

## CITY AND COUNTY OF SWANSEA

### NOTICE OF MEETING

You are invited to attend a Meeting of the

### AREA 2 DEVELOPMENT CONTROL COMMITTEE

**At:** Council Chamber, Civic Centre, Swansea.

**On:** Tuesday, 3 June 2014

**Time:** 2.00 pm

### AGENDA

	Page No.
1 Election of Chair for the 2014 - 2015 Municipal Year.	
2 Election of Chair for the 2014 - 2015 Municipal Year.	
3 Apologies for Absence.	
4 Disclosures of Personal and Prejudicial Interests from Members.	1 - 2
5 Minutes. To approve as a correct record the Minutes of the meeting of the Area 2 Development Control Committee held on 8 April 2014.	3 - 8
6 Items for deferral / withdrawal.	
7 Determination of planning applications under the Town and Country Planning Act 1990.	9 - 98



**Patrick Arran**  
Head of Legal, Democratic Services & Procurement  
Tuesday, 27 May 2014

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Contact: Democratic Services - 636824

## AREA 2 DEVELOPMENT CONTROL COMMITTEE (37)

### Councillors

#### Labour Councillors: 25

Nicholas S Bradley	Andrew J Jones
John Bayliss	David J Lewis
June E Burtonshaw	Paul Lloyd
Mark C Child	Geraint Owens
Bob A Clay	Jennifer A Raynor
David W Cole	Christine Richards
Ann M Cook	Robert V Smith
Jan P Curtice	R C Stewart
William Evans	Mitchell Theaker
Robert Francis-Davies	Gloria J Tanner
Terry J Hennegan	Des W W Thomas
David H Hopkins	Mark Thomas
Yvonne V Jardine	

#### Liberal Democrat Councillors: 6

Mary H Jones	Cheryl L Philpott
Richard D Lewis	T Huw Rees
John Newbury	R June Stanton

#### Independent Councillors: 4

E Wendy Fitzgerald	Susan M Jones
Lynda James	Keith E Marsh

#### Conservative Councillors: 2

Anthony C S Colburn	C Miles R W D Thomas
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## Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

### Councillors

**Councillors Interests are made** in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

**NOTE:** You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
  - i) Disclose orally both the interest concerned and the existence of the dispensation; and
  - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

## **Officers**

### **Financial Interests**

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A “financial interest” is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE AREA 2 DEVELOPMENT CONTROL COMMITTEE

HELD AT THE COUNCIL CHAMBER, GUILDHALL, SWANSEA. ON  
TUESDAY, 8 APRIL 2014 AT 2.00 PM

**PRESENT:** R Francis-Davies (Chair) presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
A C S Colburn	M H Jones	J A Raynor
D W Cole	A J Jones	T H Rees
A M Cook	S M Jones	R V Smith
J P Curtice	R D Lewis	G J Tanner
W Evans	D J Lewis	M Theaker
E W Fitzgerald	P Lloyd	C M R W D Thomas
T J Hennegan	K E Marsh	M Thomas
Y V Jardine	C L Philpott	

62 **APOLOGIES FOR ABSENCE.**

Apologies for Absence were received from Councillors JE Burtonshaw, L James, J Newbury and C Richards.

63 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS FROM MEMBERS.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared.

Councillor R Francis-Davies - Minute No 66 (Agenda Item 5) – Personal – Application No 2014/0190 – I know the applicant.

Councillor J A Raynor- Minute No 66 (Agenda Item 11) – Personal – Application No 2014/0190 – I know the applicants.

Councillor C M R W D Thomas - Minute No 66 (Agenda Items 3, 5 & 7) – Personal – Application No's 2013/1804, 2014/0190, 2014/0075 – I know the applicants, and Minute No 66 (Agenda Item 6) – Personal & Prejudicial – Application No 2013/1846 – I know the Applicant & Architect and left prior to discussion.

Councillor M Theaker - Minute No 66 (Agenda Item 10) – Personal & Prejudicial – Application No 2013/1381 – Governor of Gower College, Swansea and left prior to discussion.

64 **MINUTES.**

**RESOLVED** that the Minutes of the Meeting of the Area 2 Development Control Committee held on 11 March 2014 be approved as a correct record.

65 **ITEMS FOR DEFERRAL / WITHDRAWAL.**

1) The undermentioned applications were deferred by Officers for the reasons outlined below

**(Item 3) Planning Application No.2013/1804**

End of terrace dwelling at 730 Mumbles Road, Mumbles, Swansea.

**Reason**

Following receipt of amended plans.

**(Item 4) Planning Application No. 2013/1693**

Construction of 3 storey block of 3 self contained apartments and underground parking at 732 Mumbles Road, Mumbles, Swansea.

**Reason**

Following receipt of amended plans.

2) **RESOLVED** that the following planning application be deferred for the reason outlined below:

**(Item 12) Planning Application No. 2014/0117**

Change of Use from Video rental store (Class A1) to Estate Agents (Class A2) at Former Blockbuster Video Express, 448 Gower Road, Killay, Swansea.

Report Updated - Page 117 & 118 – Site History. The applications quoted relate to developments to the rear of the application building but overlap in part the current application site. This history is not material to the main policy considerations in this instance.

**Reason**

For further information regarding the distribution of uses within the District Centre.

66 **DETERMINATION OF PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990.**

The Head of Economic Regeneration & Planning submitted a series of planning applications.

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

**RESOLVED** that:

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

**# (Item 2) Application No. 2013/1216**

One detached dwelling (outline) (Council Development Regulation 4) at Land adjacent to 3 Park Cottages, Dunvant Road, Dunvant, Swansea.

One late letter of objection reported.

**# (Item 5) Application No. 2014/0190**

Detached two storey garage/games room at 1 Overland Road, Langland, Swansea.

Mr King(agent) addressed the Committee. Visuals were displayed as part of his address.

Report Updated as follows-

Highways & Transportation Comments Updated as follows:

The site benefits from 2 access points. One is directly off Overland Road leading to a parking and turning area. The second access is from the lane to the south and is shared with No 1a. The proposed garage and games room is to be accessed from the secondary lane access. If this were the only access available, then the proposed garage would need to be set back further into the site, however as this is a secondary access likely for overnight parking, the proposed layout is considered acceptable. No highways objections.

Late Letter of No Objection from Mumbles Community Council reported.

Application approved contrary to Officer recommendation on the grounds that the proposal would not have an unacceptable impact upon the character and appearance of the locality and 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 hereby approved shall be used wholly in conjunction with and for the enjoyment of the occupants of the existing dwelling house and their family, and shall not be let, sublet or otherwise disposed of as a separate unit of accommodation at

any time.

Reason: It is not considered that the property is suitable for the creation of separate units of accommodation.

**# (Item 6) Planning Application No. 2013/1846**

Single storey rear extension, two storey rear extension, rear bay window, gable roof to side elevation, fenestration alterations, front porch, new vehicular access and detached garage at Picket Mead, The Mead, Newton, Swansea.

Miss Harry(objector) addressed the Committee. Visuals were displayed as part of her address.

A visual presentation was given by Officers.

Late Letter of No Objection from Mumbles Community Council reported.

Add Condition 7:

Prior to the commencement of development details relating to the means of construction and surfacing of the access shall be submitted to an approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: To ensure that there is no damage to the adjacent protected tree.

**(Item 10) Planning Application No. 2013/1381**

Demolition of existing Hillhouse Hospital buildings to facilitate construction and expansion of Gower College campus including new teaching blocks, indoor sports barn, motor vehicle valet facility, new entrance pavilion (conference centre), with engineering re-profiling to form development plateaus, revised vehicular access onto Tycoch Road & Cockett Road, internal vehicular and pedestrian circulation routes, new car parking, landscaping and associated works; and reconfiguration / remodelling of existing Tycoch campus buildings with ancillary demolition works (Outline) at Hillhouse Hospital/Gower College, Swansea.

**# (Item 11) Planning Application No. 2014/0117**

Change of use from agricultural land to camp site for 5 touring caravans at Pilton Moor, Pitton Cross, Rhossili, Swansea.

Amended Reason to Condition 1 as follows:

To control the use of the site in the interests of the character and appearance of the Gower AONB.

**(Item 13) Planning Application No. 2014/0152**

Single storey rear extension at Gower Cottage, Reynoldston, Swansea.



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

**# (Item 1) Planning Application No. 2013/1212**

Two detached dwellings (outline) (Council Development Regulation 4) at Land adjacent to 4 Park Cottages, Dunvant Road, Dunvant, Swansea.

Mr Brown(objector) addressed the Committee. Visuals were displayed as part of his address.

Application refused contrary to Officer recommendation for the following reason:  
The proposal constitutes an inappropriate form of development which would have an unacceptable impact upon the existing drainage system and parking provision within the area and be detrimental to highway safety contrary to the provisions of Policies EV1, HC2 and EV33 of the City and County of Swansea Unitary Development Plan (2008)

**# (Item 7) Planning Application No. 2014/0075**

Detached dwelling at Land adjacent to 70 Pennard Road, Kittle, Swansea.

Mr Carlisle(agent) addressed the Committee.

**#(Item 8) Planning Application No. 2014/0267**

Detached dwelling (outline) at Land opposite 9 Applegrove, Reynoldston. Swansea.

Mr Banks(agent) addressed the Committee.

A visual presentation was given by Officers.

**#(Item 9) Planning Application 2014/0110**

Two storey rear extension with living accommodation in the roof void and side extension to detached garage at 60 Home Farm Way, Penllergaer, Swansea.

Mr Rainey(objector) addressed the Committee.

A visual presentation was given by Officers.

Additional late correspondence from the applicant reported.

Application refused contrary to Officer recommendation for the following reason:  
The proposed two storey rear extension by virtue of its height, scale and massing would have a detrimental impact upon the character of the existing dwelling and the residential amenities of neighbouring occupiers contrary to the provisions of Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan and the Design Guide for Householder Development (2008).

67 **PLANNING APPLICATION NO.2013/0261 - LAND AT CAE DUKE, LOUGHOR ROAD, LOUGHOR, SWANSEA.**

The Head of Economic Regeneration & Planning reported on the application for the Construction of 106 residential units and associated works, including a new access spine road, public open space, recreational space, surface water attenuation ponds & reed bed, and public footpath linking onto Waun Road which had been approved at Area 2 Committee on 10 December 2013 subject conditions and a Section 106 Planning Obligation.

The details of the proposed S106 agreement were detailed in the report.

He outlined the details of technical legal matters that requires further consideration by the Committee.

Mrs Wright(objector) and Mr Baxter(agent) addressed the Committee.

**RESOLVED**

(i) that planning permission be GRANTED subject to the conditions detailed in my updated report reproduced at Appendix A and to the applicant entering into a S106 Planning Obligation to provide:

- 30 units of affordable housing on the site;
- an education contribution of £91,832,
- a highways contribution of £73,882;
- management plans for the future maintenance and management of the attenuation ponds and the maintenance, management and public access to the public open space and the local area of play (LAP);
- the revocation of the original S106 in so far as it relates to all the land within the red line of the application site.

(ii) Amend Condition 18 as follows:

Add additional criterion I) "a community and stakeholder liaison process."

(iii) Amend Condition 44 to read as follows:

"There shall be no vehicular access between the site and Waun Road at any time."

(iv) Delete Condition 45

The meeting ended at 3.56 pm

**CHAIR**

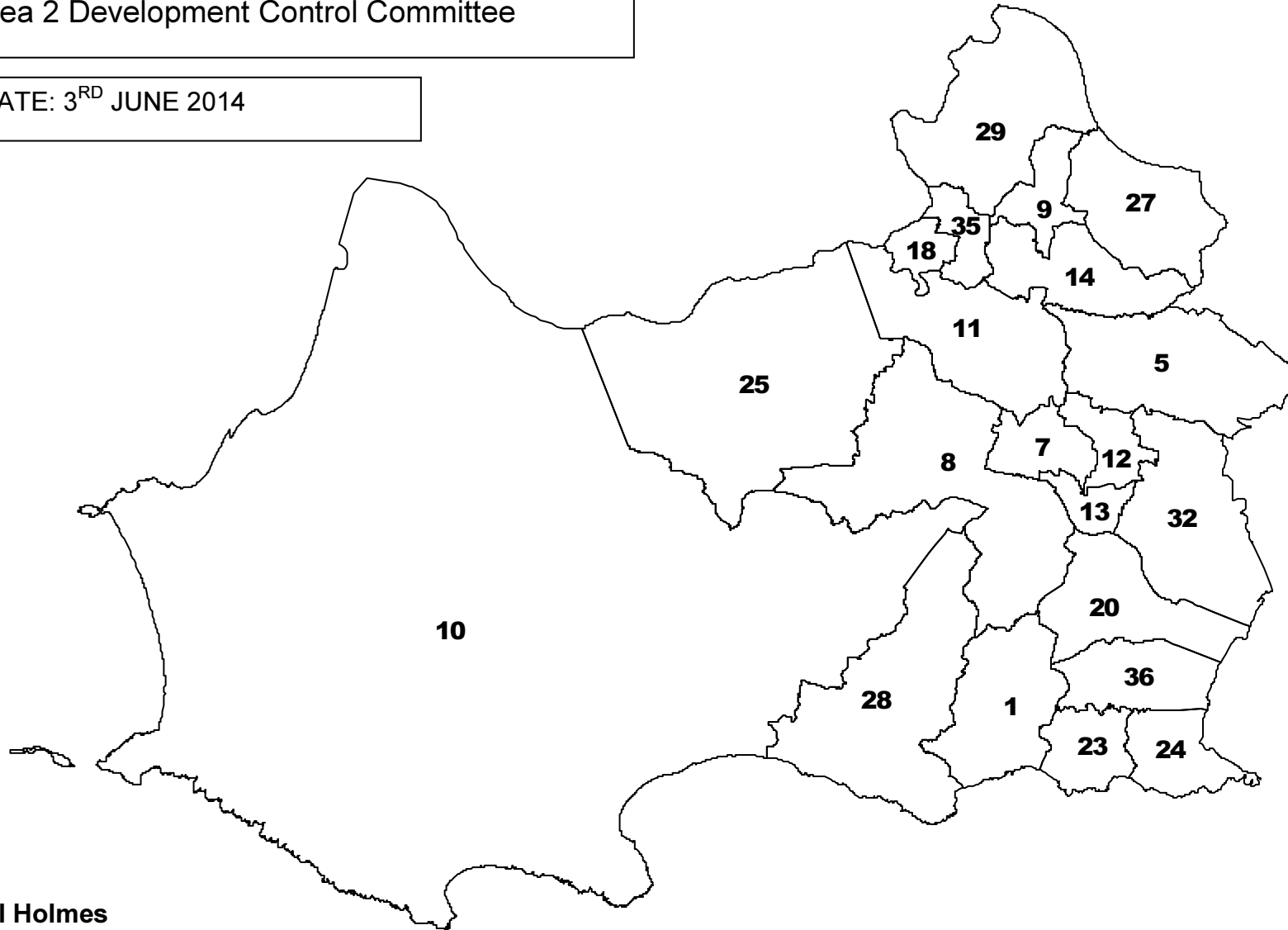
CITY AND COUNTY OF SWANSEA  
DINAS A SIR ABERTAWE

Report of the Head of Economic Regeneration  
& Planning to the Chair and Members of the  
Area 2 Development Control Committee

DATE: 3<sup>RD</sup> JUNE 2014

1. BISHOPSTON
5. COCKETT
7. DUNVANT
8. FAIRWOOD
9. GORSEINON
10. GOWER
11. GOWERTON
12. KILLAY NORTH
13. KILLAY SOUTH
14. KINGSBRIDGE
18. LOWER LOUGHOR
20. MAYALS
23. NEWTON
24. OYSTERMOUTH
25. PENCLAWDD
27. PENLLERGAER
28. PENNARD
29. PENYRHEOL
32. SKETTY
35. UPPER LOUGHOR
36. WEST CROSS

Page 9



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



Agenda Item 7

## TWO STAGE VOTING

Where Members vote against officer recommendation, a two stage vote will apply. This is to ensure clarity and probity in decision making and to make decisions less vulnerable to legal challenge or awards of costs against the Council.

The first vote is taken on the officer recommendation.

Where the officer recommendation is for “approval” and Members resolve not to accept this recommendation, reasons for refusal should then be formulated and confirmed by means of a second vote.

**The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members.** The reason(s) have to be lawful in planning terms. Officers will advise specifically on the lawfulness or otherwise of reasons and also the implications for the Council for possible costs against the Council in the event of an appeal and will recommend deferral in the event that there is a danger that the Council would be acting unreasonably in refusing the application.

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Member should also confirm reasons for approval which should also be lawful in planning terms. Officers will advise accordingly but will recommend deferral if more time is required to consider what conditions/obligations are required or if he/she considers a site visit should be held. If the application departs from the adopted development plan it (other than a number of policies listed on pages 89 and 90 of the Constitution) will need to be reported to Planning Committee and this report will include any appropriate conditions/obligations.

**The application will not be deemed to be approved unless and until suitable conditions have been recorded and confirmed by means of a second vote.**

Where Members are unable to reach agreement on reasons for refusal or appropriate conditions as detailed above, Members should resolve to defer the application for further consultation and receipt of appropriate planning and legal advice.

## CONTENTS

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
1	2014/0264	4 Sketty Park Close, Sketty, Swansea, SA2 8LR <b>Part two storey part first floor front/side extension</b>	REFUSE
2	2014/0005	Land to the rear of 11 Llys Le Breos, Mayals, Swansea, SA3 5DL <b>Incorporation of land into residential curtilage</b>	APPROVE
3	2014/0379	5 Clyne Crescent, Mayals, Swansea, SA3 5HN <b>Retention of front wall and fencing to a maximum height of 2m</b>	REFUSE
4	2014/0224	Blackhills Nursery, Blackhills Lane, Fairwood, Swansea, SA2 7JN <b>Construction of ten holiday units and use of existing building as ancillary reception</b>	REFUSE
5	2013/1745	Cilibion Saw Mills, Cilibion, Swansea, SA3 1EB <b>Detached dwelling in association with sawmill (outline)</b>	REFUSE
6	2014/0343	Asda Stores Ltd, Heol y Mynydd, Gorseinon, Swansea SA4 4BZ <b>One non-illuminated post mounted entrance sign, and 4 externally illuminated fascia signs and 2 wall mounted information signs on proposed customer shopping collection building</b>	APPROVE
7	2014/0344	Asda Stores Ltd Heol y Mynydd Gorseinon Swansea SA4 4BZ <b>Customer shopping collection building &amp; canopy</b>	APPROVE
8	2013/1366	27 Slade Road, Newton, Swansea, SA3 4UE <b>Retention and completion of replacement dwelling (amendment to planning permission 2011/1339 granted 28th March 2013)</b>	APPROVE
9	2014/0146	Former Blockbuster Video Express, 448 Gower Road, Killay, Swansea, SA2 7AL <b>Change of Use from Video rental store (Class A1) to Estate Agents (Class A2)</b>	APPROVE

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
10	2014/0223	86 Saunders Way Sketty Swansea SA2 8BH <b>Detached dwelling and part two storey part single storey rear extension and front canopy to No 86 Saunders Way.</b>	APPROVE
11	2014/0295	Land rear of 62 Station Road, Llanmorlais, Swansea, SA4 3TF <b>Retention of agricultural building</b>	APPROVE
12	2014/0513	Penrhallt House 1 Malthall Llanrhidian Swansea SA3 1EN <b>Two storey side extension, fenestration alterations, alterations to access, alterations to boundary wall and front porch</b>	REFUSE

AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 1

APPLICATION NO.

2014/0264

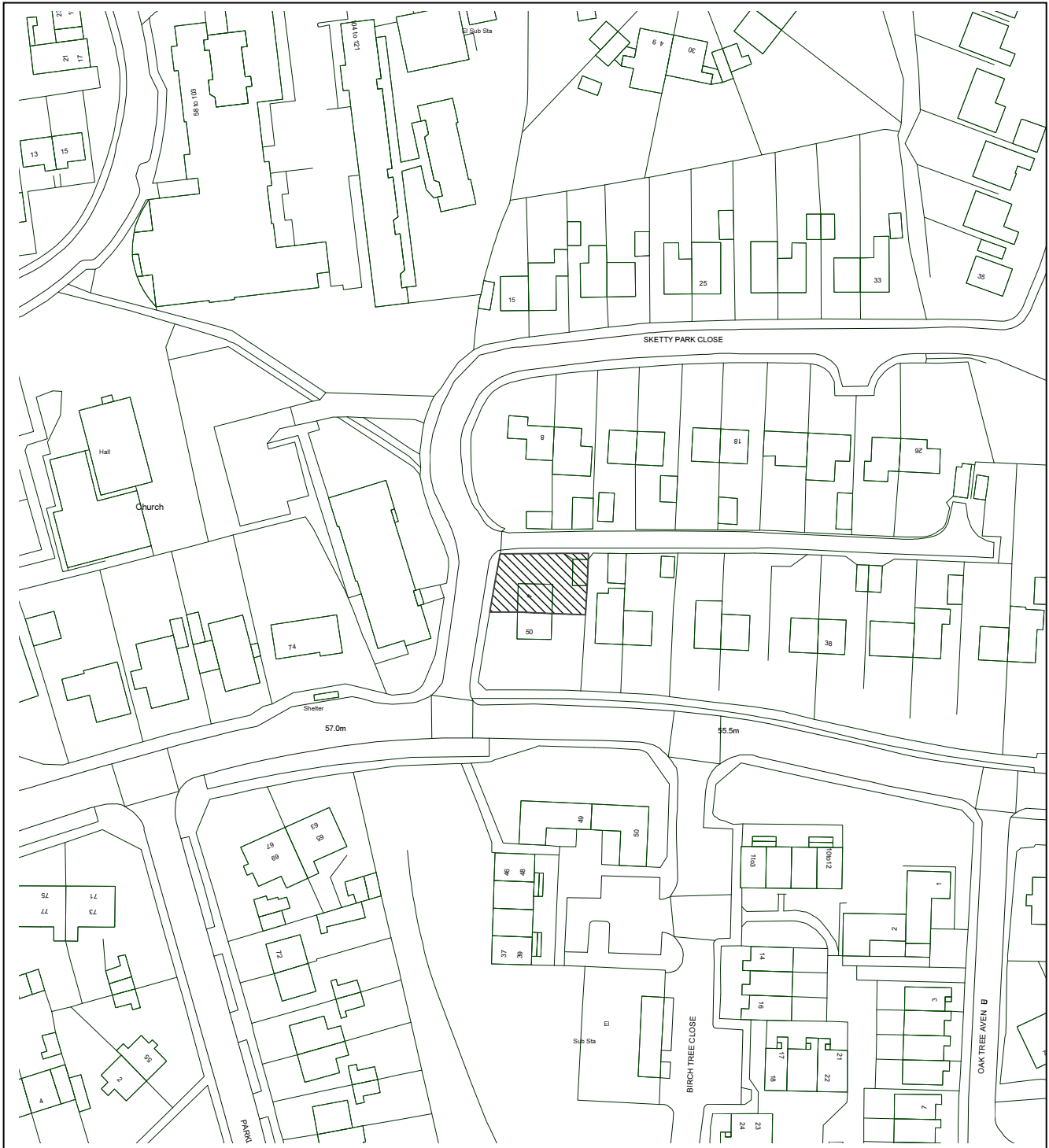
WARD:

Sketty  
Area 2

**Location:** 4 Sketty Park Close, Sketty, Swansea, SA2 8LR

**Proposal:** Part two storey part first floor front/side extension

**Applicant:** Mr A Hamed



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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 1 (CONT'D)

APPLICATION NO. 2014/0264

### 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 HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, effect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2013/0658	Part two storey part first floor front/side extension Decision: Refuse Decision Date: 01/11/2013

#### RESPONSE TO CONSULTATIONS

The neighbouring occupants at Nos. 48 and 50 Sketty Park Drive were sent letters of consultation on 10<sup>th</sup> March 2014. ONE LETTER OF OBJECTION has been received which is summarised below:

- There has been no provision made for car parking
- The proposed development is considered to constitute an over development of the site
- The proposed extension is considered to impact on the neighbours privacy
- The proposed extension is considered to cause the front elevation to be out of balance

#### Highways Observations

The Transportation and Engineering department were consulted on 10<sup>th</sup> March 2014 and responded with the following comments:

*Proposals are for a two storey part first floor front/side extension. There is no increase in demand for parking. There is no highway objection*

#### APPRAISAL

This application is reported to Committee for decision and a site visit has been requested by Councillor Huw Rees due to concerns regarding overbearance.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/0264

A previous application (2013/0658) was refused on 1<sup>st</sup> November 2013. The current planning application is an exact replica of that which was refused planning permission in November 2013. The reasons for refusal were:

1. The proposed part two storey part first floor front/side extension by virtue of its excessive size, siting and design would be out of keeping with the character and appearance of the existing dwelling and would unbalance the symmetry of the pair of semi-detached dwellings and as such would be detrimental to the visual amenities of the surrounding streetscene contrary to the provisions of Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan and the Design Guide for Householder Development.

