

## 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, 1 July 2014

**Time:** 2.00 pm

Members are asked to contact Ryan Thomas (Planning Control Manager) on 535731 should they wish to have submitted plans and other images of any of the applications on this agenda to be available for display at the Committee meeting.

### AGENDA

	Page No.
1 To receive Apologies for Absence.	
2 To receive Disclosures of Personal and Prejudicial Interests from Members.	1 - 2
3 <b>Minutes.</b> To approve as a correct record the Minutes of the meeting of the Area 2 Development Control Committee held on 3 June 2014.	3 - 8
4 Items for deferral / withdrawal.	
5 Determination of planning applications under the Town and Country Planning Act 1990.	9 - 119



**Patrick Arran**  
Head of Legal, Democratic Services & Procurement  
Tuesday, 24 June 2014

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Contact: Democratic Services - 636824

**ACCESS TO INFORMATION  
LOCAL GOVERNMENT ACT 1972 (SECTION 100) (AS AMENDED)**

**(NOTE:** The documents and files used in the preparation of this Schedule of Planning Applications are identified in the 'Background Information' Section of each report. The Application files will be available in the committee room for half an hour before the start of the meeting, to enable Members to inspect the contents).

**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 ( <b>Chair</b> )	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, CIVIC CENTRE, SWANSEA ON  
TUESDAY, 3 JUNE 2014 AT 2.00 PM

#### PRESENT:

Councillor(s)	Councillor(s)	Councillor(s)
J C Bayliss	T J Hennegan	P Lloyd
J E Burtonshaw	L James	K E Marsh
N S Bradley	Y V Jardine	G Owens
R A Clay	M H Jones	C L Philpott
A C S Colburn	A J Jones	J A Raynor
D W Cole	S M Jones	T H Rees
A M Cook	R D Lewis	R V Smith
W Evans	D J Lewis	G J Tanner
E W Fitzgerald	P Lloyd	

Also Present: Councillor L Tyler-Lloyd

#### 1 ELECTION OF CHAIR FOR THE 2014 - 2015 MUNICIPAL YEAR.

**RESOLVED** that Councillor R Francis-Davies be elected Chair for the ensuing municipal year.

#### 2 ELECTION OF VICE CHAIR FOR THE 2014 - 2015 MUNICIPAL YEAR.

**RESOLVED** that Councillor P Lloyd be elected Vice Chair for the ensuing municipal year.

( COUNCILLOR P LLOYD PRESIDED )

#### 3 APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors J P Curtice, R Francis-Davies, J Newbury, C Richards R J Stanton and M Theaker.

#### 4 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 T J Hennegan – Minute No 7 (Item 3) - Application No 2014/0379  
personal – I know one of the objectors.

Councillor L James – Minute No 7 (Items 4, 5 and 11) - Personal – Application No's  
– 2014/0224, 2013/1745 and 2014/0295 – Member of Gower Society.

Councillor S M Jones – Minute No 7 (Item 8) – Personal - Application No 2013/1366  
– I know the applicant.

Councillor C L Philpott – Minute No 7 (Item 1) – Personal and prejudicial –  
Application No 2014/0264 - predetermination of application – left prior to discussion  
thereof.

5 **MINUTES.**

**RESOLVED** that the Minutes of the Meeting of the Area 2 Development Control  
Committee held on 8 April 2014 be approved as a correct record.

6 **ITEMS FOR DEFERRAL / WITHDRAWAL.**

**RESOLVED** that

1) The following planning applications be deferred for the reason outlined below:

**(Item 1) Planning Application No 2014/0264**

Part two storey part first floor front/ side extension at 4 Sketty Park Close, Sketty.

**Reason**

To allow the submission of revised plans.

**Report Updated**

The applicant's agent had requested that the application be deferred to allow the  
submission of further revisions.

Report updated:

Amended Plan 4SPC/003Rev B has been received 2 June 2014 which shows an  
obscurely glazed bathroom window to the rear in place of a bedroom window within  
the 2 storey side extension. This has removed the unacceptable overlooking impact  
and as such the reason for refusal No 2, has been overcome and can be deleted.

