protected from site run off during construction;

n) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on the Local Authority.

Reason: To protect residential amenity and the environment during the construction phase.

- 9 Prior to the commencement of development, samples of all external finishes for the development shall be submitted to and approved by the Local Planning Authority in writing. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

- 10 Prior to the commencement of development, and notwithstanding the details submitted to date, a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with shall be submitted to, and approved in writing, by the Local Planning Authority. The scheme shall include the proposed point of connection with the public foul sewerage system and this location shall first be determined by a hydraulic modelling assessment to demonstrate that it is adequate to receive the foul sewage generated by the development without detriment to the existing sewerage system, public amenity or harm to the environment. The scheme shall include details of the impact of the works on the trees running along the western boundary and shall be informed by an Arboricultural Impact Assessment. Thereafter development shall be carried out in accordance with the approved details, and the development shall not be beneficially occupied before it is served by the approved foul water, surface water, land drainage systems and the systems shall be retained in perpetuity.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no harm occurs to trees, the environment, public amenity or the existing public sewerage system.

- 11 Prior to the commencement of development, a scheme for the ownership and maintenance of the surface water system shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be constructed and completed in accordance with the approved details at such time(s) as may be specified in the approved scheme.

Reason: To ensure the satisfactory long-term operation of the surface water management scheme to prevent the increased risk of flooding to the development itself and surrounding third parties.

- 12 The works hereby approved shall be undertaken in accordance with the recommendations contained within section 5 of the Extended Phase 1 Habitat Survey Report prepared by WYG dated 6 December 2015.

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

- 13 The works hereby approved shall be undertaken in accordance with the recommendations contained within Section 5 of the Reptile Presence/ Likely Absence Survey Report prepared by WYG dated December 2015.

Reason: To ensure a precautionary approach is undertaken to protect reptiles during the course of development.

- 14 Prior to the first beneficial occupation of any dwelling hereby permitted, the highways and footpaths located within the residential development shall be constructed to base course level and prior to the occupation of the final dwelling laid out to an adoptable standard, in accordance with full engineering details which shall first be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of the phasing of the highways and footpath construction. The development shall thereafter be completed in accordance with the approved details.

Reason: In the interests of highway safety.

- 15 Prior to the first beneficial occupation of any dwelling on the residential site hereby permitted, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been incorporated.

Reason: In the interests of highway safety and to ensure that the highways within the development are provided at an appropriate time and maintained thereafter.

- 16 The dwellings hereby permitted shall not be brought into beneficial use until such time as speed reduction measures at the junction of Heol Pentre Bach and Frampton Road have been completed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 17 Notwithstanding the details submitted with this application, full planting details of the infill native species to be planted along the western boundary shall be submitted to and approved in writing prior to the first beneficial occupation of any dwelling hereby permitted. The approved details will thereafter form part of the approved landscaping details for the residential site.

Reason: To ensure full details of indigenous planting is provided along the site boundary to mitigate trees lost as a result of the proposal.

- 18 All planting and grass seeding or turfing comprised in the approved details of landscaping for the residential site shall be carried out in the first planting and seeding seasons following the first beneficial occupation of any dwelling or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard landscape and amenity interests.

19 Prior to the first beneficial occupation of any of the dwellings hereby permitted, a scheme for improvements to public footpath LC46 between the tarmac path adjacent to the existing pumping station and Pentrebach Farm to include details of surfacing and width along its length, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be undertaken in accordance with the approved details prior to the first beneficial occupation of any of the dwellings hereby permitted.

Reason: To ensure access to the surrounding area is improved given increase usage and to encourage walking.

20 The first floor windows in the side (north) elevations of the proposed dwellings located on Plots 35 and 36, as indicated on Drawing No: HPB-PL-001 Rev. M shall be obscure glazed and unopenable below a height of 1.7m from internal floor level, and shall be retained as such at all times.

Reason: To ensure there is no overlooking into the rear of No. 6 Clos y Morfa.

21 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Within 2 months of the written notice being received by the Local Planning Authority, an investigation and risk assessment must be undertaken in accordance with the requirements of the latest guidance, and where remediation is necessary a remediation scheme must be prepared which sets out a timetable for the work, which is subject to the approval in writing of the Local Planning Authority. The approved remediation scheme shall be undertaken in accordance with the approved timetable of works. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the first beneficial occupation of the development permitted on that particular site.

Reason: To ensure that risks from unknown land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

22 The development shall not discharge to the local watercourse network at any rate greater than 7.5 litres per second.

Reason: To prevent surface water flooding occurring both onsite and adjacent third parties.

23 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence on site until an updated Tree Protection Plan and arboricultural method statement, in accordance with BS5837:2012 Trees in relation to design, demolition and construction-Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the specification and positioning of temporary tree protective fencing and ground protection where required. Other details shall include: areas for storage, access facilitation pruning requirements, mixing areas and parking areas. The approved tree protection measures shall be installed prior to any site activity commencing and maintained until the area is to be landscaped. No development or other operations shall take place other than in complete accordance with the Tree Protection Plan.

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

## INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application:  
EV1, EV2, EV22, EV23, EV30, EV33, EV34, EV35, EV38, EV40, HC3, HC17, AS2, AS5 and AS6.
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
  - Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild birdCare should be taken when working on buildings particularly during the bird nesting season March-August. Any scrub on site could contain nesting birds and scrub should only be cleared outside of the bird nesting season.
- 4 The Highways Officer has advised that prior to any works commencing on the site, a Construction Traffic Management Plan should be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times.