2. The first floor window within the rear of the two storey extension by virtue of its siting within 10m of the rear boundary would create an unacceptable overlooking impact upon the neighbouring properties at No. 48 Sketty Park Drive, to the detriment of the privacy and residential amenity of the neighbouring residents contrary to Policies EV1 and HC7 of the City and County of Swansea UDP (2008) and the Council's Design Guide for Householder Development (2008)

An appeal is currently pending which is to be determined via an Informal Hearing later in the year.

The existing dwelling is a 2 storey semi-detached dormer bungalow style house. The dwelling already has a single storey side and front extension. The site is quite small with a rear garden which measures approx. 7.5m in length to the mutual boundary with No 48 Sketty Park Drive.

The primary issues in the consideration of this application relate to the impact of the proposed development on residential and visual amenity and highway safety, having regard to policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan (UDP) 2008. The application is also considered with regard to the Council's Supplementary Planning Guidance (SPG) document entitled 'A Design Guide for Householder Development'. There are no overriding issues with regard the Human Rights Act.

The proposed 2 storey extension would be located above the existing single storey side extension and would also extend rearward so that it is flush with the rear elevation of the dwelling. The front section of the extension would project forward of the existing front elevation and would have a gable frontage. The rear section would be in line with the main ridge height and elevation of the dwelling and would include the extension of the existing rear dormer.

It is considered that the design of the proposed extension is unacceptable as it would be at odds with the design of the existing property and the adjoining semi-detached property and would therefore unbalance the pair of properties. The Design Guide states that a two storey side extension to a semi-detached property should be set down from the main ridgeline of the property and set back from the front of the property, neither of which the extension incorporates. Furthermore, the Design Guide specifies that the roof shape and the pitch of a side extension to a semi-detached house should harmonise with the roof of the main body of the original house and it also stresses the importance of keeping the principal elevation intact.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/0264

Due to the lack of a set down and set back, and the inclusion of a forward projecting gable frontage, the proposed extensions are not considered to comply with these principals and as such are considered to be inappropriate additions to the property. Therefore, the extensions are not considered to comply with the provisions of Policies EV1 and HC7 of the Unitary Development Plan and the Design Guide for Householder Development.

In terms of overbearance and overshadowing, the extensions are not considered to have an adverse impact on any neighbouring properties given the location of the extension in relation to the neighbouring properties.

In terms of overlooking however, there is a window within the first floor of the rear of the proposed extension which would give rise to detrimental overlooking impact into the rear amenity space of No. 48 Sketty Park Drive as there is less than 10m between the window and the shared boundary with this neighbouring property. As such the application is considered to be unacceptable in this regard and contrary to the provisions of Policies EV1 and HC7 of the Unitary Development Plan and the Design Guide for Householder Development.

With regard to highway safety, no objections have been raised as it is considered that there would be no increased demand for off-street parking.

In light of the above analysis it is considered that the extensions are considered to represent an unacceptable form of development that would have a significantly harmful impact on the character and appearance of the surrounding area and in addition, the first floor window within the rear of the two storey rear extension is considered to have a detrimental impact on the amenities of No.48 Sketty Park Drive. The extensions are, therefore, contrary to Policies EV1 and HC7 of the City and County of Swansea and the Supplementary Planning Guidance document entitled 'A Design Guide for Householder Development'.

### **RECOMMENDATION**

#### **REFUSE, for the following reasons:**

- 1 The proposed part two storey part first floor front/side extension by virtue of its excessive size, siting and design would be out of keeping with the character and appearance of the existing dwelling and would unbalance the symmetry of the pair of semi-detached dwellings and as such would be detrimental to the visual amenities of the surrounding streetscene contrary to the provisions of Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan and the Design Guide for Householder Development.
- 2 The first floor window within the rear of the two storey extension by virtue of its siting within 10m of the rear boundary would create an unacceptable overlooking impact upon the neighbouring properties at No. 48 Sketty Park Drive, to the detriment of the privacy and residential amenity of the neighbouring residents contrary to Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan (2008) and the Council's Design Guide for Householder Development (2008)

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014**

ITEM 1 (CONT'D)

APPLICATION NO. 2014/0264

**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 and HC7

**PLANS**

4SPC/002 site location and block plan, 4SPC/001 existing plans, 4SPC/003 proposed plans dated 7th March 2014

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 2

APPLICATION NO.

2014/0005

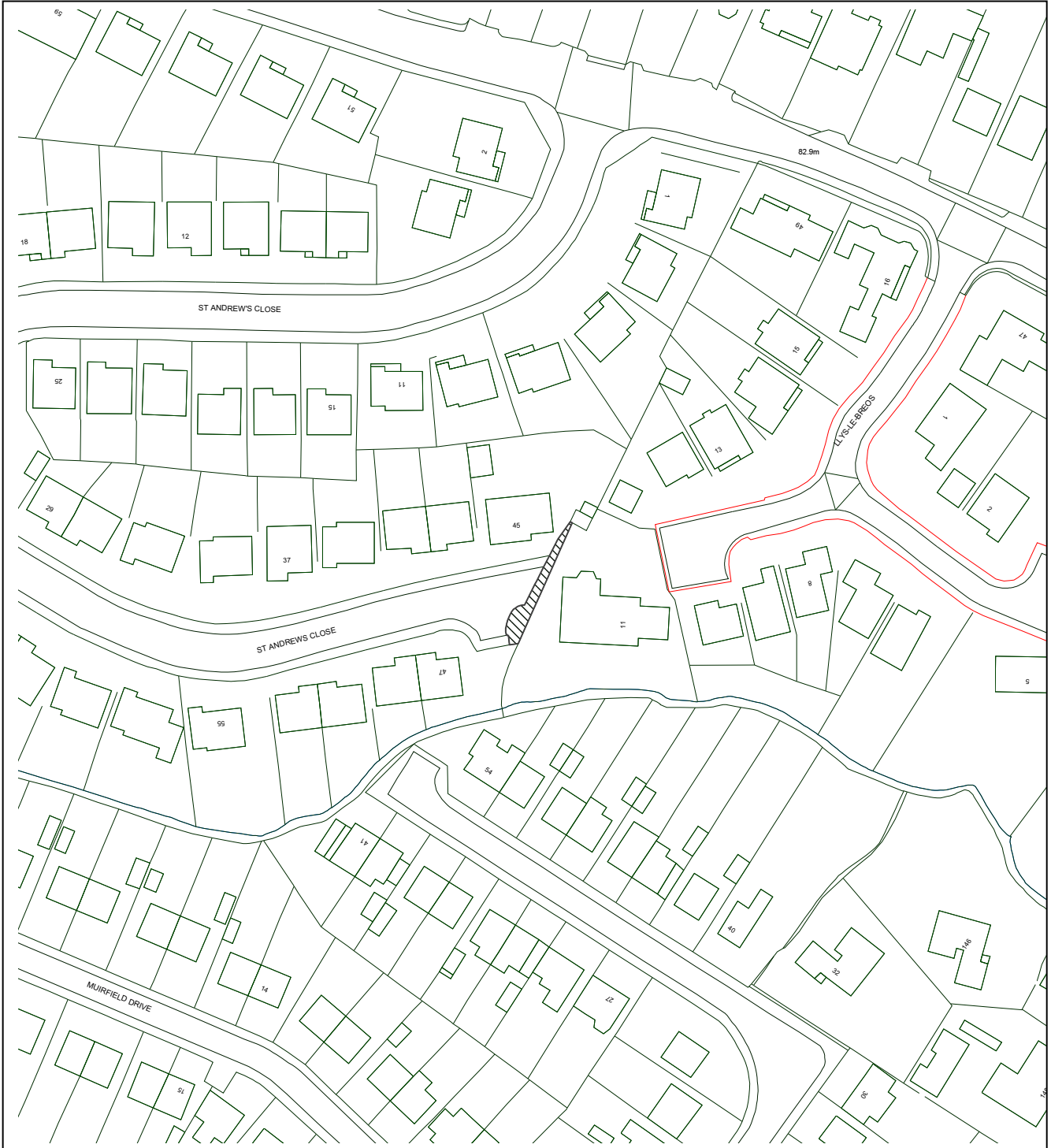
WARD:

Mayals  
Area 2

**Location:** Land to the rear of 11 Llys Le Breos, Mayals, Swansea, SA3 5DL

**Proposal:** Incorporation of land into residential curtilage

**Applicant:** Mr Bilal Al-Sarireh



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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 2 (CONT'D)

APPLICATION NO.

2014/0005

### 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 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>
2002/0591	Reduce canopy of 1 Oak covered by TPO No. 43 Decision: Grant Tree Pres Order Consent (C) Decision Date: 20/05/2002

#### RESPONSE TO CONSULTATIONS

Two neighbouring properties were consulted. SEVEN LETTERS OF OBJECTION have been received, which are summarised as follows:

1. We are the land owner and have not been sent a notice. We have been in negotiations to convey the land at no charge but the house holder does not wish to proceed as he does not want to pay our fees in this matter.
2. We are the owners of that particular parcel of land.
3. Beyond the wall there is a huge drop and any alteration to the wall will create serious health and safety issue and may also raise some security issues.
4. The diagram seems to be encroaching onto land in our side of the property and includes the land on 47 St Andrew's Close.
5. The land is not vacant land.
6. There are trees and plants occupying part of the strip.
7. The house prices in St Andrew's Close may be affected.
8. I believe there is a watercourse adjacent to the rear of the applicant's home.
9. I can see no reason why such a narrow area of land just to increase their garden.
10. I would be concerned for any digging work to be done on this site that would create any damage to foundations or roads.
11. The parcel of land between Llys Le Breos and Sunningdale Avenue up to the river is my land and is not vacant. It is maintained and contains a number of mature oak trees.

**Mumbles Community Council** – Objects as follows:

1. There is a clear defined boundary between St Andrews Close and Llys Le Breos. The parcel of land has always been on Liberty Properties development of St Andrews Close.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 2 (CONT'D)

APPLICATION NO.

2014/0005

**Highways Observations** - The land indicated for inclusion is situated at the end of St. Andrew's Close which is an adopted highway. The adoption includes the kerb line fronting the land in question but records indicate that the land itself is not maintainable highway. Should the applicant intend erecting any boundary wall or fence, this would need to be sited so as not to interfere with the kerb and its supporting structure and therefore boundaries would need to be 450mm from the kerb face. Also, the applicant will need to be satisfied that there are no statutory undertaker apparatus in the land to be enclosed. I recommend no highway objection subject to any wall or fence to be erected, being sited 450mm from the kerb face of St. Andrew's Close.

Note: The applicant needs to be satisfied that no statutory undertaker's apparatus is sited within the land to be enclosed.

### APPRAISAL

This application is reported to Committee for decision and a Site Visit has been requested by Councillor Lynda to assess the concerns of local residents.

Full planning permission is sought for the incorporation of a section of land at the top of the cul de sac at St. Andrew's Close in Mayals into the residential curtilage of No.11 Llys Le Breos. No.11 Llys Le Breos is a detached dwelling which lies to the east of St. Andrew's Close and whose boundary adjoins the turning head of the cul de sac. The parcel of land measures approximately 27m in width and between 1m and 4m in depth. The land forms a small landscaped area at the top of the turning head of St. Andrew's Close.

The main issues to be considered is the impact of the proposal on the visual and residential amenity of the area the character and appearance of the Gower AONB and highway safety, having regard to the requirements of Policies EV1 and EV26 of the City and County of Swansea's Unitary Development Plan 2008. Policy EV1 requires developments to comply with good design criteria, be appropriate to its local context, integrate effectively with the adjacent spaces and not result in detrimental impact upon local amenity. Policy EV26 also states that within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty.

The applicant has advised that the land would be incorporated into their garden in order for the existing unsafe concrete fence to be removed and for a new means of enclosure to be installed, which will also enclose the parcel of land the subject of this application. The applicant's have advised that the new means of enclosure would not exceed 1m at the point fronting the highway, however, for the avoidance of doubt, a condition requiring the approval of details of the new means of enclosure prior to the commencement of works is recommended.

Whilst the section of land is small and would not appear to result in any particular significant gain of curtilage for the occupiers of No. 11 Llys Le Breos, it is not considered that the use of the land as part of their garden area would unduly impact upon the visual amenity of St Andrew's Close or the surrounding Gower AONB nor the residential amenities of the occupiers of nos. 45 and 47 St. Andrew's Close in particular.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 2 (CONT'D)

APPLICATION NO. 2014/0005

The issue of land ownership that the occupiers of these properties have raised is acknowledged, but the applicant's have served notice on all parties who claim to be the owner of the land. Notwithstanding this, land ownership is a private matter between the parties involved and is not a reason to refuse planning permission.

The objection raised over the potential use of the land has been addressed above in the main body of the report. The issue of safety is however addressed by other legislation and the issue of loss of property value is not a material planning consideration. Several letters raise concerns about a parcel of land that abuts Sunningdale Avenue but this area does not form part of this application.

In conclusion and having regard to all material considerations, including the Human Rights Act, on balance, the use of the parcel of land as residential curtilage is an acceptable form of development at this location that would not unduly impact upon the visual or residential amenities of the area nor highway safety. The proposal is therefore considered to comply with the requirements of Policies EV1 and EV26 of the City and County of Swansea's Unitary Development Plan 2008 and approval is recommended.

### RECOMMENDATION

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
  
- 2 Details of any means of enclosure, which shall be sited at least 450mm from the kerb face of St Andrew's Close, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The means of enclosure shall thereafter be maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interest of visual amenity and 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, EV26
  
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

### PLANS

Site location plan, block plan dated 3rd January 2014

AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 3

APPLICATION NO.

2014/0379

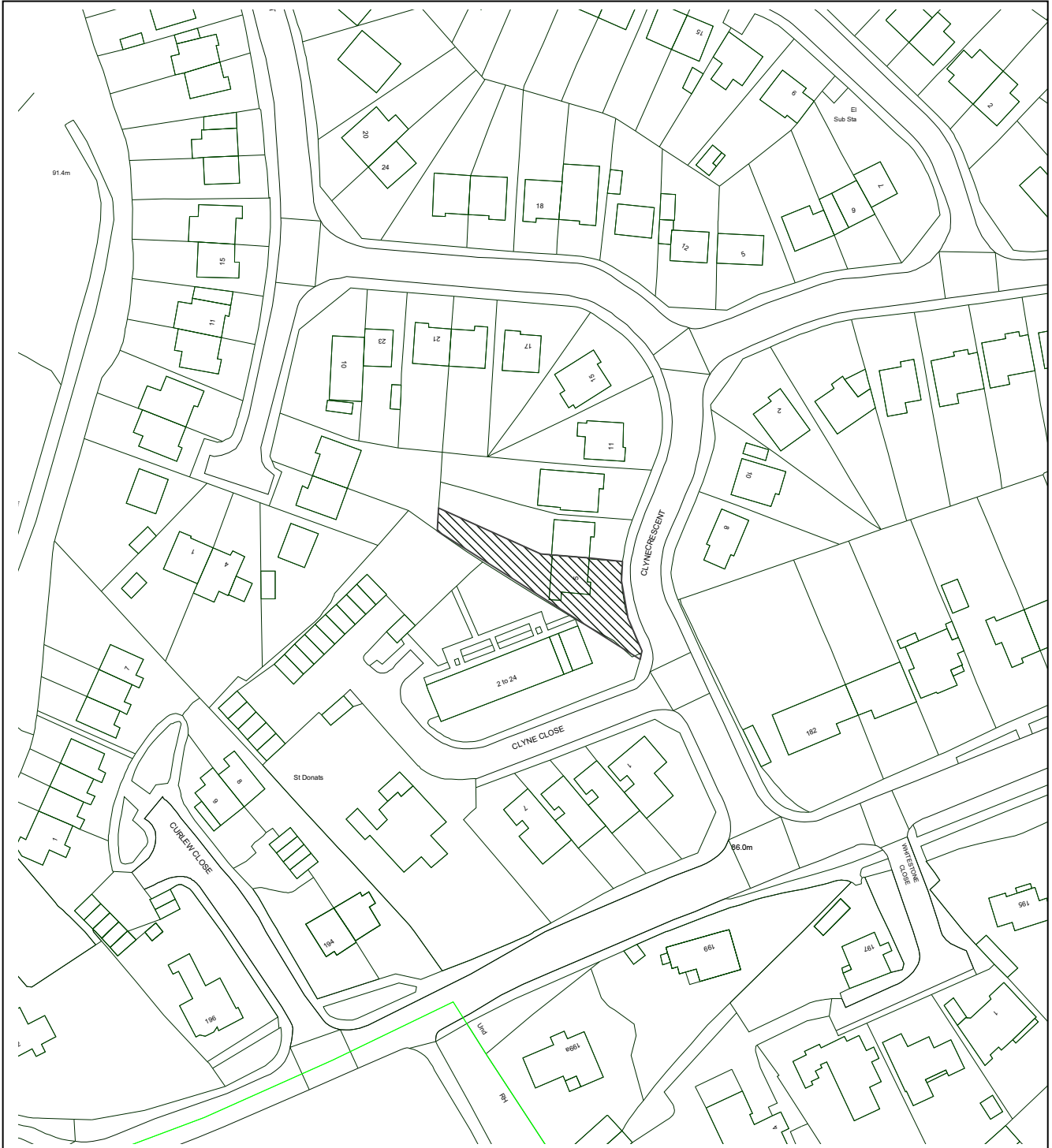
WARD:

Mayals  
Area 2

**Location:** 5 Clyne Crescent, Mayals, Swansea, SA3 5HN

**Proposal:** Retention of front wall and fencing to a maximum height of 2m

**Applicant:** Mr Jumin Lin



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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 3 (CONT'D)

APPLICATION NO. 2014/0379

### 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 HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, effect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)
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

None

#### RESPONSE TO CONSULTATIONS

The neighbouring occupants at No. 7 Clyne Crescent, No. 8 Wentworth Crescent and Nos. 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Grove House, Clyne Court were sent letters of consultation on 18<sup>th</sup> March 2014. EIGHT LETTERS OF OBJECTION have been received which are summarised below:

- The view of the road is blocked for neighbours
- The wall is unsightly and out of keeping with the area
- The wall is too high, too bright and unsightly
- The wood pieces will be a danger to passing pedestrians when it becomes rotten
- It is believed that the occupants at No.5 are hoping to change the garage into student accommodation
- It should be reduced to the level of neighbouring walls
- It is believed that the occupants at No.5 want to cut down the hedge to the rear between themselves and Grove House
- The development has changed the appearance of the area and is an eyesore
- Highway safety is compromised
- House values will go down
- There was disruption whilst the development was taking place

**Mumbles Community Council** – Object for the following reasons:

- Visual impact to surrounding houses
- Out of keeping with the houses in the area
- Enforcement should order the household to re-instate the previous brickwall

ITEM 3 (CONT'D)

APPLICATION NO. 2014/0379

### Highways Observations

The Head of Transportation and Engineering was consulted on 18<sup>th</sup> March 2014 and responded with the following comments:

The access alterations are acceptable in safety terms but will require the adjustment of the vehicular footway crossing. The access itself is quite wide and as the site is located on a slight bend, visibility is acceptable with the boundary wall being located at the back of the footway. I am satisfied that safety is not unduly compromised by the alterations

No highway objection subject to the construction of a vehicular crossing to Highway Authority Specification.

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

### APPRAISAL

This application is reported to Committee for decision and a site visit has been requested by Councillor Linda Tyler-Lloyd to assess the visual amenities in the locality.

Full planning permission is sought for the retention of a front wall and fencing to a maximum height of 2m. The application site comprises a semi-detached dwelling along Clyne Crescent which is situated in the local ward of Mayals. The site benefits from off road parking and a long rear garden plot.

The primary issues in the consideration of this application relate to the impact of the proposed development on visual and residential amenities and highway safety with respect to Policies EV1, EV26 and HC7 of the City and County of Swansea Unitary Development Plan (UDP) 2008. The application is also considered with regard to the Council's Supplementary Planning Guidance documents entitled 'A Design Guide for Householder Development' and the 'Gower AONB Design Guide'. There are no overriding issues with regard to the Human Rights Act.

The application property is situated on a corner plot location along Clyne Crescent; the front wall with fencing is therefore highly visible from public vantage points. The boundary treatments along Clyne Crescent are characterised by low walls, the majority of which do not rise above approximately 1 metre in height. The front wall with fencing above is considered to have a detrimental impact on the character and appearance of the streetscene.

The wall with fencing above due to its height and appearance is considered to be unacceptable especially given that this form of development does not form the prevailing character of the area. As such it does not comply with the provisions of the Design Guide for Householder Development which states that front boundary treatments should match the height, materials and type of properties on either side. The front wall with fencing above at No. 5 Clyne Crescent fails to respect the character and appearance of the street scene and the Area of Outstanding Natural Beauty within which it is situated.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 3 (CONT'D)

APPLICATION NO. 2014/0379

The development is therefore considered to be unacceptable at this location and is contrary to Policies EV1, EV26 and HC7 of the Unitary Development Plan, the Design Guide for Householder Development and the Gower AONB Design Guide.

The application is such that it is not considered that it has an impact on residential amenity by virtue of any overbearing or overshadowing impact.

With regard to Highway Safety, no highway objections have been raised.

With regard to the objections received, issues relating to the design and highway safety have been assessed in the report above. Issues relating to the conversion of the garage, the rear hedge, disruption and house prices are not material to the consideration of this application.

In conclusion it is considered that the retention of the existing 2 metre front wall with fencing above represents an unacceptable form of development by virtue of its impact on the appearance and character of the street scene, the surrounding area and the AONB within which it is situated. Therefore the retention of the front wall with fencing above is contrary to Policies EV1, EV26 and HC7 of the City and County of Swansea Unitary Development Plan 2008 and the SPG Design Guide for Householder Development and the Gower AONB Design Guide.