The revised plan also shows a small set down of the 2 storey extension by 0.5m,  
however, this is not sufficient to overcome the reason for refusal No 1 and as such  
the reason for refusal still stands

**(Item 4) Planning Application No 2014/0224**

Construction of ten holiday units and use of existing building as ancillary reception at Blackhills Nursery, Blackhills Lane, Fairwood.

**Reason**

To allow the applicant to submit further information to address the policy issues raised.

**Report Updated**

The applicants agent had requested that the application be deferred to allow the submission of further information to address issues.

**(Item 11) Planning Application No 2014/0295**

Retention of agricultural building on land at rear of 62 Station Road, Llanmorlais.

**Reason**

For clarification of the site history.

**(Item 12) Planning Application No 2014/0513**

Two storey side extension, fenestration alterations, alterations to access, alterations to boundary wall and front porch at Penrhallt House, 1 Malthall, Llanrhidian.

**Reason**

For further negotiation.

**Report Updated**

The applicants agent had requested that the application be deferred to allow further negotiations.

2) The following planning application be deferred for a site visit for the reason outlined below:

**( Item 10) Planning Application No 2014/0223**

Detached dwelling and part two storey part single storey rear extension and front canopy to No 86 Saunders Way, Sketty.

**Reason**

To assess the impact upon neighbours.

7 **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 6) Application No 2014/0343**

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 at Asda Stores Ltd, Heol Y Mynydd, Gorseinon

Mr Ross Bowen (agent) addressed the Committee.

**#( Item 7) Application No 2014/0344**

Customer shopping collection building and canopy at Asda Stores Ltd, Heol Y Mynydd, Gorseinon.

Mr Ross Bowen (agent) addressed the Committee.

**#( Item 9) Application No 2014/0146**

Change of use from video rental store ( Class A1) to Estate Agents ( Class A2) at former Blockbuster Video Express, 448 Gower Road, Killay.

Mr Adrian Phillips (agent) addressed the Committee.

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

**( Item 2) Application No 2014/ 0005**

Incorporation of land into residential curtilage on land to the rear of 11 Llys Le Breos, Mayals.

Application refused contrary to the officers recommendation for the following reason:-

**Reason**

The proposal would represent an incongruous form of development which would be detrimental to the visual amenities of the area contrary to the provisions of Policy



EV1 and EV26 of the City and County of Swansea Unitary Development Plan (2008).

Report was updated as follows:-

Page 20, this application was reported to Committee at the request of Councillor Linda Tyler-Lloyd.

**#( Item 3 ) Application No 2014/0379**

Retention of front wall and fencing to a maximum height of 2m at 5 Clyne Crescent, Mayals.

Ms Jumin Lang (applicant) addressed the committee.

(3) the undermentioned planning application **BE REFERRED** to the Development Management and Control Committee with a recommendation that it be approved, contrary to the officers recommendation on the grounds that the new dwelling would serve a long standing sawmill business which makes a significant contribution to the rural economy and would not result in a detrimental impact upon the character and appearance of the area.

**#( Item 5 ) Application No 2013/1745**

Detached dwelling in association with sawmill (outline) at Cilibion Saw Mills, Cilibion.

Mr David Cowley (applicant) addressed the Committee.

The report was updated as follows:

Page 40 – Bullet points 6 – 12 should read 1 – 6.

Letter from Gower Chiropractic Centre confirming that the applicants father had been treated for joint conditions.

(4) that the Welsh Government be informed that had the appeal not been made, the City and County of Swansea would have refused the application contrary to the officers recommendation, for the undermentioned reason:

**#( Item 8 ) Application No 2013/1366**

Retention and completion of replacement dwelling ( amendment to planning permission 2011/1339 granted on 28 March 2013) at 27 Slade Road Newton

Mr John Oats ( objector) addressed the Committee.

It was requested that it the Welsh Government be informed that the majority of members voted in favour of this decision.