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

- 5 The Pollution Control Officer has advised the following:

### 1 Construction Noise

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

### 2 Smoke/ Burning of materials

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

### 3 Dust Control:

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

### 4 Lighting

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

- 6 The Council's Drainage Officer has advised that any onsite watercourses identified must remain open and undisturbed and wherever possible habitats enhanced through the use of SuDS mitigation measures acting in combination with the natural environment. Please be aware that the Authority's prior written consent under the Land Drainage Act 1991 (as amended) is required for any works that have the potential to affect the flow in any watercourses, ditch or stream.
- 7 Dwr Cymru Welsh Water have advised that the proposed development site is crossed by a 375mm & 150mm combined sewer overflow pipe with their approximate position being marked on the attached Statutory Public Sewer Record. Their 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 sewers.
- 8 GGAT have advised that:  
The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA), "Standard and Guidance for Building Recording" ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.  
  
The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA), "Standard and Guidance for an Archaeological Watching Brief" ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.
- 9 The applicant is advised to considered Police Designing Out Crime Officer's comments in full which are available on the planning application page of the Council's website.
- 10 The Footpaths Officer has advised that the plans show the storm drain/ ditch cutting across the public right of way along the western boundary. If so, this would need to be a culvert to allow people to walk across the top of it uninterrupted.

# Agenda Item 8

## Report of the Head of Planning & City Regeneration

Planning Committee - 6 September 2016

### PROVISIONAL TREE PRESERVATION ORDER P17.7.4.618

LAND AT NEWTON VILLAGE HALL, CASWELL ROAD, SWANSEA. 2016.

**To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 618: Land at Newton Village Hall, Caswell Road, Swansea. 2016.**

**Recommendation:**

**That the Tree Preservation Order: Land at Newton Village Hall, Caswell Road, Swansea, be confirmed.**

**For Decision**

**1. Introduction**

1.1 The provisional tree preservation order was served on 11<sup>th</sup> April 2016.

**2. Objections and Representations**

2.1 One letter expressing an objection was received within the minimum required consultation period. No letters of support were received.

2.2 The objection has been received from the management committee responsible for Newton Village Hall which is included in its entirety in 2.3.

2.3 *"The St Peter's Parochial Church Council wishes to make an Objection to the Authority's Order to place a Tree Preservation Order on the "Shallow Root" Scots Conifer Pine Tree situated in close proximity to The Newton Village Hall.*

*The Church Council respectfully requests The Planning Committee to consider the following reasons for making this objection.*

*On the 5th January 2016 the nearby "twin" tree approximately 18 feet away and 6 feet from the building fell down. There was no wind or rain during that day and the falling tree was witnessed by three persons in Caswell Road at 11.25 a.m. The fallen tree and the tree on which has been placed the provisional TPO were planted on this site in 1908 and so are more than 100 years old. The tree that fell narrowly missed the Village Hall Building (built in 2010) and fortunately no one was hurt and there was no damage to the Village Hall and Church Buildings. The Village Hall is used regularly during the week by over 400 people from the Community and The Church. The*

*Village Hall was built by voluntary public subscriptions received from the Local Community and also fund-raising Events to a total of £500,000 received over a period of 7 years and is a much used Community facility. The Hall is run by a Voluntary Team of 40 people from The Community. The adjoining Church roadway situated between St Peter's Church and The Village Hall is in regularly daily use by many people, so Church Members and Community Hall Users are all concerned about the potential danger of the standing tree. This tree, similar to the fallen tree, is more than 60 feet high and has very thick branches and because of its close proximity to the Village Hall it would obviously cause major damage if it falls. Should it fall in the other direction it will damage the end wall of the beautiful 113 year old St Peter's Church which has a large stained glass window.*

*Although The Council's Experts say the standing tree is not diseased neither was the fallen tree. The area on which they are planted due to the heavy rain over the past 6 months appears to have a high water table and we are advised because this species has shallow roots, approx 3- 4 feet, this could well have been the reason for the tree falling without warning.*

*We would emphasise our request is for safety reasons. If our request to cut down this tree is accepted we will be very willing to purchase two replacement Trees to be planted in the grounds and we will take your Officers advice on the type of tree.*

*Thank you for your consideration of this major problem which is causing very many local people great concern”.*

### **3 Appraisal**

- 3.1 The pine tree at Newton Village Hall is protected by virtue of being within a conservation area. On the 1st March 2016 St Peter's Parochial Church Council notified the authority that they intended to fell the pine tree. A neighbouring tree of similar size had fallen and the Church Council are concerned that this tree will fail also.
- 3.2 The tree contributes significantly to local amenity in the immediate area and appears to be in good condition. There are no signs that this tree is susceptible to failure and as such the proposed felling is not based on arboricultural reasons.
- 3.3 It was deemed necessary to create a tree preservation order to ensure that any future felling or work is based on sound arboricultural principals.
- 3.4 Felling protected trees because they could cause damage if they were to fall is a risk adverse method of management and would lead to many fine trees being removed which pose little risk.
- 3.5 The St Peter's Parochial Church Council did not consider this tree a risk until the 'twin' tree failed in January 2016.

- 3.6 Pine trees are shallow rooted and the 'twin' tree most likely fell due to saturation of the soil. Rainfall recorded at the Swansea Bay station at Blackpill in the period 1<sup>st</sup> January to 8<sup>th</sup> January 2016 was 64.2mm. This figure compared to the average for the month of January of 98-110mm (depending on source of information) indicates that the rainfall in the days leading up to the tree failure was unusually high.
- 3.7 The St Peter's Parochial Church Council has not provided any documentation from an arboriculturist or other professional detailing that this tree is at any more risk of failure than in its previous 100+ years.

#### **4. Recommendation**

- 4.1 That the Tree Preservation Order: Land at Newton Village Hall, Caswell Road, Swansea. 2016; TPO P17.7.4.618 be confirmed without amendment.