### RECOMMENDATION

#### REFUSE, for the following reason:

- 1 The front wall with fencing above by virtue of its siting, height and design is considered to be out of keeping with the character and appearance of existing boundary treatments in this area and is therefore detrimental to the character and appearance of the streetscene and the AONB, contrary to Policies EV1, EV26 and HC7 of the Unitary Development Plan 2008 and the Supplementary Planning Guidance documents 'A Design Guide for Householder Development' and the 'Gower AONB Design Guide'.

### 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, EV26 and HC7

### PLANS

Site location plan, existing block plan, proposed block plan, existing front elevation, proposed front elevation, front fence and wall section dated 12th March 2014

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 4

APPLICATION NO. 2014/0224

WARD: Fairwood  
Area 2

**Location:** Blackhills Nursery, Blackhills Lane, Fairwood, Swansea, SA2 7JN

**Proposal:** Construction of ten holiday units and use of existing building as ancillary reception

**Applicant:** Salix Ltd



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**BACKGROUND INFORMATION**

**POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EC17	Proposals for tourism and recreation developments of an appropriate scale in locations which relate acceptably to the existing pattern of development and/or their surroundings in terms of the nature of the proposal concerned will be permitted provided they comply with a specified list of criteria including standard of design, effect on landscape and nature conservation, effect of visitor pressure on sensitive locations, provide acceptable and safe access, would not cause a loss of best agricultural land. (City & County of Swansea Unitary Development Plan 2008)
Policy EC20	Development of new chalet, static caravan or touring unit sites shall only be permitted where it conforms to a specific list of criteria including not having materially adverse effect on the natural beauty of the AONB, heritage coast or other designated area; not causing material harm to the landscape character and environmental quality of the area, having satisfactory service arrangements including access roads and utilities; and being well located in relation to highways and public transport; and if within the AONB it is demonstrated that the development contributes towards meeting and identified need. (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 EV20	In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)
Policy EV21	In the countryside non-residential development will only be permitted where it can be demonstrated that it is beneficial for the rural economy, or it meets overriding social or economic local needs, or it is appropriate development associated with farm diversification, sustainable tourism or nature conservation, or it provides an acceptable economic use for brown field land or existing buildings, or it is essential for communications, other utility services, minerals or renewable energy generation. (City & County of Swansea Unitary Development Plan 2008)
Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 4 (CONT'D) APPLICATION NO. 2014/0224

- 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)
- 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).

### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
98/0547	ERECTION OF AN AGRICULTURAL STORE SHED Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 02/06/1998
2005/2409	Horticultural store and detached shop/office Decision: Grant Permission Conditional Decision Date: 20/03/2006
2006/2363	Variation of condition 2 of planning permission 2005/2409 granted on 20th March 2006 to extend the range of goods sold Decision: Grant Permission Conditional Decision Date: 14/02/2007
2004/0451	Construction of a manager's dwelling (outline) Decision: Withdrawn Decision Date: 15/07/2005
2010/0998	Retention of existing building with external decked area and use as a cafe (Class A3), new single storey rear extension and retention of detached wildlife kiosk building Decision: Grant Permission Conditional Decision Date: 18/11/2010
2002/1749	Construction of a manager's dwelling (Outline) Decision: Refuse Decision Date: 15/07/2003
92/0730	ERECTION OF POLYTHENE TUNNELS AND STORE SHED FOR AGRICULTURAL USAGE. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 11/08/1992

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 4 (CONT'D)	APPLICATION NO.	2014/0224
93/0882	ERECTION OF POLYTHENE TUNNEL FOR AGRICULTURAL USE Decision: *HGPCTV - GRANT PERMISSION COND. (TV) Decision Date: 14/09/1993	
93/1496	ERECTION OF GLASSHOUSE FOR AGRICULTURAL USE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 08/02/1994	
94/0470	ERECTION OF 2 NO. POLYTHENE TUNNELS FOR AGRICULTURAL USAGE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 03/06/1994	
94/0788	ERECTION OF 1 NO POLYTHENE TUNNEL FOR AGRICULTURAL USE Decision: *HGPCTV - GRANT PERMISSION COND. (TV) Decision Date: 02/08/1994	
95/0957	RENEWAL OF TEMPORARY PERMISSION FOR FOUR POLYTHENE TUNNELS FOR AGRICULTURAL USE Decision: *HGPC - GRANT PERMISSION COND. (T) Decision Date: 29/09/1995	
95/1227	ERECTION OF 2 NO GLASSHOUSES FOR AGRICULTURAL USAGE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 01/12/1995	
96/4289/S	ERECTION OF STORE SHED FOR AGRICULTURAL USAGE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 09/05/1997	
98/0547	ERECTION OF AN AGRICULTURAL STORE SHED Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 02/06/1998	

### RESPONSE TO CONSULTATIONS

The application was advertised on site and in the press as a Departure from the Unitary Development Plan 2008 and two individual properties were consulted. ONE LETTER OF OBJECTION has been received, which is summarised as follows:

1. It is distastefully out of character with the area which was part of a farm and I open countryside.
2. IT will spoil our view and the beauty of the area which is a green belt not an urban area.
3. I disagree with the traffic on Blackhills Lane.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0224

4. There is a stream at the bottom of Blackhills Lane and if any sewage got into the stream, this should not be allowed.

### **The Gower Society – Comments as follows:**

1. There have been a number of applications for this site in recent years and this latest poses significant questions as to what is going on? We note that the application infers that financial reasons are the reason why the nursery side of the business is closing and yet we are presented with a development that may be costing in order of £1 million.
2. 10 chalets may justify an office but this is a small part of the whole application. The original cafe was obtained 'on the back' of the nursery and for all that we know both may have benefited from significant grants. This surely needs investigation?
3. As far as the UDP is concerned it would appear that such a development may satisfy the required criteria. It may not impact on the landscape although the traffic generated may be greater with both cafe and chalets combined.
4. Bearing in mind that we have just seen applications 2014/ 0121 to 0128 to allow full time occupancy of the chalets at The Langrove (just down the road to this site) it is important that you consider the overall implication on the tourism market. If allowed it is absolutely essential that full and careful control is maintained to ensure tourism occupancy at all times of the year. The selling off of these chalets to be used as second homes or full time homes must never be an option. Can this be guaranteed?
5. The existing Blackhills static caravan site near by across is large but unobtrusive. A development over the road on this site extends the 'envelope' of tourism further into the open countryside.

Please take our comments into account when considering the planning implications of this application. We have not objected but we do have grave concerns about the implications

### **Council's Ecologist – Comments as follows:**

The ecological survey carried out on the site indicated that there are reptiles and amphibians present, these are protected by law. The developers have submitted an Amphibian and Reptile Mitigation Method Statement. Please could we add a condition to any permission we give requiring the developers to follow this plan. The hedges surrounding the site will be used for foraging and commuting bats any external lighting should be designed to avoid light spill on to these areas. Please include the informatives below:

#### **BATS**

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 e.g. live or dead animals or droppings, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0224

### **BIRDS**

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

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

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

**Commons Registration** - The area shaded on the plan accompanying this search request forms part of common land register unit CL 15.

**Natural Resources Wales** - Natural Resources Wales does not object to the application, providing appropriately worded conditions are attached to any planning permission you are minded to grant.

**Highways Observations** - The development of 10 holiday units on the site is unlikely to result in a level of traffic movement that is significantly different than that which was associated with the garden centre use. The pattern of movements would differ slightly however access along Blackhills, whilst rural in nature, is predominantly of double width allowing two vehicles to pass.

On balance I would recommend that no highway objections are raised.

### **APPLICANT'S SUPPORTING STATEMENT is summarised as below:**

The site covers just over 1ha and consists of two areas. The first element is a wildflower and aquatic nursery that contains a range of polytunnels, glasshouses outbuildings and growing area. This part of the site was used to grow a range of flower abs plants to supply to local business and the café ad. However, for financial reasons this use has now ceased and this element of the site being redundant.

The remainder of the site consists of a café and shop building, an area for the sale of plants grown on the nursery and a car parking area.

The application site is set within a landscape dominated by a mix of agricultural enclosures, pockets of woodland and other tourism related land uses at the edge of the AONB. Fairwood Golf Club is located to the north, north east and north west of the site. Tourism accommodation consisting of statics or touring caravans with associated service buildings is located to the west of the application site.

Highways were consulted at pre-application where they stated that there was no objection in principle. The LPA stated in the pre-application discussion that the scheme would have to show compliance with Policy EC20 (e) regarding unmet need. A following submitted scheme for 13 two storey units was rejected. The scheme was reviewed and resulted in the units being reduced to 10 single storey units which would achieve Level 4 under the Code for Sustainable Homes.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0224

John Francis undertook an assessment of the demand and supply of tourism accommodation in the AONB. The LPA advised they were happy with the number, density and design of the proposed units and were considered to be high quality. The report however was considered to demonstrate a demand for the proposal but not necessarily need. It was agreed that further assessment and investigation would be undertaken to establish the current accommodation on offer in the AONB to identify what shortfalls in supply were present.

The connection with the local economy was discussed and it was outlined to the LPA the existing shop would widen its local produce offer available for purchase by customers and visitors alike which in turn would generate employment.

A further audit was therefore undertaken by John Francis in association with other specialist tourism accommodation agents in the Gower AONB and submitted for consideration and comment. The LPA responded that the information supplied still showed “want” rather than “need” and advised it would not provide support for the scheme. However, the Authority’s development control or policy teams have been able to provide any definition of what is considered to constitute need.

In summary, the principle of the proposal is to deliver a development that will provide both direct and indirect benefits to the local economy. It sees to do so this by redeveloping a brownfield site for 10 high quality tourism accommodation and the build on the role played by the existing building to the local economy through its use as a reception building and hub for the new tourism accommodation and provide additional employment opportunities and a more viable outlet for local suppliers.

The proposal is aimed at meeting an unmet need in the local tourism accommodation market. It has unequivocally been identified that there is a clear demand and need for the proposed form of development.

The proposal has been given full consideration of the application’s site location within the Gower AONB and represents a wholly sustainable and sensitive option that incorporates the site’s own environmental attributes and retains its setting in the wider landscape context. The development therefore adheres to all aspects of both national and local planning policy.

### **APPRAISAL**

This application is reported to Committee for decision and a Site Visit requested by Councillor Paxton Hood Williams in order to fully assess the principle of a new holiday chalet scheme at this location.

Full planning permission is sought for the construction of ten holiday units in total – 7 x 2 bedroomed and 3 x 3 bedroomed, together with the use of the existing wildflower centre building as an ancillary reception at Blackhills Nurseries, Blackhills Lane, Fairwood. The whole site measures approximately 114m in depth by 92m in width. The access from Blackhills Lane would remain as existing in the north western corner of the site.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0224

The 2 bedroomed units would measure approximately 11.8m x 6.4m with an eaves height of 2.3m and an overall gable roof height of 5.2m. The three bedroomed units would measure 13.4m x 6.4m with the eaves and ridge height the same as the 2 bedroomed units. The external finishes would consist of natural slate roofs, painted weather board external walls and powder coated aluminium windows. The units would be sited together in an area which would take up approximately  $\frac{3}{4}$  of the north west and south of the site with the north east of the site being retained as the existing car park, play area and the existing café building. The nearest unit to the north would be set back approximately 41m from the boundary with Blackhills Lane, the furthest unit to the west and east would each be approximately 10m from the boundaries of the site and the most southern unit would be within 5m of this boundary.

The main issue to be considered with regards to this application is the principle of new build holiday accommodation at this location having regard to the provisions of Policies EV1, EV2, EV21, EV22, EV26, EC17, EC20 and EV20 of the City and County of Swansea's Unitary Development Plan 2008 and The Gower Design Guide.

Policies EV1 & EV2 relate to design and siting respectively. They outline good standards of design and siting that need to be met by new development. Such standards include 'be appropriate to its local context', 'not result in significant detrimental impact on local amenity', 'effectively integrating with the landscape'.

Policy EV22 relates to countryside protection and requires the countryside to be protected for the sake of (amongst other considerations) its 'natural heritage'. The definition of which includes 'natural beauty and amenity' and covers the landscape's 'capacity to sustain economic activity'.

Policy EV26 relates to the AONB where the primary objective is the conservation of the area's natural beauty. This policy requires new development to be 'of an appropriately high standard of design'.

Policy EC20 deals specifically with the creation of new chalet, static caravan, touring unit and camping sites. It outlines six criteria which must be met in order for a new site to be permitted.

Criteria (i) and (ii) relate to the protection of designated areas, landscape character and environmental quality. Criterion (iii) relates to satisfactory service arrangements which have been affirmed by the applicant. Criterion (iv) relates to transport. Criterion (v) relates to holiday occupancy conditions and is particularly important to ensure that the chalets are rented out for holiday use rather than used as second homes, which would not generally benefit the rural economy. Criterion (vi) requires that the site contributes towards an identified 'unmet need' for this type of tourism development.

The Gower Design Guide states that proposal for tourism and recreation developments are limited to a scale that is appropriate to their location and should not have any adverse impact.

The Council's Policy Officer has clarified the Policy position with regards to this particular proposal. It is considered that if the structures are movable then they could be considered under Policy EC20 as this policy groups caravan and chalet parks together.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0224

The intention of this policy is to address structures as defined under the Caravan Site and Control of Development Act 1960 as supplemented by the Caravan Sites Act 1968, sec.13. The 1960 Act, sec. 29 states that a "caravan "means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any other motor vehicle so designed or adapted, but does not include a) any railway rolling stock which is for the time being on rails forming part of a railway system, on b) any tent.

Section 13 of the Caravan Sites Act 1968 under the heading "Twin-unit caravans" states that twin-units are composed of not more than two sections, constructed or designed to be assembled on site by means of bolts, clamps or other devices, and should not exceed 60 feet in length, 20 feet in width and 10 feet in height overall. They shall not be treated as not being a caravan as defined in the 1960 Act by reason only that they cannot lawfully be so moved on a highway when assembled. If this is the case the development could be regarded as a chalet park and Policy EC20 would apply.

However, if the buildings are permanent structures they cannot be considered as caravans under the 1960 Act (as amended) and subsequently not as a chalet park as referred to in Policy EC20. Such development would be regarded as unserviced tourist accommodation. Policy EC19 relates to unserviced tourist accommodation but only considers the conversion of rural buildings. Ultimately if the application consists of permanent buildings it should be assessed against the criterion of Policies EC17 and EV21. The submitted sections indicate that the buildings would be permanent and not moveable structures. Policy EC20 is not therefore considered to apply.

Policy EC17 states that proposals for tourism and recreation developments should be of an appropriate scale in locations which relate acceptably to the existing pattern of development and/or their surroundings in terms of the nature of the proposal concerned will be permitted provided they are in keeping with the scale and character of the surrounding area and are of a high standard of design, do not have significant adverse effects on landscape or nature conservation interests, do not create a significantly harmful level of visitor pressure at sensitive locations, can provide safe access for a variety of modes of transport without harming the character of adjacent lanes and when located on a farm would not lead to the loss of the best and most versatile agricultural land.

Policy EV21 states that "in the countryside non residential development will only be permitted where it can be demonstrated that it is beneficial for the rural economy or rural employment, meets the overriding social or economic needs of the local community, is an appropriate development associated with farm diversification, sustainable tourism and recreation or nature conservation and does not adversely affect the viability of an established farm unit. It also should provide an acceptable economic use for previously developed land or existing building(s) in accordance with Policy EC12 or is essential for communications, telecommunications and other forms of utility service provision, minerals or renewable energy generation.

Proposals for would need to demonstrate, where relevant, that the development needs to be located in the countryside rather than in a nearby settlement, the business is viable and financially sustainable, and the proposal is in accord with conservation and design policies of the Plan".

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0224

This proposal is for new development in a countryside location within the AONB. For such a sensitive location development plan policy, as indicated above, clearly demands a high standard of design that integrates well with the surrounding highly valued landscape. Although the applicant has attempted to provide a high quality of development in terms of materials, and design, it is not considered that the required high standard of design has been achieved in this proposal. The layout and building design is reminiscent of an urban residential development and the resulting development would appear as an unwelcome housing development within the AONB, albeit it is acknowledged that the proposed use itself would be for holiday purposes. To this end the proposal would appear as an incongruous and discordant feature within the Gower AONB.

Furthermore, it has not been made fully clear within the supporting information if it is the intention of this proposal for the chalets to be sold individually and potentially used as second/holiday homes for private rental purposes or as an all encompassing single chalet site run by one site owner. If the former is the case, then different policies would apply. In this case the chalets would be considered as private residential dwellings used as second homes and assessed against Policy EV20 which states that in the open countryside new dwellings will only be permitted where:

- i. The dwelling is required to accommodate a fulltime worker solely or primarily employed in agriculture, forestry or an appropriate use to serve the rural economy who needs to live on the premises rather than a nearby settlement, and
- ii. There is no alternative existing dwelling available in nearby settlements and there are no existing buildings on the farm or forestry unit suitable for conversion to residential use, and
- iii. The proposed dwelling is located as close as possible to the existing farm buildings, forestry complex or place of work.

The agent purports in his supporting statement that the applicant is willing to accept occupancy restricted conditions if planning permission is granted which restrict the use to holiday accommodation only and to the units not being occupied as a person's sole or main place of residence. However, the agent also suggests the use of a condition that states that a register shall be kept of all owners/occupiers of all individual tourism units on the site and their main home addresses and this information shall be made available at all times to the Local Planning Authority. This would suggest that each unit would be sold as a separate unit and that the proposal is actually for ten individual built and owned holiday chalets and not as a singular holiday chalet site open to the general public. In view of this, as the proposal is not for local needs housing or rural enterprise dwellings it would not be supported by development plan policy EV20. In addition, therefore, the scheme would also neither comply with the criterion specified in Policies EC17 or EV21.

In addition, in view of the demise of the previous business, consideration should be given to the need to demonstrate that this business proposal is viable and financially sustainable as indicated in Policy EV21. No supporting information on this pertinent issue has been submitted for consideration.

The information submitted by the applicant to show an unmet need is not considered sufficient. As a report by a local estate agent it assesses the market demand for the purchase of the proposed chalets.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 4 (CONT'D)

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This information would be considered irrelevant to this application if it is for the rental of chalets for holiday use and not for sale as second homes. Unmet need could be demonstrated through a business plan which should include an analysis of the tourism business of the area to show that there is a need for the proposed development and indicate why this location is particularly suited to the proposed tourism use. No such information appears to have been submitted with this application. However, as it is considered that the scheme fails to be considered under Policy EC20 then this unmet need criteria is not considered relevant.

Turning finally to residential amenity, the nearest unit would lie approximately 75m from the nearest property, Elmsmere Court, to the north and approximately 160m to Pwll Y Froga to the east. There would be no undue impact therefore in terms of loss of privacy or overbearing physical impact. It is recognised however, that the siting of 10 holiday units in this location will increase the levels of ambient noise and disturbance for the occupiers of these properties which would be significantly over and above currently experienced by the use of the site as a nursery and café only. However, as Elmsmere Court is used as a dog kennelling site, any noise and disturbance experienced from outside their property would not be as significant if the dwelling were only in residential use. The property is also occupied by the owners of the kennels. The nearest property to the east at Pwll Y Froga is also considered to be far enough away from the site to not experience significant harm from the redevelopment of the site in terms of noise and disturbance.

With regard to the comments raised concerning sewage, the applicant has suggested the use of septic tanks. Natural Resources Wales has raised no objection to their use following receipt of information pertaining to the same. The other concerns raised have been addressed above in the main body of the report.

In conclusion, and having regard to all material considerations, the proposal is considered to constitute a departure to the Development Plan and an unjustified form of development at this location within the open countryside which would have a seriously detrimental effect on the character, appearance and natural beauty of this part of the Gower AONB. It is considered that there are no material considerations which would outweigh the provisions of the Development Plan and that approval of this application could establish an undesirable precedent for the consideration of applications of a similar nature the cumulative effect of which would be a serious erosion in the character, appearance and natural beauty of the Gower AONB. The proposal therefore fails to comply with the provisions of Policies EV1, EV2, EC20, EV21, EC17, EV22, EV26 and EV20 of the City and County of Swansea's Unitary Development Plan 2008 and The Gower Design Guide. Refusal is therefore recommended.

### **RECOMMENDATION:**

#### **REFUSE, for the following reasons:**

- 1 The proposal represents an unjustified and visually intrusive form of development within the open countryside which would have a seriously detrimental effect on the generally undeveloped character and appearance of the open countryside and detract from the natural beauty of this part of the Gower AONB. The development is therefore not considered to comply with the requirements of Policies EV1, EV2, EV21, EV22, EV26, EV20, EC17 and EC20 of the City and County of Swansea's Unitary Development Plan 2008 and The Gower Design Guide.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0224

- 2 The proposal if approved would create an undesirable precedent for proposals of a similar nature, the cumulative impact of which would be seriously detrimental to the visual amenities of the area and the character and appearance of the Gower AONB and prejudice the Council's overall planning policies which seek to resist inappropriate development in the countryside.

### 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, EV21, EV22, EV26, EV20, EC17, EC20

### PLANS

CW349/06 Rev H site location plan, CW349/03 Rev G proposed site layout plan, CW349/03 Rev H proposed site layout plan, CW349/02-A Rev C unit type A proposed layout and elevations, CW349/01 Rev C Unit type C proposed layout plans and elevations, CW349/02-B Rev C Unit type B proposed layout plans and elevations, 270.01 planting plan, CW349/04-A digital image A, CW349/04-B digital image B, CW349/04-C digital image C, tree survey plan dated 11th February, 2014

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 5

APPLICATION NO.