**Reason**

Retention of the dwelling, by virtue of its siting, scale and height would have a Detrimental impact upon the residential amenities of the occupiers of neighbouring dwellings contrary to the provisions of Policies EV1, EV2 and HC2 of the City and County of Swansea Unitary Development Plan ( 2008)

The report was updated as follows:

Page 64 and 65 – Site History

Planning Application Ref 2010/0483 and 2011/1339 relate specifically to this site.

Page 67, second paragraph the site was occupied by a low lying small detached bungalow which has been demolished.

The meeting ended at 4.10p.m.

**CHAIR**

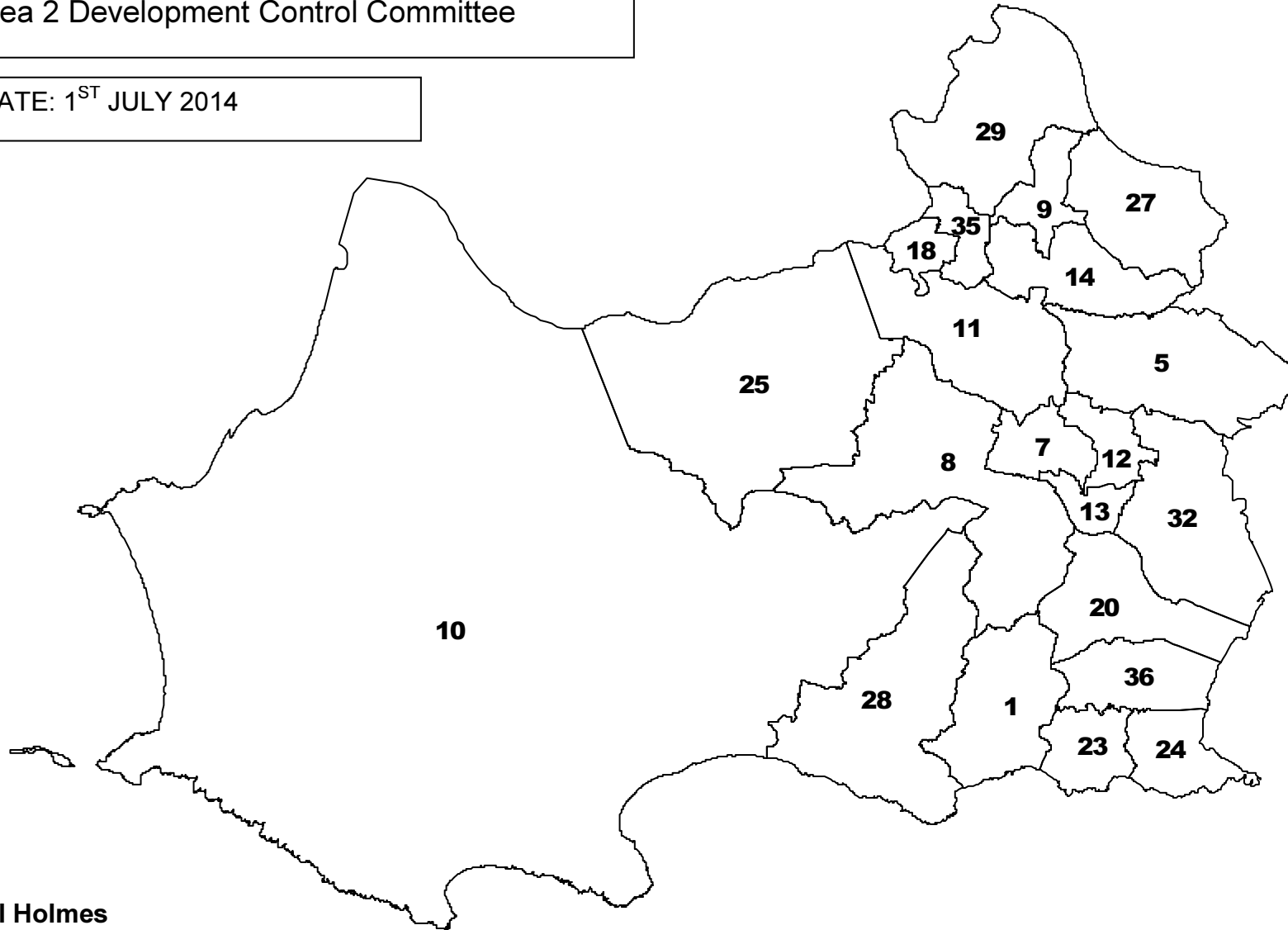
CITY AND COUNTY OF SWANSEA  
DINAS A SIR ABERTAWE