2013/1745

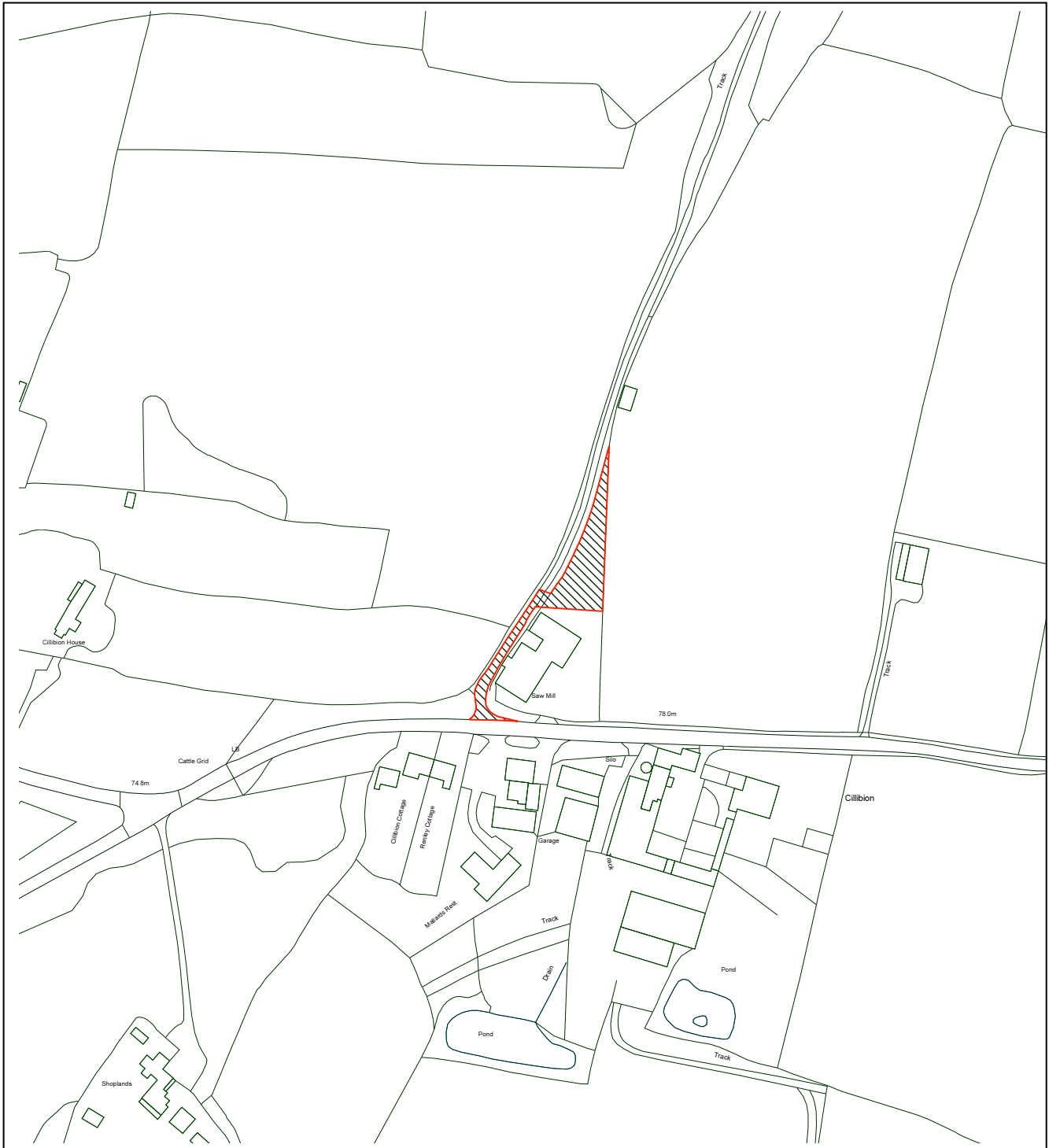
WARD:

Gower  
Area 2

**Location:** Cilibion Saw Mills, Cilibion, Swansea, SA3 1EB

**Proposal:** Detached dwelling in association with sawmill (outline)

**Applicant:** Mr Adam Cowley



NOT TO SCALE

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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 5 (CONT'D)

APPLICATION NO. 2013/1745

### 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 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)
Policy EV20	In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
80/0873/01	ERECTION OF A DWELLING Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 28/08/1980
84/1112/03	ERECTION OF A THREE BEDROOM HOUSE. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 31/01/1985

#### RESPONSE TO CONSULTATIONS

The application was advertised on site. No response.

**The Gower Society** - have the following comments to make:

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 5 (CONT'D)

APPLICATION NO. 2013/1745

6. The sawmill itself appears to be a viable and indigenous rural business.
7. We recognise the need to sustain rural initiatives and jobs within the AONB.
8. If this dwelling were permitted what guarantee is there that the saw mill business would continue to be viable and that the house would not be sold directly after completion?
9. If the business were discontinued the site could be presumably declared a brown field site and a house applied for in its place?
10. We are conscious of your refusal for a domestic static caravan in this location i.e. 2013/0224.
11. Any claim of thefts should be supported by police reports.
12. If permitted it should be associated with a Section 106 Agreement.

We ask that you take the above points into account when arriving at your decision and if allowed a clause be added that ties the house to a rural activity.

**Dwr Cymru /Welsh Water** – No Objection

**Highways** - Access to the site is acceptable for the likely level of use that this one dwelling will generate. The indicated site layout is acceptable with parking for three cars and room to turn within the site. I recommend that no highway objections are raised.

**Report of Mr R Anstis** (Chartered Surveyor) on Behalf of Swansea City & County Council – concludes that the tests are not passed.

### **Supporting Statement. – Rural Enterprise Dwelling Appraisal**

As you are aware, the planning system has a key role to play in supporting the delivery of Sustainable rural communities. It can help to ensure, as in this application, that appropriate development takes place in the right place at the right time by making sufficient land available to provide homes and employment opportunities for local people helping to sustain rural services. Happily the land is available to the rear of the timber yard and Adam Cowley, the applicant, is certainly helping to sustain a rural service which his father previously maintained and has, with his father, maintained the user. It is one of the oldest traditional family businesses still left in Gower, providing a service to the community since the end of the First World War. (Please see enclosed copy letter from Mrs. Austin dated 19th September.)

The applicant meets the goal of the planning system which is to support living and working rural communities in order that they are economically, socially and environmentally sustainable. Mr. Adam Cowley meets all three requirements.

A key requirement is whether the proposed developer enhances sustainability and can generate wealth to support local services and, in particular, the LP A should encourage people to work and live in the same locality, which Mr. Cowley now does, and will in a much better and modern building if the consent required is granted.

New dwellings on established rural enterprises should only be allowed if they meet the Criterion of 4.4.1 Tan 6 dealing with each requirement.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 5 (CONT'D)

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4.8.1 A) there is a clearly established functional need. The business is currently run and has been for many years, by Mr. David Cowley (Father) and Adam, the applicant (son).

Mr. David Cowley, due to his health problems of severe arthritis and joint problems, is no longer able to do heavy work essential when handling timber (a letter from his doctor can be forwarded if necessary, explaining this fact). It is therefore essential to the continuation of the business that the applicant, Mr. Adam Cowley, lives and continues to work at the premises. On his father's enforced retirement he will take on another employee to substitute for his father and, if the business continues to expand, will take on a further employee, thereby creating new and further employment at the site.

I would stress that his employment is not a 9.00 - 5.00 job but much longer hours are invariably worked, and due to the fact of the many break-ins at the premises (I enclose letter from Mr. Cowley to the Police Authority). The last break-in resulted in the intruders starting a fire which could well have destroyed the business. It is essential, therefore, that Mr. Adam Cowley resides at the rear of the premises. At present he lives in a dilapidated caravan which is far from ideal, and the proposed new house could bring to an end this unsatisfactory scenario. The house will be positioned so that he may maintain surveillance over the timber yard and buildings and deal with potential wrongdoers.

4.9.1 The Time Test has been dealt with under 4.8.1.

4.10 The Financial test.

Please find enclosed herewith a letter from Butterfield & Morgan Ltd., Chartered Accountants, which confirms the requirement of the Financial Test

4.11 Other Dwellings Test.

There are virtually no houses available on Gower that are financially in the price range of Mr. Adam Cowley. Housing on Gower is amongst the most expensive in Swansea and Wales. The Housing Department has none available and neither does the Housing Association.

Houses in the immediate locality (photo enclosed) are too expensive to be contemplated and the current housing development at Scurlage are in the region of £300,000 while those under construction at a closer site in the North Gower Hotel redevelopment are in excess of £400,000.

Mr. Cowley is only able to provide a new home for himself because he does not have to purchase the land on top of the cost of construction. Housing plots in Gower are in excess of £ 100,000.

4.12. With regard to this requirement, a detailed Design and Access Statement by the retained Architect, Mr. Adrian Philips who is also qualified as a Town Planner, is enclosed herewith and full details of the house to be constructed will be submitted as reserved matters when the outline consent has been granted.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 5 (CONT'D)

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I enclose several additional letters detailing the background and desirability of granting your required consent and if there are other matters or further details required, perhaps you would be kind enough to grant myself, Mr. Philips and Mr. Cowley the opportunity to meet with you at your office to resolve any issues, if any. However, I trust you now have all the information to make your decision.

I would add Mr. Cowley is perfectly willing to enter into a 106 Agreement with the Council as he did in April 1985 when a previous application was granted on the 25th April 1985, but which was not proceeded with at that time as he had to choose between buying his in-laws' farm at Bury Green or developing the house, and he did not have enough money to do both.

### **Response from the Agent to Mr Anstis' report on behalf of City and County of Swansea (received 23<sup>rd</sup> April 2014)**

Dealing with Mr. Anstis' report to you and your queries thereon, I will deal first with his report.

To start, the front page is inaccurate. My application was for "a new rural enterprise dwelling" - Mr. Anstis' report is concerned with an application to "CONVERT" an agricultural build to a rural enterprise worker's dwelling, a completely wrong and incorrect description.

2.2.1 Not significant, states Mr. Anstis.

2.2.2 The fact that the parents own a bungalow some 200 metres from Dunraven Farm is irrelevant and has nothing to do with this application, even though it proves how successful the business is in that they have bought their farm and worked the sawmill profitably for many years.

2.3.1 There is a caravan on site, not a structure.

2.5.1 This caravan, not structure as referred to by Mr. Anstis, has been in the same position since 2006, but Mr. Anstis fails to state caravans have been occupied on this site since 1967 and three caravans have been used on the same site since 2001. The third caravan, due to age, was replaced in 2006. Adam has occupied the last two caravans since the summer of 2000 (see letter forwarded to Mrs. Kelly, 5th June 2013). Mr. Anstis' statement needs updating and it is incorrect of him to state two months.

2.5.2 Mr. Anstis is repeating himself and the reference to his brother's bungalow is completely irrelevant.

2.5.3 Irrelevant.

2.6.1 The sawmill has been established since 1917, almost 100 years. This is one of the last remaining traditional businesses on Gower and one which is of prime importance to the community. Mr. Anstis states "more recently" his son has joined the business. He did, in fact, join the business when he left school some 20+ years ago and has been for a very long time an important, essential and integral part of the business.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 5 (CONT'D)

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The business trades under the heading of D. W. G. Cowley trading as Gower Timber Co. with one bank account and one chequebook. Separate accounts are prepared for the Farm and the Sawmill, although they are run under the same business heading, and separate accounts are prepared and such returns are made to the Inland Revenue

Mr. Anstis, in his reply to you, states, "However, he may well be able to show that although it is a separate business (Chartered Accountant's letter confirmed), it does support the farm in allowing it to be viable or more viable. I would expect this to be the case. It would however require that link to Dunraven Farm to be made". Mr. Anstis, therefore, considers that the submission application qualified as a rural enterprise.

2.6.2 Mr. Anstis complains there is no detail on the activities that are carried out at the sawmill. They are not selling fish & chips or ice-cream; they are carrying out the normal activities of a sawmill. It is as silly as asking the owners of a brothel what activities are being carried out at the premises. If Mr. Anstis had been prepared to get off his backside and visit the site, all would have been revealed. There can be no substitute for a site visit. The work carried out is not seasonal but is varied and takes place all the year round.

2.6.3 Mr. Anstis complains no details of the farming enterprise at Dunraven Farm are submitted. These details are immaterial. The application is for a dwelling at the back of Cilibion Sawmill. I trust in any event, as an agricultural expert, he should be well aware of what happens on a farm and its obvious user.

3.1 Mr. Anstis considers there is no material evidence to show that the sawmill is a qualifying rural enterprise under the definition in 4.3.2. I beg to disagree. The sawmill is a process of forestry and is ancillary to that user, and in his reply to you that it qualifies as a rural enterprise. TAN 6, 4.3.2 states qualifying rural enterprises comprise land-related business including agriculture, forestry and the processing of agriculture and forestry together with land management activities and support services. The sawmill contributes in a major way to land management, with the cutting and maintenance of hedges, removal of trees and is in total support of the rural economy.

For Mr. Anstis to state there is no evidence that it is run independently from the farm as an established rural enterprise is nonsense. I enclose the necessary evidence from Butterfield & Co. Chartered Accountants. Mr. Anstis is completely wrong in suggesting that the application should not be considered under TAN 6.4.4, it should. It certainly should not be considered under TAN 4.6 which deals with new dwellings on NEW ENTERPRISES. If he visited the site, it would be obvious to him that the sawmill is an established business. It is beyond belief that the business has traded at a loss as it has provided profitable employment for the family for over 40 years. Mr. Anstis, when he spoke to me, was unaware that Butterfield & Co., the Chartered Accountants, had forwarded a letter to Mrs. Kelly, confirming that the business was profitable (19th September 2013) - further copy is enclosed. Mr. Anstis also referred to the fact that the proposed dwelling was 3,000 sq.ft. I informed him that this figure was nonsense and that Mr. Cowley could not afford 2,000 sq.ft., let alone 3,000. I recommended he speak to Andrew Philips, the retained architect, but he did not do so, other than his original call to find my telephone number.

3.2.1 I accept that the tests should be on the assumption of an established enterprise under 4.4.1.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 5 (CONT'D)

APPLICATION NO. 2013/1745

3.2.1(a) The functional need is beyond dispute and it is essential for the proper functioning of the business for the worker to be readily available on site and is a full-time worker. I am not aware from my reading of 4.4 that this should relate to unexpected situations for which the worker would be required outside working hours. I am pleased to note that he acknowledges that "there may well be a security issue on the site", which Police correspondence and crime numbers confirm. However, he considers security to be a secondary planning issue which I and the owners do not. It is indeed a MATERIAL planning consideration which the LP A must take into account.

In any event, the LPA must take into account the Crime & Disorder Act of 1988 (which Mr. Anstis ignores and does not draw it to your attention). Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they make. CCTV will not prevent a break-in or prevent an intruder breaking in and, if so minded, setting the sawmill on fire which happened at the last break-in. Contrary to Mr. Austin's recommendation, this test is passed.

3.2.2(b) There is need for a full-time assistant worker on site. Mr. Adam Cowley works in excess of 50 hours a week and longer if necessary. A Local Government worker considers a 5-day 35 hour week is full-time employment. A week at the sawmill would give them a nervous breakdown and cause complete exhaustion. The basic reason for this application is that Mr. David Cowley will shortly have to retire due to ill health (copies of doctor's letters enclosed) with chronic arthritis and the wear and tear of 46 years' hard, physical, work. Thereafter, Adam will have to take on another employee to replace his father as there is no way he could cope with the business and with the day-to-day work and management of this increasingly busy, successful business.

3.2.3(c) The sawmill has been established for many years. Evidence has been submitted to the LPA as to its profitability. Further letters will be submitted from Butterfield, the retained Chartered Accountants, and I trust neither the LP A nor Mr. Anstis will challenge the expertise or honesty of their written evidence.

3.2.4(d) We have submitted to you photographs and prices of new properties being developed at Scurlage and Llanrhidian, varying from £200,000 to £550,000 - prices well beyond what Mr. Adam Cowley, or any young man, can afford. He can afford to build behind the sawmill as he only has to pay for the construction costs and not the land, which will be gifted to him by his parents.

Mr. Anstis refers to 39 properties available to buy for less than £150, 000 within five miles of the site, and 21 properties to rent from £450 p.c.m. would he please detail, for your and my benefit, the addresses of these properties of which I am not aware? In any event, if Adam has to drive to work from one of these properties, by the time he reached the sawmill the break-in could have occurred, the intruders could have fled and if they were so minded as the people responsible for the last break-in, his business could have been burnt to the ground and 40 years of hard work destroyed, which would be a great loss to the Gower community.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 5 (CONT'D)

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I would draw your attention to TAN 6 4.3.1, Rural Enterprise Dwellings, which states one of the circumstances on which new, isolated, residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at or close to their place of work. Whether this is essential in any particular will depend on the needs of the rural enterprise concerned and not on the personal preference of circumstances of any of the individuals concerned. (Lord Scarman's dictum would also apply.)

Mr. Adam Cowley meets all the criteria and you will be aware that PPW Housing Objectives 9.1.1. states a home is a vital part of people's lives; it affects their health and wellbeing, quality of life and the opportunities open to them. The Welsh Government approach as set out in the National Housing Strategy is, inter alia, "to provide more housing of the right type and offer more choice". I trust, Mrs. Tucker, it will not be your intention to smother initiative and make life difficult for hard-working entrepreneurs whose application complies with PPW, TAN 6 and the UDP. Such a course of action would be directly contrary to the stated wishes of the Council Leader who has exhorted the Council to adopt a "CAN DO" policy and would open the Council to ridicule having regard to their preamble in the Business Directory of 2012 which states in large, bold lettering "CAN WE HELP?" I would trust that we are not dealing with any enemies of enterprise in the LPA.

I enclose herewith a copy of relevant and compelling information from Mr. David Cowley, copies of letters to and from the Police and from Butterfield Chartered Accountants, also Mrs. Austin of Terra Nova, whose grandfather started the sawmill, my Rural Enterprise Dwelling Appraisal, and you already have a copy of the previous planning consent granted in 1985. I would add my client is prepared to enter into a 106 Agreement re the proposed development and in the event you decide to adopt a negative attitude to this application and recommend refusal, we would wish the application to go before the Planning Committee for their decision.

### **APPRAISAL**

This application is reported to Committee for decision and a Site Visit has been requested by Councillor Richard Lewis to assess the impact upon the AONB.

Outline planning permission is sought for the erection of one rural enterprise workers dwelling at Cilibion Saw Mills, Cilibion, Swansea. The application site is located within the curtilage of the existing sawmill which is itself located within the open countryside and Gower AONB.

The proposed dwelling will be sited some 16m north of the main sawmill and will include a parking and turning area forward of the dwelling. Whilst matters relating to appearance, scale, layout and landscaping are reserved for future approval, access will be derived directly of the main B4271.

### Issues

The main issues for consideration during the determination this application relate to the principle of a rural enterprise dwelling at this location, the impact of the proposed dwelling upon the visual amenities of the area and wider Gower AONB, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, EV2, EV3, EV20, EV22 and EV26 of the Swansea UDP, the Supplementary Planning Guidance document entitled 'A Gower Design Guide', Planning Policy Wales 2012 and Technical Advice Note 6 – Planning For Rural Sustainable Communities.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 5 (CONT'D)

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Policy EV20 of the Swansea UDP is the relevant policy when considering new dwellings in Countryside locations such as this. Such dwellings will only be permitted where:

- (i) The dwelling is required to accommodate a full-time worker solely or primarily employed in agriculture, forestry or an appropriate use to serve the rural economy who needs to live on the premises rather than a nearby settlement, and
- (ii) There is no alternative existing dwelling available in nearby settlements and there are no existing buildings on the farm unit suitable for conversion to residential use, and
- (iii) The proposed dwelling is located as close as possible to the existing farm buildings.

Applications for dwellings such as this are required to be accompanied by objective information assessing:

- (i) The functional need for the dwelling, and
- (ii) Demonstrating the financial sustainability of the enterprise, and
- (iii) The genuineness of the need for accommodation to serve the enterprise.

This is further expanded in Technical Advice Note 6 Planning for Sustainable Rural Communities July 2010 and Planning Policy Wales 2012 paragraph 9.3.7 which have been material changes in planning considerations since the formulation of the Swansea UDP. Paragraph 4.4 of TAN 6 focuses upon new dwellings on established rural enterprises. This clearly states new dwellings should only be allowed to support established rural enterprises provided:

- There is a clearly established existing functional need;
- The need relates to a full time worker and does not relate to a part time requirement;
- The enterprise concerned has been established for at least 3yrs, profitable for at least 1 of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;
- The functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned and
- Other normal planning requirements, for example siting and access are satisfied.

### Background

Gower Timber Company (also known as Cilibion Saw Mill) was originally formed some point shortly after World War One, and as such is one of the oldest rural enterprises in Gower which is still running today. The applicant's father purchased the business in 1974 and it remained in the family since, providing the main source of income. The applicant has been solely/primarily employed in the business in a full time capacity and has resided on site in temporary accommodation for many years.

The applicant has submitted supporting information aiming to justify the need for the proposed dwelling in association with the above referred enterprise.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 5 (CONT'D)

APPLICATION NO. 2013/1745

This information describes the business and its history. Includes copies of a previous planning permission and S106 Legal Agreement issued for a dwelling on the site (84/1112 refers). A copy of a letter from Butterfield Morgan Ltd. Chartered Accountants dated September 2013 confirming that the business has proved viable over the years; copy of an acknowledgement of report of a criminal offence from South Wales Police dated 1996 and a number of supporting statements provided by the applicants agent, Mr Harry Jenkins.

In response to this submission, the Council's own consultant produced an appraisal report on the applicant's submissions which is examined as follows:

### Tenure

The site and the adjacent sawmill, extending to approximately 2.500 sqm in total is owned jointly by the applicant's father and mother. The applicant is therefore assumed to be occupying the site with his father under an informal agreement, but with no formal security of tenure. Because of the close family link and the long establishment of the business, this lack of technical security is not considered significant.

The applicants' parents jointly own Dunraven Farm as well as a bungalow some 200m from the farmhouse there, occupied by the applicants' brother. The parents live in the Dunraven Farm being owned by the same parties as the sawmills and the application site for a dwelling is clarified further below.

### Buildings

The sawmills comprise a set of buildings, internal machinery and external hard-standing and storage area. There is also a poor standard structure on site occupied by the applicant.

### Land

The site for the proposed dwelling forms part of the larger area which includes the access road and the sawmills themselves. The proposed curtilage extends to 961sqm, but the whole extends to around 2500sqm. Dunraven Farm is some 3 miles away and has significant further land.

### Dwellings

There are no dwellings on the proposed site, or the wider sawmills site, but there is a structure on the site occupied by the applicant. The applicant states that this structure has been the subject of an application for retention via a certificate of lawfulness (2013/0224 refers), the detail of which has not been examined, but it is relevant to the application to note that the existing structure has been in the same position since 2006 and before that the applicant occupied a touring caravan on an adjacent plot for around 2 months, before which an equivalent structure was placed on the same position as occupied as a dwelling.

It is also relevant that the applicants' parents own both this land and Dunraven Farm, upon which there is a dwelling occupied by his parents, adjacent to which is a bungalow occupied by his brother. The applicant states that no other dwellings are owned by either the applicant or his parents.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 5 (CONT'D)

APPLICATION NO. 2013/1745

### Enterprise

The sawmill has been run as such on the site for many years and was bought by the applicants father in 1974. The applicants' father may have spent some time in the past residing on site, but for a substantial period of years, he ran the enterprise from his house at Dunraven Farm. More recently, his son, the applicant, has joined the sawmill business. It is not clear from the evidence whether the sawmill is run as a separate business to the farm, with separate accounts or as a part of the main farm business.

There is no detail of the activities carried out at the saw mill, but the applicants father has stated that he owns the business and that the type of work is varied and seasonal no details on the farming enterprise at Dunraven Farm are submitted with this application.

### Assessment

The agent presents the application as a new dwelling on an established enterprise. There are two issues that arise from that. Firstly, apart from statements confirming it to be the case, there is no material evidence to show that the rural enterprise is a qualifying rural enterprise under the definition in 4.3.2 of TAN 6. It is not agriculture or forestry and it is not presented as part of a wider farming enterprise and cannot conceivably be an activity that obtains its primary inputs from the site itself. Secondly, it is not clear from the evidence submitted, despite it being run for many years, that it is run independently from the farm and as an established rural enterprise, warranting assessment under 4.4 of TAN 6, as opposed to being a new enterprise, assessed under 4.6 of TAN 6. Further evidence may be available to satisfy this primary test.

Running through the tests on the assumption that it is an established enterprise, the assessment is examined under 4.4.1 of TAN 6

- a) Clearly established existing functional need: Whether it is essential for proper functioning of the business for a worker to be readily available on site. This should relate to unexpected situations for which the worker would be required outside normal working hours.

The singular evidential reason provided to support the need for a worker to reside on site is security. There are reported incidents and there is no reason to challenge that there may well be a security issue on the site. However security is a secondary planning issue and there is no primary justification offered. It is not clear why CCTV and other security measures could not be established on site as opposed to a dwelling.

THIS TEST IS NOT PASSED.

- b) Full-time worker. The agent and applicant states that there is sufficient labour requirements for the enterprise to fully employ a worker, but there are no statistical submissions, describing the operations and the man hours for each element and without such detail, including the scale and specific nature of the enterprise it is difficult to see how the bland statements can be accepted as evidence required under 4.9.1 of TAN 6.

It is possible that if further evidence were submitted, this test would be satisfied, but as it stands THE SUBMISSION FAILS.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 5 (CONT'D)

APPLICATION NO. 2013/1745

- c) Established for three years, profitable for at least one and a current financially sound enterprise and a current financially sound business need, with a clear prospect of remaining so.

The sawmill as an entity has been established for over three years, but there is no cogent evidence submitted that it has been run as an enterprise independent from the farm as a stand-alone enterprise for a period of at least three years. There are no separate accounts submitted to demonstrate that this enterprise has been profitable (in isolation or as part of the farm) for at least one year or that show the enterprise as financially sound with clear prospect of remaining so.

It is possible that further submissions will show this, but as it stands THE EVIDENCE IS NOT COMPELLING.

- d) Other dwelling – other dwellings available for purchase or rent locally, other dwellings owned by the applicant or already on the same holding, other dwellings that could service a sawmill which was relocated.

The submitted evidence is minimal in terms of presenting all properties available within 5 miles that are available to rent or buy, but very swift search on a popular site reveals 39 properties of two bedrooms or more available to buy within 5 miles of the site at a price less than £150, 000. The same site shows 21 properties to rent in the same area, with a rent from £450 pcm.

No detail is submitted of other buildings owned as part of the farm, but certainly there are no buildings on the application site that could be converted.

No evidence is submitted to show why the sawmill could not be relocated to where a dwelling already exists, including the farmyard at Dunraven Farm. There may be cost issues associated with such a relocation that would make it uneconomic compared with the cost of constructing a dwelling here, but certainly THIS TEST IS NOT PASSED.

- e) Other planning issues. The concerns highlighted in 4.12.1 of TAN 6 have NOT BEEN ADDRESSED.

In conclusion, the tests are not passed.

The applicant's advisor responded to the above conclusions (reported in full above) and on the basis of the content of the response, the Council's advisor Mr. Anstis was consulted once more to clarify the points raised. The following specific questions were asked:

- Q. If the applicant can demonstrate through the provision of additional supporting information that the sawmill provides a 'support service' to the rural economy, could there be a case that the submission may qualify as a rural enterprise?

*A. Support service is one that it is ancillary to another specific and related qualifying rural enterprise. For example, if this was a saw mill that supported Dunraven Farm, then it would qualify. The test does not an enterprise that acts as a support service to a wider generic rural community, (See paragraph 2.7 and the last sentence in particular of the Practice Guidance December 2011).*

ITEM 5 (CONT'D)

APPLICATION NO. 2013/1745

*The difficulty for the applicant in this case is that (at the moment) he presents the sawmill as a detached and separate enterprise to the main farm. However, he may well be able to show that, although it is a separate business, it does support the farm in allowing it to be viable, or more viable. Indeed, I would expect this to be the case. It would however require that link to Dunraven Farm to be made, or for him to show that a countryside location for this enterprise is justified as necessary and in terms of the nature of services provided and the absence of suitable alternatives.*

- Q. If the applicant can demonstrate through the submission of additional information (e.g. siting of a residence may enable the applicant to invest further in the business), could the applicant potentially establish a functional need?

*A. The test at 4.8.1 does not have the flexibility to establish a functional need to be proven by allowing further investment in the business to be possible. Such a justification may perhaps support the requirement for the dwelling to be essential “for the proper functioning of the enterprise” but that would not relate to its need to respond to “unexpected situations that might arise” and “emergencies that would threaten the continued viability and existence of the enterprise”, given that security is a secondary issue. If security was considered a primary issue in this case, as an exception, then the need to prevent security issues could be presented as the need, but this may create a significant precedential shift on policy interpretation. (See paragraphs 4.5 and particularly 4.6 of the Practice Guidance - the limits of the interpretation that are shown here).*

- Q. Currently it would be fair to say that the applicant has not demonstrated that the sawmill has been run as an independent enterprise from the Farm or that it has operated as a financially profitable enterprise in the last 3 years.

*A. Correct*

- Q. In the event that they are unable to provide the required financial evidence, and on the basis of the information provided it is unlikely that the applicant will be able to demonstrate that the business is financially sound and therefore in light of this would it then be reasonable for the LPA to issue a temporary consent for the siting of a caravan in order to give the applicant the opportunity to further establish the business from both a financial and functional perspective?

*A. This is covered in 4.6.2 of TAN 6 and the test there is whether the tests at 4.4 “are not completely proven”, which by implication may mean that some of the tests have to be passed already. In this case, it is not only the financial test that is problematic. It is also a requirement in giving consent for a temporary dwelling that the authority considers at the point of granting it, that the functional need and all the other tests at 4.4.1 are reasonably likely to materialise by the end of the temporary consent period. Reading through those tests with that perspective, it is difficult to see how the current evidence in this case gives that comfort.*

- Q. This would give the Local Planning Authority the opportunity to revisit the business at a later date and establish whether this is a genuine ‘Rural Enterprise’ and also give the applicant a reasonable amount of time in which to expand this important rural business as a separate entity.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 5 (CONT'D)

APPLICATION NO. 2013/1745

*A. Agreed that further evidence could be submitted to demonstrate that 4.4.1b,c, d and e could be satisfied now by the submission of further evidence. 4.4.1a is a problem though in relation to a temporary dwelling permission.*

- Q. Notwithstanding all of the above, with regard to the “other dwelling” test, do you consider the availability of properties for sale and rent within 5 miles of the site, sufficient to outweigh all of the above, regardless of any additional information/evidence that could possibly be provided?

*A. No. If for example, the authority accepted that the reason for the dwelling was from security against fire and theft, then a dwelling beyond the sight and sound of the buildings may not satisfy that need. Certainly, the applicant has failed to present these other properties and then show why they would not meet the purported need, the principle difficulty with this case is that there is no other presented need for the dwelling other than for security and security is a secondary planning consideration for new dwellings in the open countryside, not primary.*

Having regard to all of the above it is therefore considered that insufficient evidence has been submitted to satisfy 4.4.1, criterion a-e of TAN 6. The application has failed to prove a functional need; demonstrate that the enterprise is financially sound; or that the need can not be met elsewhere in the locality. The proposal therefore represents an unjustified development in the countryside and conflicts with National Guidance and the policies of the UDP which seek to protect the countryside from unjustified development and conserve and enhance the character and appearance of the countryside and the Gower AONB. Furthermore, if approved the proposal would establish an undesirable precedent for the consideration of other applications of a similar nature, the cumulative impact of which would seriously detract from the character and appearance of the countryside and the Gower AONB.

### Visual Amenity

The proposed dwelling would be situated within the curtilage of relatively isolated sawmill yard within the Gower AONB. Whilst it is acknowledged that all matters of detail are reserved for subsequent future approval, and as such it may be possible to achieve a satisfactory design, the fundamental overriding objections to the proposal in terms of principle, are such that it is considered to represent an unjustified visually intrusive form of development that would result in unacceptable visual intrusion into the Gower AONB and fail to protect the character of the countryside for its own sake contrary to Policies EV1, EV2, EV22, EV26 and EV20 of the Unitary Development Plan 2008.

### Residential Amenity

In terms of residential amenity, the proposed dwelling would be sited in a concealed location to the rear of the main sawmill buildings a sufficient distance away from the nearest adjacent properties. And as such it is not considered that the proposal would impinge upon the residential amenities of the neighbouring occupiers in compliance with the provisions of Policies EV1 and EV2 of the UDP.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 5 (CONT'D)

APPLICATION NO. 2013/1745

### Highways

Access to the site is acceptable for the likely level of use that this one dwelling will generate. The indicated site layout is acceptable with parking for three cars and room to turn within the site. The Head of Transportation and Engineering therefore raises no objection.

### Conclusion

It is therefore concluded, that the proposal clearly conflicts with the countryside and AONB protection policies and as such would detract from the natural beauty of the countryside in the locality, furthermore, if approved it would establish an undesirable precedent for the consideration of other applications of a similar nature, the cumulative impact of which would seriously detract from the countryside. In this instance, the need for a dwelling at this site and the reasons put forward by the applicant do not sufficiently override the planning considerations. The proposal is therefore considered contrary to Policies EV1, EV2, EV3, EV26 and EV20 of the Swansea Unitary Development Plan. Refusal is therefore recommended.

### **RECOMMENDATION**

#### **REFUSE, for the following reasons:**

- 1 The applicant has failed to demonstrate a functional or financial need or any other overriding agricultural, economic or social need for this residential unit which would constitute an unjustified form of development that would be detrimental to the character and appearance of the countryside and the Gower AONB contrary to Policies EV1, EV2, EV20, EV22 and EV26 of the City and County of Swansea Unitary Development Plan 2008 and the provisions of Welsh Government Technical Advice Note No. 6.
- 2 If approved the proposal would establish an undesirable precedent for the consideration of other applications of a similar nature, the cumulative impact of which would seriously detract from the character and appearance of the countryside and the Gower AONB contrary to Policies EV20, EV22 and EV26 of the City and County of Swansea Unitary Development Plan 2008 and the provisions of Welsh Government Technical Advice Note No. 6.

### **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, EV20, EV22 and EV26 of the Swansea Unitary Development Plan 2008.

### **PLANS**

10.80.01 site location and block plan dated 29th November 2013

AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 6

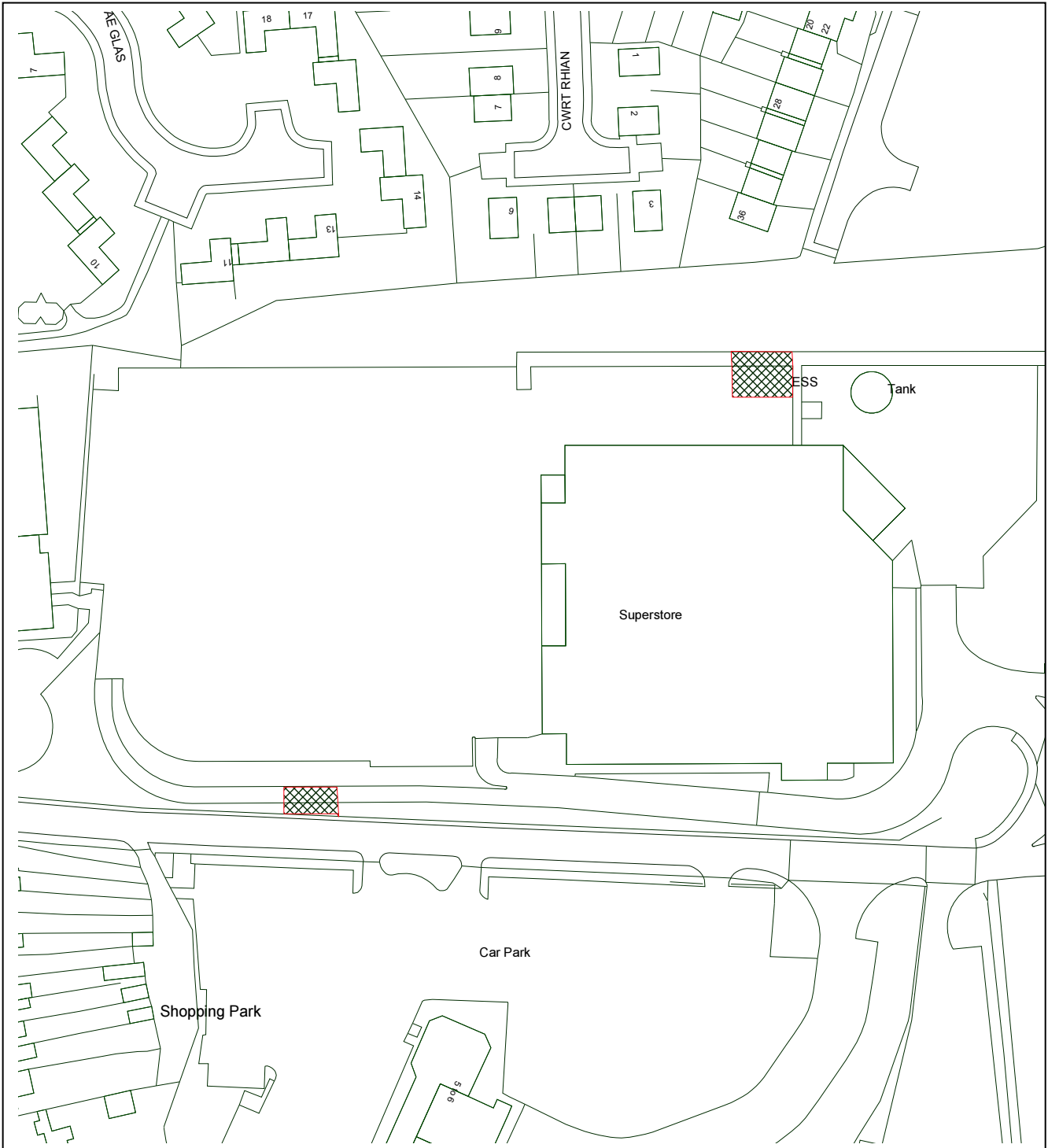
APPLICATION NO. 2014/0343

WARD: Gorseinon  
Area 2

**Location:** Asda Stores Ltd, Heol y Mynydd, Gorseinon, Swansea SA4 4BZ

**Proposal:** One non-illuminated post mounted entrance sign, and 4 externally illuminated fascia signs and 2 wall mounted information signs on proposed customer shopping collection building

**Applicant:** Mr Alan Jones



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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 6 (CONT'D)

APPLICATION NO. 2014/0343

### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
Policy EV14	The design of advertisements should be appropriate to their surroundings, respect the architectural qualities of the building on which they are displayed, be appropriate to the location, and not harm road safety. (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).

#### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2010/0519	Variation of condition 7 of planning permission 2009/0156 granted on 28th August 2009 to allow for the substitution of "the provision of mini roundabout at the junction of Cecil Road and High Street" with "improvements to the existing priority junction at Cecil Road and High Street" Decision: Approve Conditional (S73) Decision Date: 01/06/2010
2010/0623	Erection / installation of various building and car park information signage (internally illuminated and non-illuminated) including high level / building elevation logo signs, and one internally illuminated freestanding 5m high totem sign for proposed Asda retail store Decision: Grant Advertisement Consent (C) Decision Date: 24/06/2010
2014/0344	Customer shopping collection building & canopy Decision: CALLED IN Application (Swansea) Decision Date: 18/03/2014

#### RESPONSE TO CONSULTATIONS

The neighbouring properties at No. 36 Heol Eifian and Nos. 3, 4, 5 and 6 Cwrt Rhian were sent letters of consultation on 12<sup>th</sup> March 2014. A site notice was posted on 17<sup>th</sup> March 2014.

- No representations have been received to date.

#### Highway Observations

The Council's Transportation and Engineering Services department were consulted on 12<sup>th</sup> March 2014 and responded with no highway objection to the proposal.



ITEM 6 (CONT'D)

APPLICATION NO. 2014/0343

## APPRAISAL

This application is reported to Committee for decision and a site visit has been requested by Councillor David Lewis to assess the impact on neighbouring properties.

Advertisement consent is sought for one non-illuminated post mounted entrance sign and four externally illuminated fascia signs and two wall mounted information signs on the proposed customer shopping collection building. The proposed customer shopping collection building and canopy is being considered under a separate application (2014/0344) which also on this Committee agenda.

The non-illuminated post mounted entrance sign will measure approximately 0.6 metres wide and approximately 0.8 metres in length and will be located on the entrance road into the car park.

Two of the externally illuminated fascia signs will be located on the customer shopping collection building and will measure approximately 1 metre in height and approximately 11 metres in length.

The other two externally illuminated fascia signs will measure approximately 1 metre in height 4.8 metres in length. The two wall mounted information signs will measure approximately 1.8 metres in height and approximately 4.8 metres in length.

The primary issues in the consideration of this application relate to the impact of the signage on highway and public safety and the visual amenities of the surrounding area in respect of Policies EV1 and EV14 of the City and County of Swansea Unitary Development Plan (UDP) 2008. The application is also considered with respect to the Council's Supplementary Planning Guidance document entitled 'Shopfront Guidance, Design, Signage & Security Measures'. There are no overriding issues with regard to the Human Rights Act.

It is considered that the scale, design and external appearance of the signs are acceptable. The signs do not appear prominent or visually intrusive, particularly in view of the fact that the signs comprise of the standard Asda design. The signage would not be highly visible due to its location to the rear of the supermarket building and is separated from the residential estate to the north by a significant tree screen and landscaped area. The proposed materials are also considered satisfactory, as well as the proposed method of illumination of the signs. As such it is considered that the signage is in keeping with the character and appearance of the Asda store and bears no detrimental impact upon the visual amenities of the surrounding area.

It is considered that the proposed advertisements would not have an adverse effect on residential amenity as they will be located within the already established car park of the Asda store. The advertisements are small in scale; one is to be located on the entrance of the store car park to direct customers and the others are to be located on the proposed customer shopping collection building. It is not considered that the signs present any significant issues relating to the residential amenity of any neighbouring occupants. The houses within Heol Eifion and Cwrt Rhian are located over 30m from the application site, and as such it is not considered that the proposed signage would have an impact on residential amenity over and above that which is already experienced by the existing Asda store.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 6 (CONT'D)

APPLICATION NO. 2014/0343

The Head of Transport and Engineering Services considers that the signage would not have a detrimental effect on highway users and therefore raised no highway objections

In conclusion the proposed advertisements are considered acceptable in terms of their impact on the visual amenities of the area and would not have a detrimental impact on the residential amenity of any adjoining neighbour. In addition there are no highway objections to the proposal. As such the application is considered to comply with the provisions of Policies EV1 and EV14 of the City and County of Swansea Unitary Development Plan 2008 and the Supplementary Planning Guidance document entitled 'Shopfront Guidance, Design, Signage & Security Measures'.

### RECOMMENDATION

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

- 1 Before any advertisement is displayed on land pursuant to this consent the permission of the owner of that land or other person entitled to grant permission in relation thereto shall be obtained.  
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisement) Regulations, 1992.
- 2 All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.  
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisement) Regulations, 1992.
- 3 Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.  
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisement) Regulations, 1992.
- 4 Where any advertisement is required under the above-mentioned regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.  
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisement) Regulations, 1992.

### 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 and EV14

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014**

ITEM 6 (CONT'D)

APPLICATION NO. 2014/0343

**PLANS**

(0)002 site plan, (00)020 proposed floor plan, elevations and lighting details, (00)021 proposed sign details dated 7th March 2014

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 7

APPLICATION NO.

2014/0344

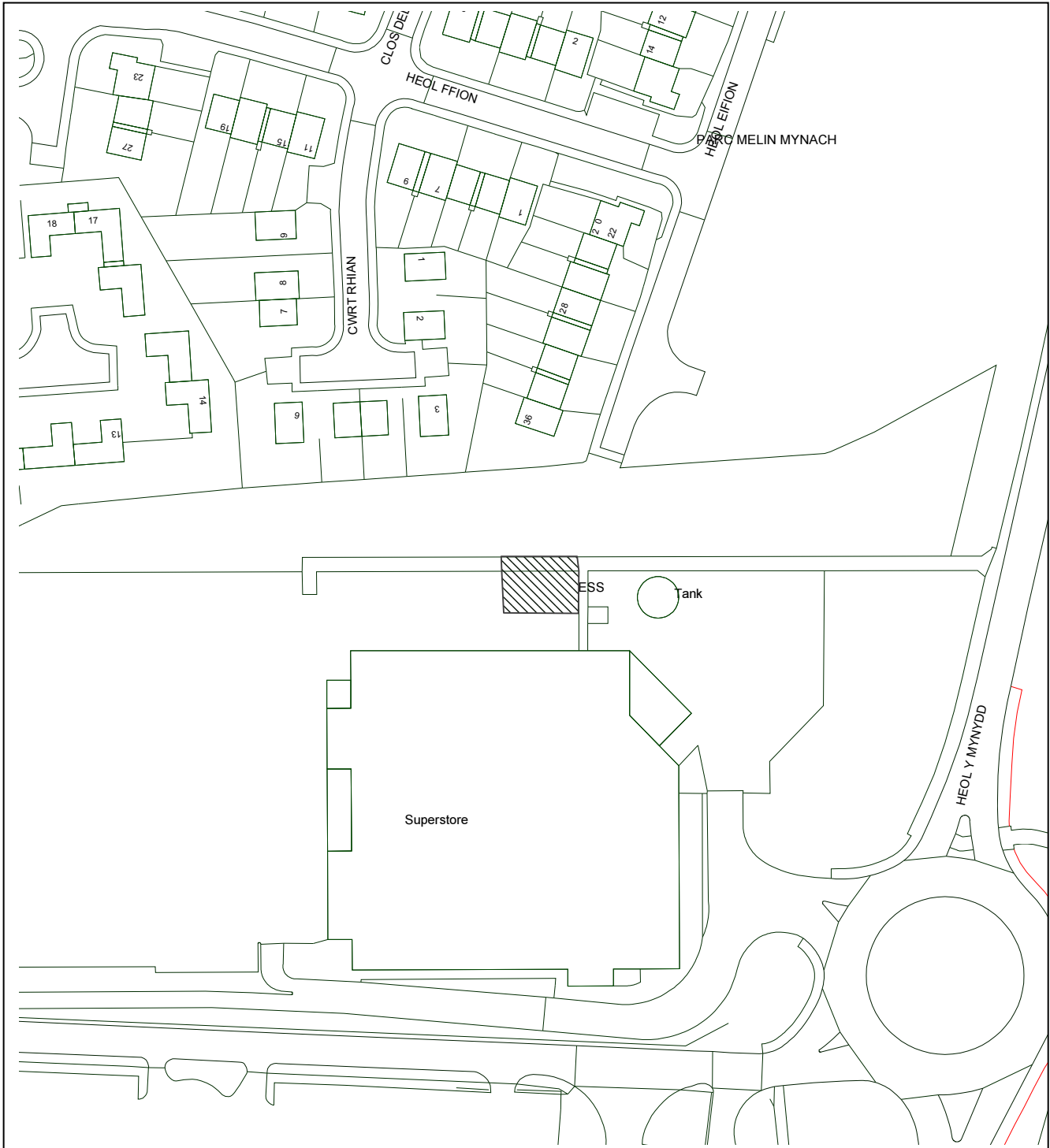
WARD:

Gorseinon  
Area 2

**Location:** Asda Stores Ltd Heol y Mynydd Gorseinon Swansea SA4 4BZ

**Proposal:** Customer shopping collection building & canopy

**Applicant:** Mr Alan Jones



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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 7 (CONT'D)

APPLICATION NO.