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

DATE: 1<sup>ST</sup> JULY 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

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



## 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	2014/0248	15 Overland Road Mumbles Swansea SA3 4LP <b>Demolition of existing building and construction of new building to provide 7 two bedroom residential units</b>	APPROVE
2	2014/0335	109 Higher Lane Llangland Swansea SA3 4PS <b>Replacement detached dwelling</b>	APPROVE
3	2013/1733	White Knight Gardens Nursery Oldway Bishopston Swansea SA3 3DE <b>Demolition of existing buildings and structures and construction of 4 detached dwellings with detached garages, 1 detached dwelling with attached garage, 15 detached dwellings with integral garages, two pairs of 2 bedroomed dwellings, a terrace of 3 x 2 bedroomed dwellings, new access, landscaping and associated works</b>	APPROVE
4	2014/0135	Former Smithy, Reynoldston, Swansea, SA3 1AD <b>Conversion of former smithy to holiday accommodation, increase in ridge height and construction of 2m stone wall</b>	APPROVE
5	2014/0638	Tankey Lake Farm Llangennith Swansea SA3 1DT <b>Construction of an extension to join two existing barns</b>	APPROVE
6	2014/0605	The Long House, Stavel Hagar, Llanrhidian, Swansea <b>Conversion of redundant long house to form a holiday let and single storey front extension</b>	APPROVE
7	2014/0295	Land rear of 62 Station Road, Llanmorlais, Swansea, SA4 3TF <b>Retention of agricultural building</b>	APPROVE
8	2014/0507	1 Silver Close, West Cross, Swansea, SA3 5PQ <b>Retention of front boundary wall/fence and increased land level of rear garden by 0.4m</b>	REFUSE

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
9	2014/0518	Brynfield Cottage and Sanctuary Cottage Reynoldston SA3 1AD  <b>Two single storey side extensions, first floor side extension, two storey rear extension and two rear balconies to existing pair of dwellings to provide 4 no. self contained holiday lets</b>	APPROVE
10	2014/0541	Honeysuckle Cottage, Oxwich, Swansea, SA3 1LU  <b>Front porch, detached garage and two rear gable features</b>	APPROVE
11	2014/0571	Former petrol station, Eversley Road, Sketty, Swansea, SA2 9DF  <b>Change of use from vacant petrol filling station to a hand car wash and valet and installation of covered canopy area</b>	APPROVE
12	2014/0596	Mount Pleasant, Llanrhidian, Swansea, SA3 1EH  <b>Retention and completion of two storey side extension, retaining wall and new access</b>	APPROVE

AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 1

APPLICATION NO.