2014/0344

### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
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Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
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Policy 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)
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#### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
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2006/1739	Demolition of two dwellings (12 and 13 Mill Street) and construction of retail store (Class A1) with a gross floorspace of 5,341 square metres (57,500 sq ft) with associated car parking (471 spaces) and service area and creation of new vehicular access via a new roundabout on Heol Y Mynydd
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Decision: Refuse

Decision Date: 30/07/2007

2009/0156	Demolition of two dwellings (12 & 13 Mill Street) and construction of retail store (Class A1) with a gross floorspace of 5,375 sq m (57,858 sq ft) with associated landscaping, car parking (329 spaces) and service area and creation of new vehicular access via a new roundabout on Heol Y Mynydd, pedestrian access at the corner of Cecil Road together with proposed off-site roadworks and pedestrian crossing facilities on Cecil Road / High Street
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Decision: Grant Permission Conditional

Decision Date: 28/08/2009

2010/0519	Variation of condition 7 of planning permission 2009/0156 granted on 28th August 2009 to allow for the substitution of "the provision of mini roundabout at the junction of Cecil Road and High Street" with "improvements to the existing priority junction at Cecil Road and High Street"
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Decision: Approve Conditional (S73)

Decision Date: 01/06/2010

2010/0623	Erection / installation of various building and car park information signage (internally illuminated and non-illuminated) including high level / building elevation logo signs, and one internally illuminated freestanding 5m high totem sign for proposed Asda retail store
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Decision: Grant Advertisement Consent (C)

Decision Date: 24/06/2010

ITEM 7 (CONT'D)

APPLICATION NO.

2014/0344

## **RESPONSES TO CONSULTATIONS**

The neighbouring occupants of 36 Heol Eifian, 3, 4, 5 and 6 Cwrt Rhian were sent letters of consultation on 12<sup>th</sup> March 2014. A site notice was posted on 17<sup>th</sup> March 2014.

- No representations have been received to date.

## **Highways Observations**

Proposals are for a customer shopping collection building and canopy. This will reduce the car park by 5 spaces, however, there will be provision for 3 vehicles to park beneath the canopy while picking up shopping which has been pre-ordered and packaged for collection. This means that customers would be at the store for shorter periods of time, I do not consider that this would have a detrimental effect on highway users. There are no highway objections.

## **APPRAISAL**

The application is reported to Committee for decision and a site visit has been requested by Councillor David Lewis to assess the impact on neighbouring properties.

Full planning permission is sought for a customer collection building and canopy at Asda Stores Ltd, Heol y Mynydd, Gorseinon.

The customer collection building and canopy will measure approximately 4.1m at its highest point and would have a flat roof. The proposed building will measure approximately 11 metres wide and approximately 4.8 metres deep.

The proposed customer collection building and canopy will be constructed from galvanised white powder coated steel, metal profiled roofing sheets and green vinyl wrapped aluminium signage panels.

The applicant has stated that the proposed grocery 'click and collect' service would provide the option for customers to shop on-line and collect their groceries whilst they are out and about or on their daily commute. The existing store would perform the task of a storage area where the groceries, which will be picked from the retail floor, will be collected and stored ready for collection. The groceries would then be taken to the customer who will be parked under the new canopy structure during specific time slots throughout the day. The aim is to allow customers to collect their orders throughout the day which is anticipated to save on each customer making a separate journey specifically for shopping as the service is designed to allow for customers to choose when they would like to collect their shopping. It is intended that the process will take less than 15 minutes from the customer entering the car park to leaving it which will help take pressure off the car parking requirements for each store as it will allow more customers to shop within a shorter time frame.

The canopy has been designed to allow 3 cars with manoeuvring space directly in front and behind and to ensure that there is enough room for vehicle doors to be opened safely and adequate circulation space for staff

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 7 (CONT'D)

APPLICATION NO. 2014/0344

The main issues for consideration in this application relate to the impact of the proposal on visual and residential amenity, parking and highway safety having regard to Policies EV1 and EV3 of the City and County of Swansea Unitary Development Plan (UDP) 2008. It is not considered that the provisions of the Human Rights Act raise any other overriding considerations.

The design & visual appearance of the proposed customer shopping collection building is considered acceptable given its minimal size and scale and its proposed location within the existing car park. The structure would not be highly visible due to its location to the rear of the supermarket building and is separated from the residential estate to the north by a significant tree screen and landscaped area.

It is considered that the customer shopping collection building and canopy will not cause a detrimental impact on the residential amenity of any adjoining neighbour as the neighbouring properties are located at a higher level than the Asda car park and are well screened by mature trees and hedges. The houses within Heol Eifion and Cwrt Rhian are located over 30m from the application site, and as such it is not considered that the proposed customer shopping collection building would have an impact on residential amenity over and above that which is already experienced by the existing Asda store.

The purpose of the customer shopping collection building is to provide an area where customers can shop online and collect their groceries from the store. It is not therefore considered that the proposed customer shopping collection building will cause any additional pressure on the store or the car park.

With regard to parking and highway safety, it is noted that the facility would reduce the car park by 5 spaces, however, there will be provision for 3 vehicles to park beneath the canopy while picking up shopping which has been pre-ordered and packaged for collection. This means that customers would be at the store for shorter periods of time, and as such the Head of Transport and Engineering Services considers that this would not have a detrimental effect on highway users and therefore raised no highway objections.

In conclusion the proposed development is considered acceptable in terms of its impact on the visual amenities of the area and would not have a detrimental impact on the residential amenity of any adjoining neighbour. In addition there are no highway objections to the proposal. As such the application is considered to comply with the provisions of policies EV1 and EV3 of the City & County of Swansea Unitary Development Plan 2008.

### **RECOMMENDATION**

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

- 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.

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014**

ITEM 7 (CONT'D)

APPLICATION NO.

2014/0344

**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 and EV3

**PLANS**

(0)002 site plan, (0)012 block plan, (0)013 existing elevations, (0)014 proposed elevations, (00)020 proposed floor plan and elevations dated 7th March 2014

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 8

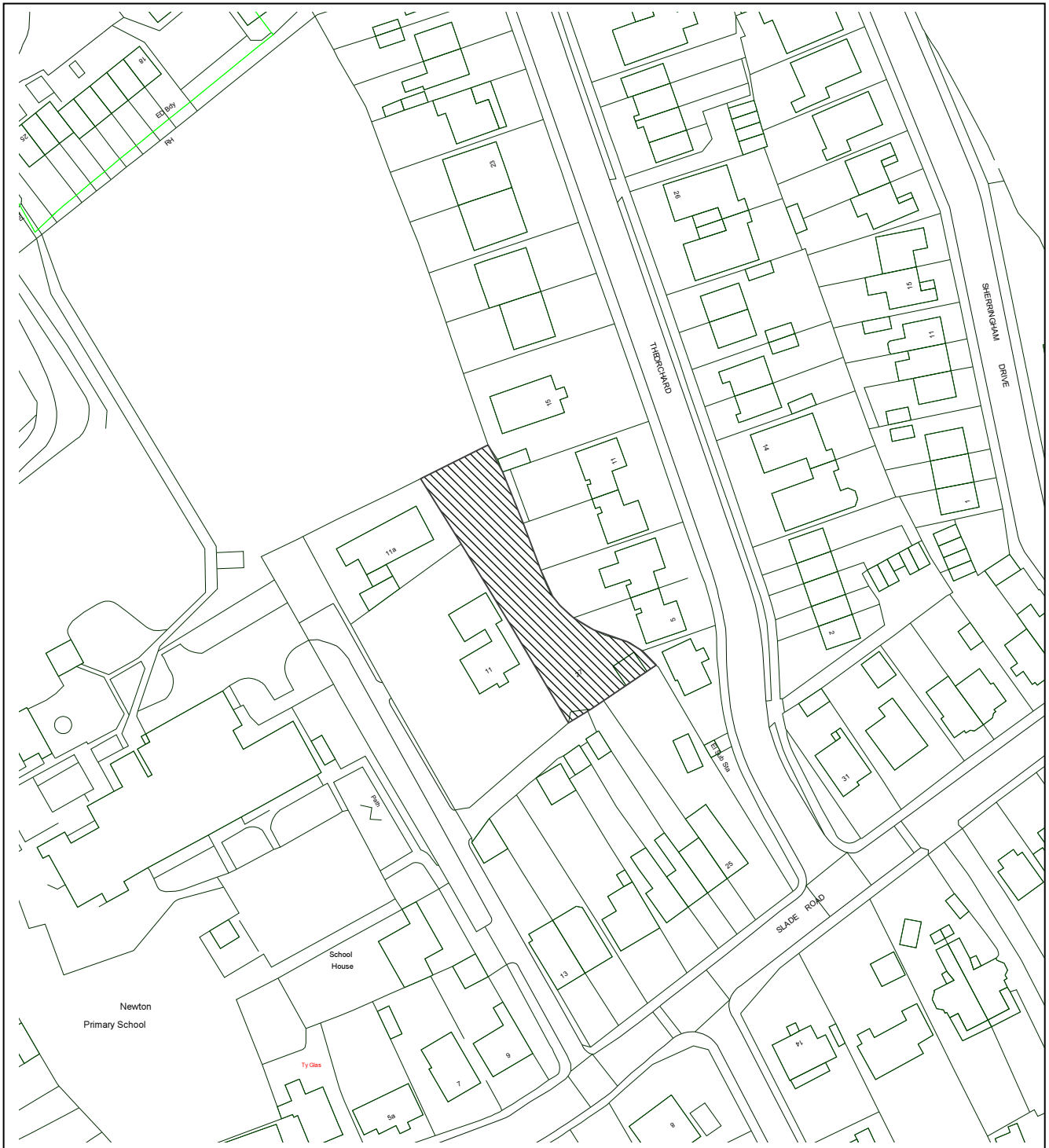
APPLICATION NO. 2013/1366

WARD: Newton  
Area 2

**Location:** 27 Slade Road, Newton, Swansea, SA3 4UE

**Proposal:** Retention and completion of replacement dwelling (amendment to planning permission 2011/1339 granted 28th March 2013)

**Applicant:** Mr Timothy Lillicrap



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ITEM 8 (CONT'D)

APPLICATION NO.

2013/1366

**BACKGROUND INFORMATION**

**This application is the subject of an appeal to the Welsh Assembly Government on the grounds that it has not been determined within the statutory 8 week period. Whilst the Authority cannot now determine the application, the Council needs to resolve what its decision would have been had the appeal not been made, and the Welsh Assembly Government will be informed accordingly.**

**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 HC2	Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, loss of residential amenity, adverse effect on the character and appearance of the area, loss of urban green space, harm to highway safety, adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

**SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2010/0483	Construction of detached dwelling Decision: Refuse Decision Date: 13/06/2011
2001/0670	Conservatory extension on front elevation Decision: Grant Permission Conditional Decision Date: 08/06/2001
91/0190/03	REPLACEMENT GARAGE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 19/03/1991
2004/2584	Detached dwelling (outline) Decision: Grant Permission Conditional Decision Date: 01/02/2005

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 8 (CONT'D)	APPLICATION NO.	2013/1366
90/0764/03	PROPOSED DINING/BEDROOM/ KITCHEN/BATHROOM EXTENSION Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 19/06/1990	
90/1553/03	Dormer bedroom Decision: Appeal Allowed Decision Date: 18/09/1991	
2011/1339	Replacement dwelling Decision: Grant Permission Conditional Decision Date: 28/03/2012	
2004/2586	Single storey rear extension (Certificate of Proposed Lawful Development) Decision: Is Lawful Decision Date: 12/01/2005	

### RESPONSE TO CONSULTATIONS

The application was advertised on site and eighteen individual properties were consulted. EIGHT LETTERS OF OBJECTION and ONE LETTER OF COMMENT have been received which are summarised as follows:

1. Due to the elevated ground floor level the whole project is excessively tall.
2. What we have is a very tall building and we are not yet at roof level. My property has lost value as I am now overlooked on all the south facing rooms by this construction. It is invading my privacy the height it is now. If this remains all glazing on the north side should be obscured.
3. The rear first floor window is looking into our principal bedroom.
4. The measurements on the plan are wrong.
5. In our view the applicant has deliberately attempted to build a larger property than approved.
6. It will constitute an intensive form of development which will be detrimental to the residential amenity of neighbouring properties.
7. It overshadows our properties.
8. It is overbearing and will invade the privacy of 11a Slade Road.
9. A condition should be put on requiring the side elevation overlooking 21, 23 and 25 Slade Road to be made obscure.
10. The proposed (and half constructed) two story house has a huge (double door) size window that looks directly into the gardens and houses of number 21, 23 and 25 Slade Road. I am baffled how this ever got planning permission in the first place.

**Mumbles Community Council** – objects as follows:

The visual impact gives an overbalance to the adjoining properties and the raising of the footings by 1 metre will cause loss of privacy to all surrounding properties.

**AMENDED PLANS**

Eighteen individual properties were again consulted. TEN FURTHER LETTERS OF OBJECTION have been received which reiterate previous objections made and the following additional points:

1. The extra elevation of the ground floor was resulted in the heightening of the windows overlooking our gardens, which was not the case with the original plans for which planning permission was granted.
2. House is very intrusive and far too close to the boundary of my and my neighbours rear gardens.
3. It overshadows our properties.
4. It is simply too large and is a plot that is only suitable for a bungalow.
5. The windows will provide an overlooked and non private feeling to all local resident properties.
6. The current document omits any reference to ridge height and the last drawing shows no step up in either ridge line or floor level.
7. The amended site plan shows a 1.8m high close boarded fence where there is a low wall and trellis and ivy surmount on our property. The hedges and fences are not in the ownership of the applicant.
8. Rev A says house size reduced and rev B says house repositioned but no details given.
9. it is a token lowering the apex of the roof by 750mm when the window and balcony are already 1210mm higher than the original planning granted in 2013.
10. A very large window dominates the skyline which would have been less high on the original plans and obscure glazed.
11. Is accepted I believe the construction will overpower the houses surrounding it and change the character of the area detrimentally.
12. The floor to ceiling windows are invasive.
13. Our property has a right to light built up over a period of excess of the minimum 20 year period and this is likely to be infringed if the development proceeds and we will then seek legal advice.
14. The originally refused dwelling had a ridge height of 7040mm, the approved application had a ridge height of 8959mm and the current one seeks an increase to 9030mm.
15. There is no bungalow to be demolished.
16. The applicant has not addressed with the amended plans the fundamental breach of planning control.

**Dwr Cymru/Welsh Water** – NO OBJECTION subject to standard conditions and informatives

**Highway Observations** – The amended layout of this consented replacement dwelling does not have any adverse affect on highway safety or parking. I recommend no highway objection.

ITEM 8 (CONT'D)

APPLICATION NO.

2013/1366

## APPRAISAL

Full planning permission is sought for the retention of the detached dwelling at 27 Slade Road, Newton, Swansea. Members will recall that the original planning permission was granted in March 2012 – 2011/1339 refers.

The application site is an irregular shaped plot that rises gently in a north-westerly direction and is currently occupied by a low-lying small detached bungalow which is to be demolished to facilitate the proposed development. The site is bound to the south, east and west by neighbouring residential properties and to the north by the outdoor area of Newton School.

The main issues for consideration in this instance relate to the impact of the amended proposal upon the character and appearance of the area, the effect upon residential amenity, and the impact upon existing highway conditions over and above those previously considered having regard to policies EV1, EV2, HC2 and AS6 of the Unitary Development Plan. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

Planning Policy Wales states that new housing developments should be well integrated within and connected to the existing pattern of settlements. Sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, may be acceptable though much will depend on the character of the surroundings. Insensitive infilling or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character and amenity.

Policy HC2 of the Unitary Development Plan presumes in favour of residential development within urban areas unless there are overriding planning objections resulting from overdevelopment, significant loss of residential amenity, loss of urban green space, detrimental impact on the character and appearance of the area or satisfactory highway conditions. Policies EV1 and EV2 set objectives of good design and seek to ensure that generally developments should have proper regard to the local context in terms of scale, height and massing, integrate with adjacent spaces and protect the amenities of surrounding areas, in particular visual impact, loss of light or privacy, shared activity, traffic and parking implications.

The current scheme is not in compliance with the approved scheme in that the ridge height is higher by some 750mm, 4 roof lights instead of two are shown in each roof plane together with two sets of solar panels on the western roof slope. In addition, the glazed panels above the first floor patio doors are removed on the front and rear elevations. There are also front steps and a raised area to the front of the dwelling. As an established residential dwelling and curtilage, the principle of a replacement dwelling on this plot is supported, albeit the site is constrained somewhat by the number, proximity, and orientation of surrounding neighbouring residential dwellings and curtilages. The siting of the dwelling has not changed from that previously approved and is some 13m back from the front boundary and occupies an 'L' shaped footprint with a maximum width of 9.2m and a maximum depth of 16m. Sited in line with the site boundaries, a gap of 1m separates the side elevation of the dwelling from the western side boundary with No.11 Slade Road, and a minimum gap of between 1.5m and 2.5m is achieved off the eastern side common boundary with No's 5 and 7 the Orchard.

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014**

ITEM 8 (CONT'D)

APPLICATION NO.

2013/1366

Access to the site is derived via the existing established access which is a single width track off Newton School Lane. These details are all as previously approved. It should be noted that the finished first floor level (FFL) of the original bungalow was 82.18, the previously approved dwelling was 82.58 and the current dwelling is 83.39 - a difference of 0.81 from that previously approved. This difference in FFL has resulted in an increase in the overall ridge height by 750mm. This is shown as a comparison table below:

	FFL	Ridge height	Difference in FFL from original bungalow	Difference in Ridge height from original bungalow
Original bungalow	82.18	86.73	(82.18)	(86.73)
Approved dwelling	82.58	89.59	0.41	2.86
Current dwelling	83.39	90.34	1.21	3.61
			0.81 higher than approved	0.750 higher than approved

Although the dwelling occupies an 'L' shaped footprint, the footprint is largely rectangular with a consistent width of 7m, however a small single storey element is sited to the eastern side taking the maximum width to 9.2m for a length of 6m.

The dwelling provides two floors of accommodation and features a design with shallow overhanging eaves and the first floor accommodation contained entirely within the roof void with the western side elevation featuring a catslide roof extending over the side addition.

The height and design of the dwelling and in particular it's siting and proximity to site boundaries particularly the eastern side boundary was of paramount importance in the consideration of the previously approved scheme. The replacement dwelling is sited so as to still achieve a main wall to wall separation distance of approximately 15.5m (excluding the single storey side annexe which would be within approximately 13m+) with no.5 The Orchard. A wall to wall separation distance of approximately 18.2m is also still achieved between the proposed dwelling and No. 7, The Orchard as previously approved.

The height of the front part of the dwelling has increased by approximately 750mm which it has been advised was a result of an error in land levels at the start of the build. The main consideration therefore is if the increase in the overall height of the dwelling as (partially) built over and above that which was previously approved is so unacceptable in residential amenity terms as to warrant a recommendation of refusal. The objectors maintain that the increase in height does make the scheme more physically overbearing and that the windows in the side elevation now allow views into their garden area. Whilst the latter concern is acknowledged, this is an issue that is not so insurmountable that it cannot be overcome by the imposition of a condition requiring the windows to be obscure glazed and unopenable.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 8 (CONT'D)

APPLICATION NO. 2013/1366

The proposal as built maintains a relatively low eaves height of approximately between 4.1m as opposed to 3.8m previously approved, while still providing two floors of accommodation. As stated above, concern has been raised that the increase in height has resulted in overbearing physical impact for the occupiers of The Orchard, whose associated rear amenity space is well below the minimum standard set by modern-day development control criteria, and whilst it is accepted that this is an inherent situation and not the fault of the applicant, the residential amenities reasonably expected to be enjoyed by neighbouring occupiers is a material consideration. Notwithstanding this, and whilst this existing situation on site is noted, it is considered that as the increase in height is variable along the depth of the house and on balance, is not significantly and demonstrably unacceptable over and above that which would have been experienced if the dwelling were built as originally approved.

The proposal is still within 1m of the western side boundary with No.11 Slade Road which is a substantial Victorian style detached property, and even though the proposal will be sited in close proximity to this neighbouring property, the increase in height dictates that the new dwelling remains subservient as previously approved. It is neither considered that the nominal increase in the height of the dwelling to the rear would increase any loss of privacy to the property to the rear of the site at no.11a Slade Road as an angular distance of approximately 25m remains between facing elevations.

The area is characterised by a wide variety of house types, styles and sizes, and the principle of this development is accepted. Overall regard must be given to the varied local context, and it is considered that the amended scale of the dwelling now proposed is still appropriate in this context and would have a limited impact upon the visual qualities of the area.

With regard to highway safety issues, The Head of Transportation and Engineering raises no highway objection to this amended proposal.

The issues raised by the objectors in terms of impact upon residential amenity have been addressed above in the main body of the report. The comment regarding the wrong measurements has been clarified with the objector concerned. The Local Planning Authority cannot comment on whether or not the applicant did not comply with the approved plans deliberately but this would not be a material planning consideration. The current application is to regularise the dwelling as built not to put it back to the size as previously approved. The plans indicate “existing section” whereas they should annotate “previous section”. However, it is clear that as the bungalow has been demolished, this section relates to the original property. The plans also stated “house repositioned” but the siting matches that previously approved. To ensure the details of the means of enclosure of the site are clarified, a condition requiring the submission of further details is recommended.

In conclusion and having regard to all material considerations including the Human Rights Act, on balance, the proposal still represents an appropriate form of development that has a limited impact upon the visual and residential amenities of the area over and above those previously considered within the original planning permission and does not compromise current highway safety standards. The proposal therefore accords with Policies EV1, EV2, AS6 and HC2 of the Unitary Development Plan. Approval is recommended.

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014**

ITEM 8 (CONT'D)

APPLICATION NO. 2013/1366

**RECOMMENDATION**

**That the Welsh Assembly Government be informed that had the appeal not been made, the City & County of Swansea would have APPROVED the application subject to the following conditions:**

- 1 The development hereby permitted shall be completed in accordance with the submitted plans and details.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The construction of the dwelling(s) hereby permitted and any external works shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).  
Reason: In the interests of sustainability.
- 3 Prior to the occupation of the dwelling(s) hereby permitted, a Code for Sustainable Homes "Final certificate" shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).  
Reason: In the interests of sustainability.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Classes A, B and C of Part 1 of Schedule 2 of Article 3 shall not apply.  
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 5 Foul water and surface water discharges shall be drained separately from the site.  
Reason: To protect the integrity of the Public Sewerage System.
- 6 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
- 7 Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.  
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 8 (CONT'D)

APPLICATION NO.

2013/1366

- 8 Prior to the occupation of the dwelling hereby permitted sustainable drainage (SUDS) measures, including permeable paving for the driveway access and car parking areas, shall be completed in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be retained and maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainability

- 9 All roof lights set below 1.8 metres above internal floor level shall be fixed and obscurely glazed and retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the privacy of the occupiers of neighbouring properties.

- 10 The windows in the north eastern elevation facing The Orchard shall be obscure glazed and fixed shut and shall be retained as such at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of neighbouring residential properties.

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

Reason: In the interests of visual amenity and general amenity.

### INFORMATIVES

- 1 The 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, HC2, AS6

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

### PLANS

SR/27/7A Site location plan with existing & proposed block plan, dated 23rd September 2013, proposed elevation plan dated 30th September 2013, proposed floor plan dated 1st October 2013, amended existing & proposed sections, rear section and site layout plan dated 12th February 2014.

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 9

APPLICATION NO. 2014/0146

WARD: Killay South  
Area 2

**Location:** Former Blockbuster Video Express, 448 Gower Road, Killay, Swansea, SA2 7AL

**Proposal:** Change of Use from Video rental store (Class A1) to Estate Agents (Class A2)

**Applicant:** Ffynone Estates Ltd



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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 9 (CONT'D)

APPLICATION NO. 2014/0146

### **BACKGROUND INFORMATION**

This application was DEFERRED at the Area 2 Development Control Committee on the 8<sup>th</sup> April in order for the planning department to provide further information regarding the distribution of uses within the district centre. Further information has been provided in the form of a land use map which will be displayed at the meeting and my officer recommendation of approval remains.

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

### **SITE HISTORY**

#### **Relating to part of the curtilage of the site and adjoining land/buildings but not the application building :**

<b>App No.</b>	<b>Proposal</b>
A00/1640	Change of use from warehouse (Class B8) to a cafe-bar restaurant (Class A3) Decision: Appeal Dismissed Decision Date: 24/05/2001

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 9 (CONT'D)	APPLICATION NO.	2014/0146
2006/2571	Retention of use of premises as a taxi call centre Decision: Refuse Decision Date: 30/01/2007	
2001/1026	Change of use from warehouse (Class B8) to a cafe-bar restaurant (Class A3) Decision: Appeal Dismissed Decision Date: 26/11/2001	
2004/2507	Change of use from storage (Class B8) to taxi call centre Decision: Appeal Dismissed Decision Date: 04/08/2005	
2005/2106	Change of use from warehouse (Class B8) to taxi call centre Decision: Appeal Withdrawn Decision Date: 05/06/2006	
2003/2608	Change of use from storage (Class B8) to hot food takeaway (Class A3) Decision: Refuse Decision Date: 13/04/2004	
2009/0514	Part demolition, conversion and extension to existing bakery to form a pair of 1 bedroom semi detached dwelling houses and external alterations including increase in roof height Decision: Grant Permission Conditional Decision Date: 13/01/2010	
2007/1546	Change of use from warehouse (Class B8) to taxi office and parcel delivery service Decision: Withdrawn Decision Date: 31/10/2007	

### RESPONSE TO CONSULTATIONS

**Neighbours:** All adjoining neighbouring properties were individually consulted and no letters of response were received.

**Highways:** The conversion of the store is likely to attract fewer customers and associated parking demand. I recommend that no highway objections are raised.

**Killay Community Council:** Killay Community Council wish to object to the plans that another Estate Agent will be located in a very small area. There are currently four Estate Agents in Killay Square. Killay is predominantly a retail area and we would welcome a retail outlet which would encourage trade into Killay.

ITEM 9 (CONT'D)

APPLICATION NO. 2014/0146

## APPRAISAL

This application is reported to Committee for decision at the request of Councillor Jeff Jones in order to assess the loss of this retail use on the District Centre.

### Description

Full planning permission is sought for the change of use of the Blockbuster Video Shop (Class A1) to Estate Agent (Class A2) at 448 Gower Road, Killay. The existing premises was a well established video store which has recently gone out of business.

It is advised that the business would employ three full time and two part time members of staff.

### Main Issues

The main issues for consideration during the determination of this application relates to the principle of this type of use at this district centre location, the impact of the proposal upon the visual amenities of the area, the residential amenities of the neighbouring properties and highway safety having regard for the provisions of Policies EV1, EV2, EV3, EC5 and ECNR of the City & County of Swansea UDP, the Supplementary Planning Guidance document entitled 'District Centres, Local Centres and Community Centres' (SPG) and the site history.

### Principle of Development

There are approximately 45 shopping units within this recognised District Centre and there is a mix of differing commercial uses which complement one another. The above SPG acknowledges that whilst appropriate supporting uses can complement retail shops, the shopping function of District and Local Centres can be eroded by incremental planning consents for non-retail use. Consequently, when considering such proposals it is vital that an assessment is carried out on the impact of the proposed change of use on retail frontages, as well as the overall impact upon the vitality, attractiveness and viability of the Centre.

Killay is split into an area with a primary frontage (around the precinct) and secondary frontage (towards the Black Boy). The SPG states that the primary frontage should maintain a high level of retail units in order to safeguard the shopping frontage. National Planning Policy Guidance also emphasises the importance of ensuring ground floor use class changes are not permitted where this would create a predominance of non-retail uses that would lead to an unacceptable dilution of the retail frontage or undermine the attractiveness of the Centre.

Killay is one of the most vibrant shopping centres within the City and County of Swansea and in order to maintain its retail function the Local Planning Authority has historically sought to resist unrestricted A3 uses which can undermine the vitality and viability of shopping centres by creating areas of dead frontage during daytime hours. In this instance the applicant does not seek consent for an A3 use but for an A2 use which will operate between the hours of 9am until 5.30pm Monday to Friday and 9:30am until 4pm on a Saturday. As such the unit will maintain its daytime function which may draw footfall into the precinct during the working day.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 9 (CONT'D)

APPLICATION NO. 2014/0146

The SPG states that the as a rule of thumb 35% of secondary frontages should remain as retail, and further changes of use should not isolate units.

As stated above 488 Gower Road was previously used as a video rental shop (Class A1). The SPG acknowledges that Banks, financial institutions and other similar professional services within A2 Use Class can provide important services for the community and their retention within District and Local Centres is encouraged. However such uses will not be allowed to dominate primary shopping frontages and unit frontages must be sensitively designed.

The SPG does not therefore preclude A2 uses where it can be demonstrated that it will not isolate retail units, create a deadening effect and will not detrimentally impact upon the vitality and viability of the District Centre, however the tests set out in the SPG need to be addressed.

13 units make up this secondary frontage in the Killay District Centre and currently 7 of these units fall lawfully within a Class A1 use (54%). The proposal would result in the loss of one A1 retail unit. Therefore the tests in this instance relate to whether the approval of any subsequent planning application would result in:

1. Less than 35% of units within the secondary frontage falling within non-retail uses.
2. The isolation of retail units.
3. The creation of an area of dead frontage.

The loss of this retail unit will result in 46% of the units falling within Class A1 which is in excess of the 35% provided in the SPG, so in this respect the proposal passes the first test. Furthermore the existing unit will be flanked by retail units and as such approval of this planning application will not isolate retail units (passing test 2). Therefore the main concern of the Authority would be the introduction of an unrestricted A2 use which could due to opening hours create an area of dead frontage which could undermine the vitality and viability of the retail core. However, in light of the fact the proposal does not seek the use of the premises in the evening and result in the introduction of a estate agent which will complement the retail core, it is considered that the approval of this application subject to conditions relating to hours of operation will not detrimentally impact upon the vitality and viability of this District Centre.

As such the proposal is considered to accord with the principles of Policies EC5 and ECNR of the Swansea UDP.

### Visual and Residential Amenity

The proposal will result in no physical alterations and as such is considered to respect the visual amenities of the area. Furthermore given the building is surrounded by commercial properties and will not result in late night operations the proposal is unlikely to affect the residential amenities of the neighbouring residential properties. As such the proposal is considered to comply with the principles of Policies EV1 and EV2 of the Swansea UDP.

### Highways

Having consulted the Head of Transportation and Engineering there are no highway objections to the proposal in compliance with Policies EV1 and EV3 of the Swansea UDP.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 9 (CONT'D)

APPLICATION NO. 2014/0146

### Response to Consultations

Notwithstanding the above one letter of objection was received which raised concerns with respect the loss of a retail unit, the issues pertaining to which have been addressed above.

Concern has been raised with regard the proliferation of Estate Agents within the District Centre. There is only currently one Estate Agent operating within the designated District Centre, albeit there is a further Estate Agents (Dawsons) operating outside the recognised centre. There is also an extant planning permission under Ref: 2013/1605 for the change of use of the former Post Office (Class A1) to an Estate Agents (Class A2) however this is yet to be implemented.

When viewed as a whole if permission is granted for this proposal 19 of the 31 units within the designated District Centre would remain as retail (61.3%) compared to 3 units (9.7% of total) purely operating as Estate Agents and 5 units (16%) which fall within Class A2 Financial Centre. Therefore it would be unfair to suggest that the approval of this application would result in a domination of Estate Agents within this Shopping Centre.

### Conclusion

Therefore subject to conditions restricting the hours of operation it is considered that the proposal will complement the existing offer in Killay and would likely result in an increase of visitors throughout the day increasing footfall which will help improve the vitality, viability and attractiveness of Killay District Centre in compliance with Policies EV1, EV2, EV3, EC5 and ECNR of the Swansea UDP and the Supplementary Planning Guidance Document entitled 'District Centres, Local Centres and Community Facilities'.

### **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 opening hours of the premises shall be restricted to 08.00 to 18.00 on any day.  
Reason: To ensure the vitality and viability of the District Centre.

### **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, EC5 ECNR)
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014**

ITEM 9 (CONT'D)

APPLICATION NO. 2014/0146

**PLANS**

10.93/01-site location plan, block plan and existing & proposed floor plans dated 30th January 2014

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 10

APPLICATION NO.

2014/0223

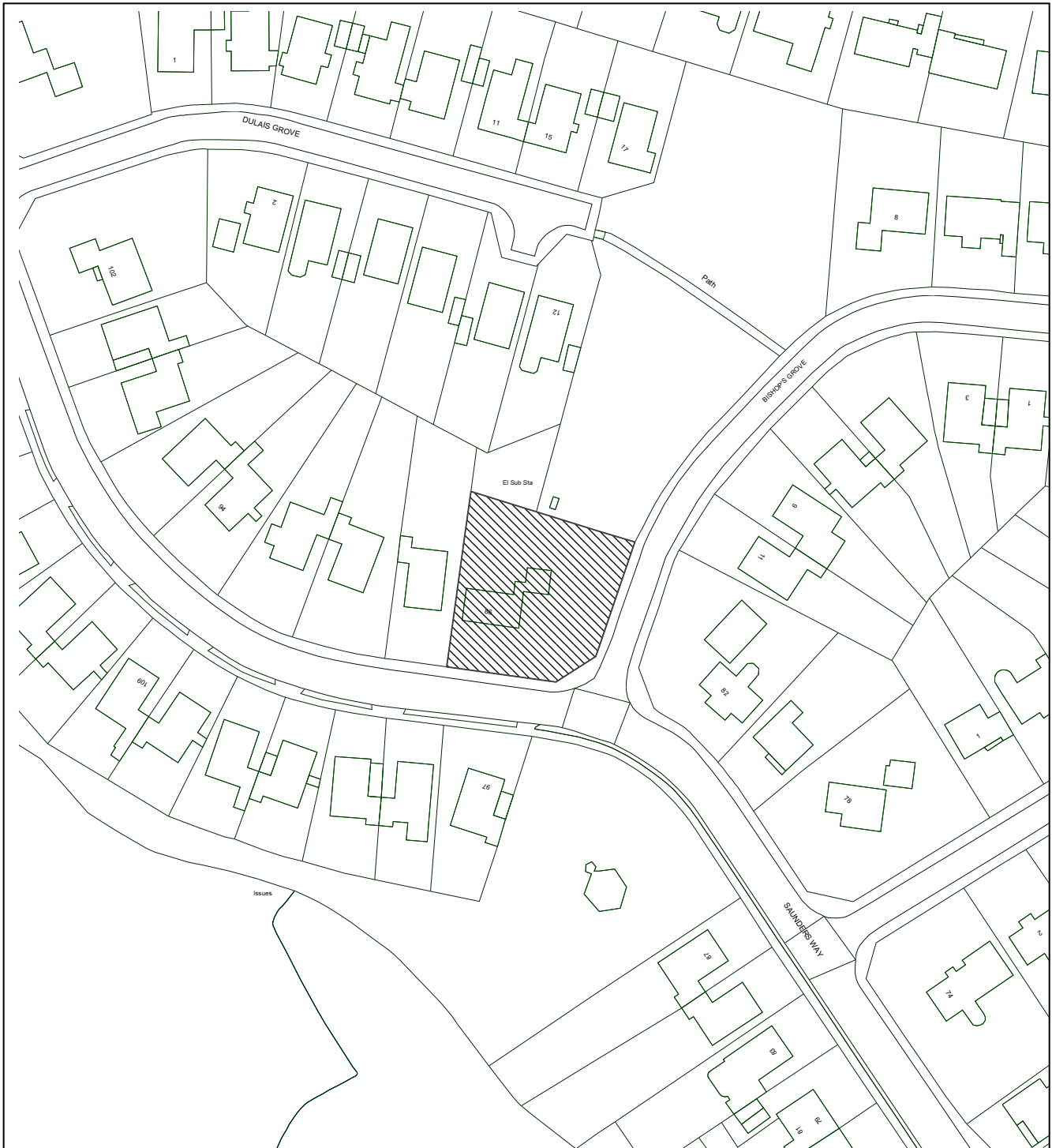
WARD:

Sketty  
Area 2

**Location:** 86 Saunders Way Sketty Swansea SA2 8BH

**Proposal:** Detached dwelling and part two storey part single storey rear extension and front canopy to No 86 Saunders Way.

**Applicant:** Mr & Mrs G Foster



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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 10 (CONT'D)

APPLICATION NO.

2014/0223

### **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 HC2	Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, loss of residential amenity, adverse effect on the character and appearance of the area, loss of urban green space, harm to highway safety, adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2011/1581	Two storey dwelling with detached garage (outline) Decision: Grant Permission Conditional Decision Date: 27/02/2012
2004/2229	Construction of two storey dwelling with detached garage (outline) Decision: Grant Permission Conditional Decision Date: 14/04/2005

#### **RESPONSE TO CONSULTATIONS**

**Neighbours:** The application was advertised on site in the form of a site notice and all adjoining neighbouring properties and previous objectors were individually consulted.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 10 (CONT'D)

APPLICATION NO.

2014/0223

SIX LETTERS OF OBJECTION and ONE LETTER OF COMMENT were received which raised the following issues:

1. Unclear where the egress point is.
2. Proposal would have an unacceptable impact on the open ethos of the locality.
3. Precedent for other development.
4. A similar application has been refused twice at Rhyd y Defaid Drive.
5. Two open spaces have been allocated as Town or Village Greens at the request of the local community.
6. Proposal out of keeping.
7. Loss of these corner plots would be detrimental to visual amenity.
8. Increase in density of housing.
9. Overdevelopment of this visually important site.
10. Highway safety concerns.
11. Proposal will lose open feel.
12. Proposal in conflict with UDP.
13. Loss of view.

**Dwr Cymru/Welsh Water:** No objection subject to conditions/informatives.

**Highways:** Proposals are for a detached 4 bed dwelling. 3 parking spaces are required and the applicant has detailed an integral garage, driveway parking and new access and egress points which will require two new vehicle crossings. I note there is another application 2014/0222 for the existing dwelling on this plot regarding demolition of the double garage and extension of the property, and confirm that these proposals will not prejudice that.

There are no highway objections subject to the construction of a vehicular crossings to Highway Authority Specification.

Following concerns expressed by the Local Planning Authority application Ref: 2014/0222 was withdrawn and the two storey extension included as part of this application. All previous consultations were carried out and the following responses were received:

**Neighbours:** Four letters of objection were received which raised the following concerns:

1. Detrimental impact on the character and appearance of the area.
2. Detract from the quality of the townscape and visual amenity.
3. Loss of view.
4. Contrary to the UDP.
5. Loss of openness around Saunders Way and Bishops Grove.
6. Proposal is crammed into the site.
7. We should prevent the development of corner plots.

**Highways:** Outline consent was granted for the principle of a new dwelling at this location under a previous application. This current proposal will include removal of the existing access to no 86 and its replacement with independent access to the existing dwelling (no 86) and an access to the new dwelling in the side garden. An additional second access is proposed to the new dwelling from Bishops Grove. In order to ensure sufficient visibility for emerging drivers, the front boundaries should be kept to a maximum height of 1 metre.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 10 (CONT'D)

APPLICATION NO. 2014/0223

Parking facilities within both the existing and new curtilages will accommodate three vehicles together with turning facilities and this aspect is acceptable. With the removal of the existing access and its replacement with new it is possible that part of the footway will need renewal and therefore the applicant should be required to cover the cost of this work.

I recommend no highway objection subject to the following;

1. Prior to completion of the development, new vehicular footway crossings shall be constructed to Highway Authority specification at the expense of the applicant.
2. Any necessary footway renewal as a result of the development works shall be at the expense of the applicant.
3. All boundaries along the Saunders Way and Bishops Grove frontages shall be maintained at a height not exceeding 1m.

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 to arrange for the necessary footway crossings and any footway reconstruction. Please contact the Senior Engineer (Development) , e-mails to : jim.marshall@swansea.gov.uk or the Team Leader , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091

### **APPRAISAL**

This application is reported to Committee for decision at the request of Councillor Mike Day in order to assess the impact of the proposal on highway safety and the visual amenities of the area.

#### Description

Full planning permission is sought for a detached dwelling and part two storey part single storey rear extension and front canopy to No 86 Saunders Way. This existing property is situated on the corner of Bishops Grove and Saunders Way.

#### Site History

Outline planning permission has previously been granted on this site on two separate occasions for a detached two storey dwelling and garage under Ref: 2004/2229 and 2011/1581 respectively. This proposal differs from these previously approved applications in that this is a full application and all details are to be considered at this stage, the site is larger than previously submitted and the current proposal also includes a two storey rear extension and front canopy to the existing dwelling.

#### Main Issues

Whilst it is acknowledged that the principle of a new dwelling at this corner location has been established with the previous grants of planning permission, the proposal differs from these previous submissions. Therefore the main issues for consideration during the determination of this application are whether the proposals respect the visual amenities of the area, residential amenities of the neighbouring occupiers and highway safety and the ecology of the area having regard for the provisions of the Swansea UDP.

ITEM 10 (CONT'D)

APPLICATION NO. 2014/0223

Two storey part single storey rear extension and front canopy to No 86 Saunders Way

The proposal will involve the introduction of a two storey/single storey rear extension and front canopy to No 86 Saunders Way which will provide a kitchen and sitting area at ground floor and a master bedroom at 1<sup>st</sup> floor level. The proposal will also involve some internal work to the existing house which would not require formal planning permission. The proposed extensions and alterations are considered to be proportionate to and in keeping with the character and appearance of the host property and as such are considered acceptable forms of development in visual terms. The rear element of the scheme will not be unduly visible from the street-scene and as such its impact on this is considered acceptable. As such the proposal is considered to respect the principles of Policies EV1 and HC7 of the Swansea UDP and the Council's Supplementary Planning Guidance document entitled 'A Design Guide for Householder Development'.

In terms of residential amenity, the proposal will mainly affect the residential amenities of No. 88 Saunders Way and the new proposed dwelling. In terms of the impact upon No. 88 Saunders Way this property is situated at a lower level than the application site, however the proposal will respect the principles of the 45-degree code and the extension will be sited a minimum of 5.5m from the boundary with No 88 Saunders Way which will ensure the proposal will not have an unacceptable overbearing or overshadowing impact upon the amenity space of this property. It is acknowledged that there is a side habitable room kitchen window in the flank elevation of No 88 Saunders Way, however it has been demonstrated by the applicant, it is considered, that the two storey and single storey rear extension will have an acceptable impact on this room, however it is considered necessary to ensure that the proposed boundary treatment is kept to a minimum in order to ensure there will not be an unacceptable loss of light to this room.

Turning to the impact of the extension on the newly proposed dwelling, the proposed dwelling will have a similar depth to the existing dwelling (including the extension) and as such it will not prove unacceptably overbearing or overshadowing upon the residential amenities of the proposed dwelling. In terms of overlooking, there are no habitable room windows which will overlook the private amenity space of the proposed dwelling and as such the extension is considered to respect the residential amenities of this proposed scheme.

Having consulted the Head of Transportation and Engineering there are no objections to the proposal and as such this element of the scheme is considered acceptable.

New dwelling at land adjacent to No 86 Saunders Way

The proposed dwelling will result in the introduction of a modern designed property which incorporates two projecting two storey gable fronted extensions which combine to breakdown the massing of the dwelling when viewed from the street-scene. Whilst it is acknowledged that the proposed dwelling will incorporate a ridge height which is approximately 0.75m higher than the existing property, the general form of Saunders Way does tend to increase in height to the east and fall to the west and as such this is considered acceptable.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 10 (CONT'D)

APPLICATION NO.

2014/0223

Whilst it is acknowledged that the previous outline permissions required the provision of a double fronted property at reserved matters stage and this proposal does not incorporate that feature, it is considered that each application should be considered on the basis of their own individual merit. In this instance the site is larger than previously approved and the minimal side gable width, differing projecting front gable extensions coupled with the variety in materials proposed helps to break down the massing of the property and will ensure the scheme adds interest to the character and appearance of the street-scene at this corner location. In terms of its design, it is considered that the proposal will add interest and variety to the street-scene and as such in visual terms the proposal is considered to respect the visual amenities of the area, in compliance with the provisions of Policies EV1 and HC2 of the Swansea UDP.

Turning to the impact of the proposal on residential amenity, the proposal will mainly affect the residential amenities of No's 82 and 86 Saunders Way. Whilst the proposal will not unacceptably overlook the rear amenity space of No 86 Saunders Way, the proposal would be sited within close proximity to the boundary of this property and will project beyond the existing main back wall of No 86 Saunders Way. It is therefore essential that the proposed two storey extension to No 86 Saunders Way is implemented and completed, prior to the construction of the new dwelling in order to ensure the proposed new house would not have an unacceptable overbearing or overshadowing impact upon the residential amenities of this property. A condition is recommended in this respect.

Turning to the impact on No 82 Saunders Way, the proposed dwelling will be sited on the opposite side of the road from No 82 Saunders Way and in excess of 10m from the boundary of this property. As such it is not considered that the proposal would give rise to unacceptable overbearing or overshadowing impacts sufficient to warrant the refusal of this application. In terms of overlooking in this direction, there are two habitable room windows which would face towards No 82 Saunders Way, however these are in excess of 10m from the boundary with this property and furthermore the area of land to side of No 82 Saunders Way is visible from the street and from within the public domain.

The proposed re-development of this site will leave sufficient areas of private amenity space for both properties which satisfy the Council requirements and as such the proposal will not result in an overdevelopment of the site.

As such the proposal will respect the residential amenities of the neighbouring properties in compliance with the provisions of Policies EV1 and HC2 of the Swansea UDP.

### Ecology

Having consulted the Councils Ecologist there are no objections to the positive determination of this application subject to a bat and bird informative being attached to any subsequent approval.

### Highways

Having consulted the Head of Transportation and Engineering it is acknowledged that outline consent was granted for the principle of a new dwelling at this location under previous applications. This current proposal will include removal of the existing access to No 86 and its replacement with independent access to the existing dwelling (No 86) and an access to the new dwelling in the side garden.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 10 (CONT'D)

APPLICATION NO. 2014/0223

An additional second access is proposed to the new dwelling from Bishops Grove. In order to ensure sufficient visibility for emerging drivers, the front boundaries should be kept to a maximum height of 1 metre.

Parking facilities within both the existing and new curtilages will accommodate three vehicles together with turning facilities and this aspect is acceptable. With the removal of the existing access and its replacement with new it is possible that part of the footway will need renewal and therefore the applicant should be required to cover the cost of this work.

There are no highway objections subject to the following;

1. Prior to completion of the development, new vehicular footway crossings shall be constructed to Highway Authority specification at the expense of the applicant.
2. Any necessary footway renewal as a result of the development works shall be at the expense of the applicant.
3. All boundaries along the Saunders Way and Bishops Grove frontages shall be maintained at a height not exceeding 1m.

### Response to Consultations

Notwithstanding the above, 10 letters of objection were received which raised concerns relating to visual amenity, highway safety, overdevelopment, residential amenity, ecology and contrary to provisions of UDP. The issues pertaining to which have been addressed above.

Concern has been raised with regard the establishment of a precedent and the site history at No 69 Rhy Y Defaid Drive. It is noted that an application for a detached dwelling on this site has twice been refused under Ref's 2011/0506 and 2011/1281 with the latter being also dismissed at appeal. Rarely will two sets of applications have identical sets of circumstances and as such each application is considered on the basis of their own individual merit. However it is important to note that any dwelling on the site adjacent to No 69 Rhyd Y Defaid Drive would breach the building line of properties fronting Saunders Way and as a consequence planning permission has been consistently refused for a new dwelling at this location and dismissed at appeal.

The situation at 86 Saunders Way however is fundamentally different in that there is no building line along this section of Bishops Grove and as consequence the context for each of these sites is different and this has dictated a different decision in respect of these application sites.

In addition to this concern has been raised with respect the loss of a view, however this is not a material planning consideration and cannot therefore be taken into consideration during the determination of this application.

### Conclusion

In conclusion it is considered that subject to conditions the proposed extension and new dwelling will have an acceptable impact upon the residential amenities of the neighbouring and future occupiers, the visual amenities of the host property and wider street-scene, the ecology of the site and highway safety in compliance with the provisions of Policies EV1, EV2, EV3, HC2, AS1 and AS6 of the Swansea UDP and the Supplementary Planning Guidance documents entitled 'A Design Guide for Householder Development' and 'Infill Backland Design Guide'.

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014**

ITEM 10 (CONT'D)

APPLICATION NO.

2014/0223

**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 materials used in the extensions hereby approved shall match those of the existing dwelling at No 86 Saunders Way unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of visual amenity.
- 3 Samples of all external finishes for the new dwelling shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of visual amenity.
- 4 The dwelling shall be constructed to achieve a minimum of Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category "Ene1 - Dwelling Emission Rate" in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (November 2010 - Version 3). The development shall be carried out entirely in accordance with the approved assessment and certification.  
Reason: In the interests of sustainability.
- 5 The construction of the dwelling hereby permitted shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).  
Reason: In the interests of sustainability.
- 6 Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes "Final certificate" shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).  
Reason: In the interests of sustainability.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 10 (CONT'D) APPLICATION NO. 2014/0223

- 7 The boundary treatment erected between No's 86 and 88 Saunders Way shall be completed in accordance with Drawing No.10.85/110A received 1st April 2014 prior to the extension being brought into beneficial use. This boundary treatment shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interest of residential amenity.
- 8 No development shall commence on the dwelling hereby approved until the extensions to No 86 Saunders Way have been completed in accordance with the approved plans.  
Reason: In the interest of residential amenity.
- 9 Prior to the dwelling being brought into beneficial use, new vehicular footway crossings shall be constructed to Highway Authority specification. Details of which shall be submitted to and agreed in writing by the Local Planning Authority.  
Reason: In the interest of highway safety.
- 10 All boundaries along Saunders Way and Bishops Grove frontages shall be maintained at a height not exceeding 1m, details of which shall be submitted to and agreed in writing by the Local Planning Authority.  
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, EV2, EV3, HC2, AS1, AS6)
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 The 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 to arrange for the necessary footway crossings and any footway reconstruction. Please contact the Senior Engineer (Development) , e-mails to : jim.marshall@swansea.gov.uk or the Team Leader , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091
- 4 Foul water and surface water discharges shall be drained separately from the site.  
Reason: To protect the integrity of the public sewerage system.

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

- continued -

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 10 (CONT'D)

APPLICATION NO.

2014/0223

- 4 Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.  
Land drainage run-off shall not be permitted to discharge, either directly or indirectly into the public sewerage system.  
Reason: To prevent hydraulic overload of the public sewerage system and pollution of environment.  
If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 917 2652.  
Some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal you should contact them on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.  
The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.  
Welsh Government introduced the Welsh Ministers Standards on the 1st October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Developer Services Section of our website - [www.dwrcymru.com](http://www.dwrcymru.com)  
Further information on the Welsh Ministers Standards Can be found on the Welsh Government website - [www.wales.gov.uk](http://www.wales.gov.uk)  
If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.
- 5 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.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 10 (CONT'D)

APPLICATION NO.

2014/0223

- 6 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).

### PLANS

10.85/01A, 10.85/02, 10.85/03C, 10/85/04A, 10.85/10, 10.85/101C, 10.85/102B, 10.85/103C and 10.85/110A dated 1st April 2014.

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 11

APPLICATION NO.

2014/0295

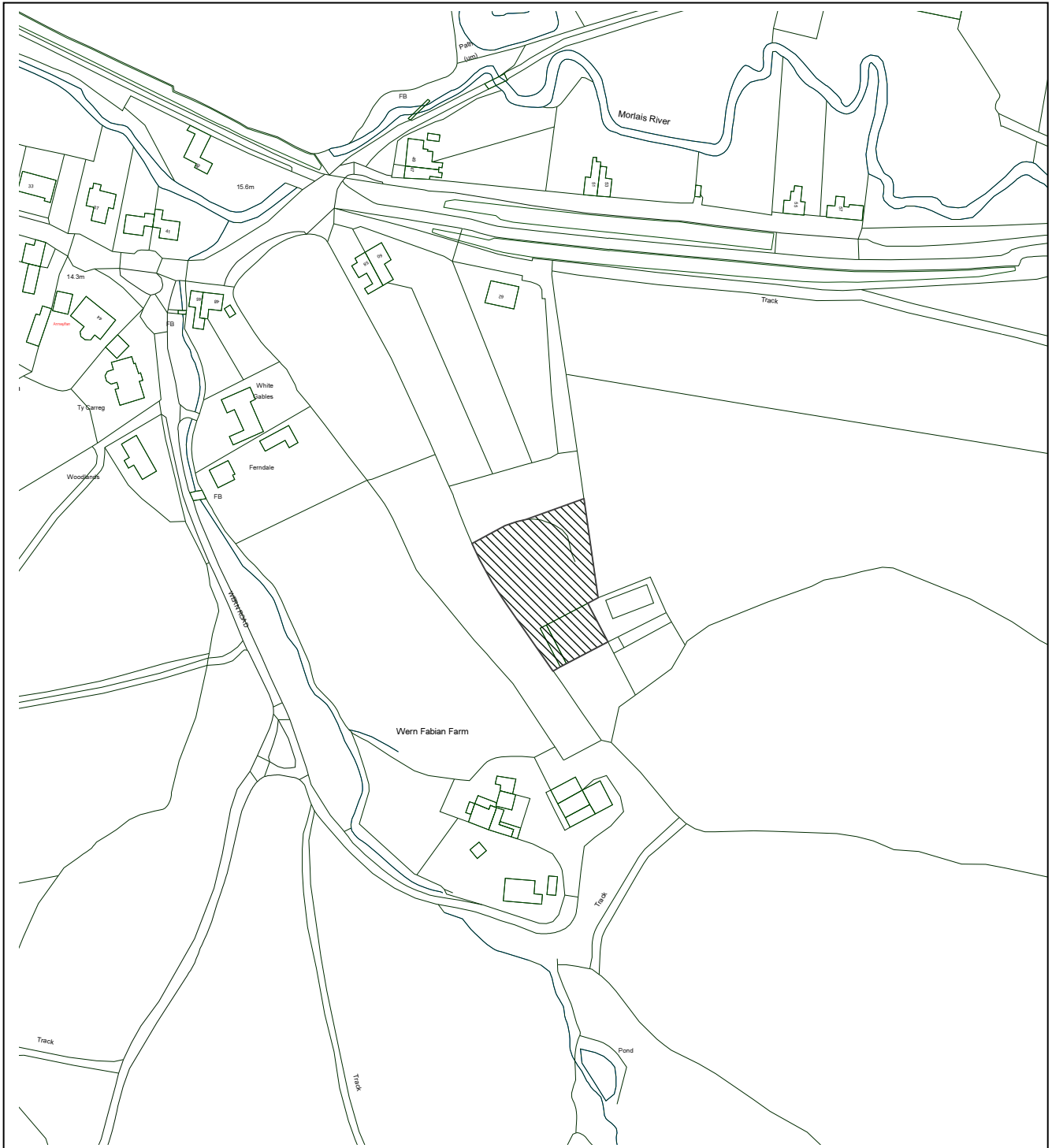
WARD:

Penclawdd  
Area 2

**Location:** Land rear of 62 Station Road, Llanmorlais, Swansea, SA4 3TF

**Proposal:** Retention of agricultural building

**Applicant:** Mr M Swiston



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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 11 (CONT'D)

APPLICATION NO.

2014/0295

### **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 EC14	Agricultural developments requiring planning permission or prior approval should give proper consideration to the protection of natural heritage and the historic environment and be sympathetically sited, designed and landscaped. (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>
98/1089	ERECTION OF STEEL FRAMED AGRICULTURAL STORAGE BUILDING (APPLICATION FOR THE PRIOR APPROVAL OF THE LOCAL PLANNING AUTHORITY) Decision: *HPANREQ - PRIOR APPROVAL NOT REQUIRED Decision Date: 21/08/1998

#### **RESPONSE TO CONSULTATIONS**

ONE LETTER OF OBJECTION and ONE LETTER OF COMMENT has been received, the comments of which are outlined below:

From an amenity point, the volume of heavy plant, tractor and trailer traffic to and from the site is exceptionally high and movement to and from the site occurs frequently.

There are numerous floodlights along the developments that cause light pollution.

Due to the elevation of the land and clearance of hedgerow, the sheds are above the houses opposite and to the north. The positioning amplifies sound and light pollution considerably. So the statement "The proposal aims to sustain the character of this rural site, ensuring it does not adversely affect the character of the immediate locality" is clearly incorrect.

The site itself is very small and is limited to the track and footprint of the buildings and I would ask the planning officer to present a full appraisal and clarification on the land that forms the site and the LPAs interpretation of the terms "farm" and "farmyard" In relation to the site. Also to determine the level of agriculture in justification for these buildings. This must form part of the appraisal.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 11 (CONT'D)

APPLICATION NO. 2014/0295

I refer the planning officer to the supporting letter from PR Beynon and ask that the Officer provides a full interpretation and history on the original barn 98/1089 and the subsequent developments. The barn was originally applied for to serve Tir Gil with specific conditions.

The fact that the original barn exists and, by default is being utilised, is not a reason not to correctly present to members of the council the full facts on the development at the site. The history must be explained fully.

If the applications are to be passed there should be strict limitations on the usage, and conditions put in place to protect amenity for local residents particularly as this is in the AONB

Furthermore in a recent public inquiry, the owner of the surrounding fields at Tir Gil, produced an ownership map indicating he owned the fields up to the track and building, two of these fields are shown to form part of the holding on these current applications but were under his ownership on the map.

**The Gower Society** – Comments as follows:

1. We are responding to both of these applications in this letter.
2. We see no agricultural justification for an agricultural building on this site. Is the property a registered farm? There are many properties called farms on Gower that are no longer legitimate farming businesses and can not justify any expansion.
3. We urge you to look very closely at all applications of this type in order to establish their genuine farming credentials. How much land is associated with this property and how much stock has the applicant?

**Highways Observations** –

Proposals are for the retention of an agricultural building. This is with regard to a small shelter for the use of agricultural workers. There is no increase in demand for parking or impact on highway safety and current parking arrangements are unaffected. There are no highway objections.

**Pollution Control** - No observations.

### **APPRAISAL**

This application is reported to Committee for decision at the request of Councillor Robert Smith to enable the details to be considered by Councillors of the Area 2 Committee.

Full planning permission is sought for the retention of an agricultural building at land to the rear of 62 Station Road, Llanmorlais. The proposed agricultural building measures approximately 2.2m in height at the ridge, 3.25 in length and 2.25 in width. The building is located within an area to the rear of the dwelling accessed via a track to the side of the property. The site is located with a countryside location within the Gower AONB.

The main issues to be considered are the impact of the proposed building on the visual amenities and character and appearance of the Gower AONB, having regard to Policies EV1, EC14 and EV26 in the Unitary Development Plan 2008.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 11 (CONT'D)

APPLICATION NO.

2014/0295

Policy EV1 refers to development complying with the criteria of good design and being appropriate to its local context. Policy EC14 relates to agricultural development stating that this form of development should give proper consideration to the protection of natural heritage and the historical environment and should be sympathetically sited and designed. Policy EV26 states that the primary objective of the AONB is the conservation and enhancement of the area's natural beauty.

The building is sited adjacent to existing buildings although it is noted that a shed extension included on the plans currently forms part of an application for a Certificate of Existing Lawful Use (2014/0332) which is yet to be determined by this Authority. To ensure this building does not form part of this planning permission an appropriate condition is recommended. As the proposed building is set within a group of existing buildings and is minimal in terms of its size and scale, it is not considered that it would appear as a dominant or incongruous feature. In addition, the size of the development ensures that it does not have a significant impact on the surrounding area and the overall Gower AONB. The scheme is, therefore, considered to comply with the requirements of Policies EV1, EV26 and EC14 of the UDP 2008 and the Gower AONB Design Guide.

The siting of the building would dictate that there are no residential amenity issues to consider.

There is no increase in demand for parking or impact on highway safety and current parking arrangements are unaffected. There are, therefore, no highway objections.

With regard to the concerns received in response to the consultation process the site forms part of an area where agricultural activities have been ongoing for a while and therefore the area is considered suitable for a building of this type especially given its sympathetic siting and scale. The issue raised regarding the amount of land and stock the applicant has is not considered relevant in this particular instance given the size and scale of this building. The issue regarding the volume of traffic is not considered to be a material planning consideration. The scale of the structure would dictate that sound and light pollution generated from any associated activities would not be significant in this instance. With regard to the history of the site the two applications associated with the site in question relate to the erection of a steel framed agricultural building (application for prior approval 98/1089) and for the erection of a detached dwelling house and garage (99/0687), neither of which are considered to present any issues with regards to this application. It is not considered pertinent in this instance to attach a condition regarding usage and protection of amenity given the size and scale of the structure. The proposed building is not considered to be located on the fields which are not within the ownership of the applicant, therefore, this is not considered to be an issue in this instance.

In conclusion and having regard to all material considerations, the proposed agricultural building is considered an acceptable form of development at this location that complies with the overall requirements of Policies EV1, EV26 and EC14 of the City and County of Swansea Unitary Development Plan 2008 and the Gower AONB Design Guide.

### **RECOMMENDATION**

**APPROVE, unconditional.**

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014**

ITEM 11 (CONT'D)

APPLICATION NO.

2014/0295

**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, EV26 and EC14 of the Unitary Development Plan)
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

**PLANS**

Site location plan, block plan, proposed plans dated 25th February 2014

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 12

APPLICATION NO.

2014/0513

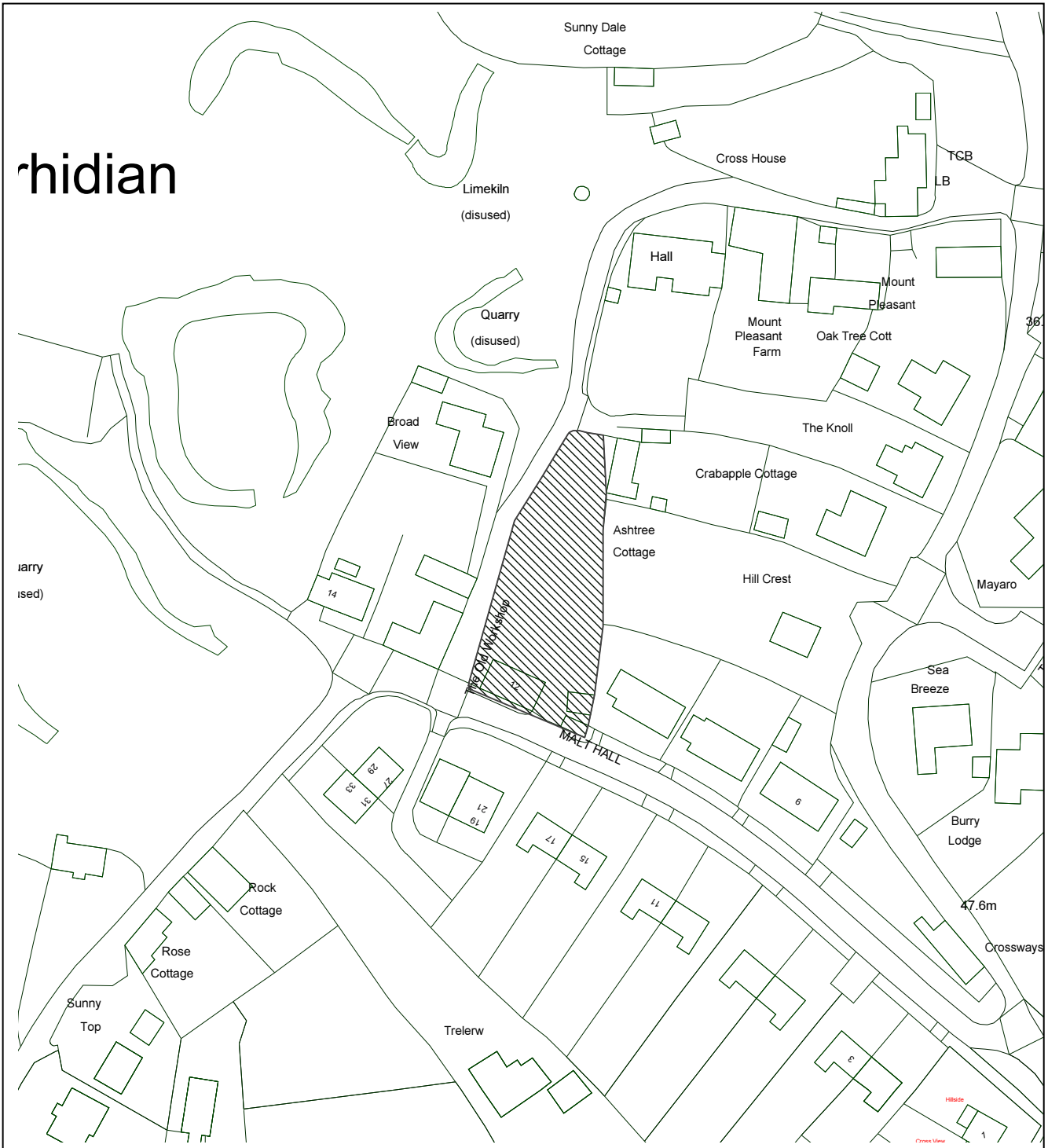
WARD:

Gower  
Area 2

**Location: Penrhallt House 1 Malthall Llanrhidian Swansea SA3 1EN**

**Proposal: Two storey side extension, fenestration alterations, alterations to access, alterations to boundary wall and front porch**

**Applicant: Mr Andrew Richards**



NOT TO SCALE

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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 12 (CONT'D)

APPLICATION NO.

2014/0513

### **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 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)
Policy HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, effect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)

#### **SITE HISTORY**

None

#### **RESPONSE TO CONSULTATIONS**

The neighbouring occupants at No. 10 Malt Hall, Ash Tree Cottage and Hillcrest were sent letters of consultation on 17<sup>th</sup> April 2014.

- No representations have been received to date

#### **Highway Observations**

The Head of Transportation and Engineering was consulted and responded with the following comments:

*Proposals are for a two storey side extension and front porch. There is no increase in demand for parking. A large vehicle hardstanding is proposed and the applicant proposes an altered access point to the property. There are no highway objections subject to the construction of a vehicle crossing built to Highway Authority Specification. 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*

#### **APPRAISAL**

This application is reported to Committee for decision by Councillor Richard Lewis to assess the impact on the Gower Area of Outstanding Natural Beauty.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 12 (CONT'D)

APPLICATION NO.

2014/0513

The application site comprises a two storey detached dwelling along Malthall which is situated in the local ward of Gower and the Area of Outstanding Natural Beauty (AONB). The site benefits from off road parking and a fairly large curtilage.

The application seeks full planning permission to construct a two storey extension to the side elevation and a porch to the front elevation. The two storey side extension would measure approximately 5 metres wide and approximately 11 metres deep. The extension would comprise a pitched roof measuring approximately 5 metres to the eaves and approximately 7.6 metres to the ridge. The extension also includes a large external stone chimney. The porch to the front elevation would measure approximately 1.4 metres deep and approximately 2.9 metres wide. The porch would comprise of a pitched roof measuring approximately 2.1 metres to the eaves and approximately 4.1 metres to the ridge.

The primary issues in the consideration of this application relate to the impact of the proposed development on residential and visual amenity, having regard to Policies EV1, EV26 and HC7 of the City and County of Swansea Unitary Development Plan (UDP) 2008. The application is also considered with regard to the Council's Supplementary Planning Guidance documents entitled 'A Design Guide for Householder Development' and the 'Gower AONB Design Guide'. There are no overriding issues with regard to the Human Rights Act.

The proposed development would be built on the front and side elevations and would therefore be highly visible from public vantage points. The proposed two storey side extension would project forward of the principal elevation of the property by approximately 3.2 metres, contrary to the guidance set out in the Design Guide for Householder Development and the Gower AONB Design Guide.

Section 1.3 of the 'Design Guide for Householder Development' states that a side extension should not dominate or upset the proportions of a dwelling and limiting the size of the extension relative to the original house is the most straightforward way of achieving this. It is considered that the proposed two storey side extension is contrary to this guidance as the extension would dominate the original dwelling. It is considered that the extension would become the focal point of the dwelling, rather than being the subordinate feature. In addition, the proposed external stone chimney is also considered to be an over-dominant feature which would detract from the visual appearance of the dwelling and surrounding area.

It is considered that the proposed side extension & chimney will introduce an incongruous form of development which would not respond positively to the host property, the surrounding street scene or the Gower AONB. The proposed development would detrimentally alter the character of the host property and would adversely affect the appearance of the Gower AONB. The insertion of large windows to both the extension and other elevations to the host property is contrary to the guidance set out in the Gower AONB Design Guide.

It is considered that the proposed front porch represents an acceptable form of development given its small scale and the proposed use of matching materials.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> JUNE 2014

ITEM 12 (CONT'D)

APPLICATION NO. 2014/0513

The windows to the front of the proposed extension will directly overlook the applicant's private amenity space, only offering oblique views to neighbouring properties to the east. The elevation facing No. 10 Malthead only contains a high level window serving an en-suite; therefore the issue of overlooking does not arise in this instance. There is a distance of approximately 27 metres between the proposed extension and the curtilage boundary to the rear and between approximately 4 and 7 metres from the proposed extension to the curtilage boundary to the east. Therefore it is not considered that the proposed development will have an adverse impact upon the residential amenity of any neighbouring occupier by virtue of any overlooking, overshadowing or overbearing impact. There are no highway objections to the proposal.

In conclusion it is considered that the current proposals are not considered to be acceptable and would be detrimental to the character and appearance of the Gower AONB. Furthermore the current design approach does not accord with the provisions of Policies EV1, EV26 and HC7 of the Council's Unitary Development Plan 2008 or the guidance set out in both the SPG's - Gower AONB Design Guide and the Design Guide for Householder Development.

### RECOMMENDATION

#### REFUSE, for the following reason:

- 1 The two storey side extension by virtue of its siting, size and design would introduce a visually incongruous and discordant form of development to the area and have a harmful impact on the visual appearance of the host dwelling and would fail to preserve or enhance the appearance of the Gower AONB, contrary to the provisions of Policies EV1, EV26 and HC7 of the Unitary Development Plan (2008), the SPG's - Gower AONB Design Guide and the Design Guide for Householder Development.

### 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, EV26 and HC7

### PLANS

TPS.14.AR.BP.SL site location and block plan, TPS.14.AR.PR.BP proposed site plan dated 8th April 2014 . TPS.14.AR.EXIST existing plans, TPS.14.AR.PROP proposed plans dated 16th April 2014

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