2014/0248

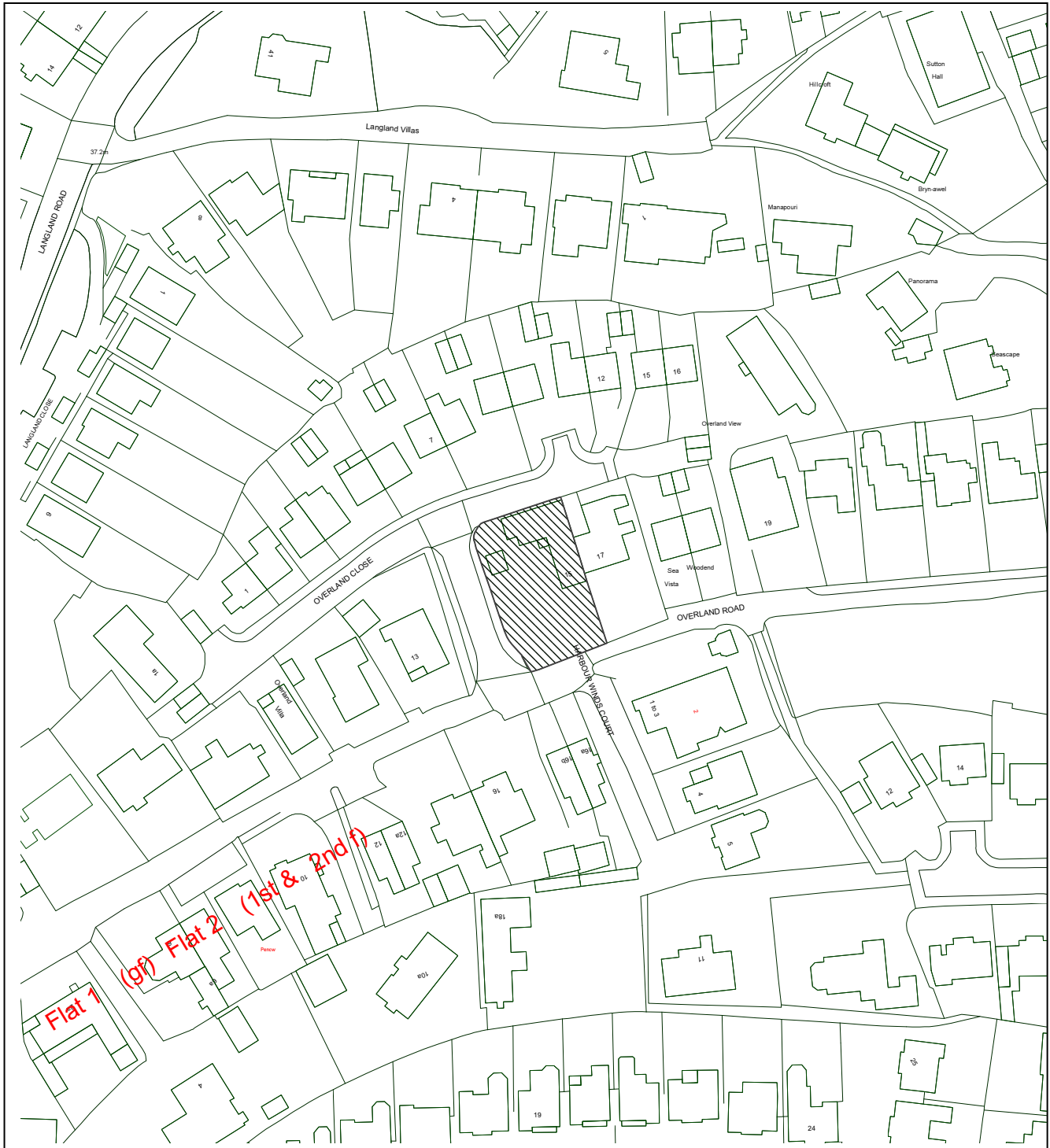
WARD:

Oystermouth  
Area 2

**Location:** 15 Overland Road Mumbles Swansea SA3 4LP

**Proposal:** Demolition of existing building and construction of new building to provide 7 two bedroom residential units

**Applicant:** Aspect Development Ltd



NOT TO SCALE

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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/0248

### BACKGROUND INFORMATION

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
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 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 AS6	Provision of car parking in accordance with adopted standards. (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)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2013/1668	Discharge of condition 5 of planning permission 2013/1178 granted 14th October 2013 for the recycling and refuse storage and cycle racks Decision: No Objection Decision Date: 10/01/2014
2013/1178	Two storey side extension and conversion of existing building to provide 7 flats. Decision: Grant Permission Conditional Decision Date: 14/10/2013

#### **RESPONSE TO CONSULTATIONS**

TEN LETTERS OF OBJECTION have been received, which are summarised as follows:



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/0248

1. The rear elevation overlooks my property and the installation of 2 Juliette balconies will result in significant loss of privacy.
2. Parking is an issue and 7 flats will require 2 spaces each, therefore another 7 cars will need to park on Overland Road. An emergency vehicle was unable to get through on one occasion.
3. The two/three storey development will block light from the southern elevation of my property.
4. The north west elevation with the Juliette balconies is directly opposite my front bedrooms and lounge.
5. Yellow lines or residents permit parking could be introduced for Overland Road.
6. We no longer let our children play outside due to the parking problem which becomes worse during the summer months.
7. The layout of the flats lends itself to be three bedroomed not two thus potentially increasing the occupancy and parking provision required.
8. Service vehicles have tried to access the close with no avail and an ambulance was unable to go anywhere near the house of a patient and this development will only compound the issue.
9. There is no availability for additional on road parking in the approach or Overland Close itself and does not reflect the situation in the evening and weekends.

**Mumbles Community Council:** No objection.

**Dwr Cymru Welsh Water** – No objection subject to conditions

**Highways Observations** - This proposal is to demolish no 15 Overland Road and erect a new building to accommodate 7 two bedroom apartments. The current building is in multiple occupation and likely that present levels of on site parking do not comply with up to date parking standards.

Adopted parking standards require one space per bedroom however in locations that have access to local bus services and other facilities a reduction in parking can be applied provided that no fewer than one space per unit remains. Walking distance to Newton Road shops is approximately 600m walking distance from the site where access to the school and shops is available. At 230m distance on Llangland Road, a 10-15 minute frequency bus service is available therefore the site is considered accessible. It is considered acceptable therefore that resident parking is reduced to 1 space per unit at this location. In addition, 2 visitor spaces are necessary to accord with the recommended ratio of one space per five units. The total number of spaces required to comply with adopted standards therefore is 9 spaces.

The applicant has indicated the provision of 8 parking spaces and those spaces do not comply with the larger dimensions recommended in the parking standards document. This can be addressed by widening the spaces to the recommended width as there is sufficient space available. The shortfall of one parking space is not likely to be a sustainable reason for refusal and on balance therefore I would not wish to recommend that the application be refused.

I recommend no highway objection subject to the parking spaces being increased to a width of 2.6m.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/0248

### **Amended observation**

Parking space dimensions have been amended to comply with current standards. I recommend that no highway objections are raised

### **APPRAISAL**

This application is reported to Committee for decision and a Site Visit has been requested by Councillor Tony Colburn to assess concerns relating to car parking and highway safety.

Full planning permission is sought for the demolition of 15 Overland Road in Mumbles to provide a two/three storey development containing 7 flats. The existing building is a large two-storey semi-detached property which is situated within the established residential area of Mumbles. The existing building has been unsympathetically altered and converted over time in to 6 bedsits/flats, however there would appear to be no site history and as such for all intents and purposes the existing use is unlawful in planning terms. It should be noted that planning permission was granted in 2013 for an extension to the existing building to provide 7 flats – 2013/11780 refers. The proposal also included provision for cycle, bin and recycling storage in the south eastern corner of the site, the details of which are the same as previously approved.

The main issues for consideration during the determination of this application relate to the principle of the rebuilding of this property to form multiple residential units and the impact of the proposed development upon the pair of semi-detached properties and character and appearance of the wider street-scene, the residential amenities of the neighbouring properties and highway safety having regard for the provisions of the City and County of Swansea's Unitary Development Plan 2008.

The site is identified as unallocated white land within the urban area of Mumbles under the provisions of the Swansea UDP Proposals Map. Policies EV1, EV2, HC2 and AS6 of the Swansea Unitary Development Plan 2008 would be the most relevant. Policy EV1 refers to developments complying with good design criteria, Policy EV2 refers to preference being given to developments on previously developed land, having regards to impacts upon residential amenity and highway safety, Policy HC2 refers to housing developments in urban areas being supported subject to criteria and Policy AS6 states that parking provision to serve development will be assessed against adopted maximum parking standards.

Having regard to the previous planning permission granted on the site which is similar in siting, scale and design, it is considered that the principle of this form of development is acceptable at this suburban location. This is subject to the scheme demonstrating that there would not be an undue impact upon the residential amenities of the neighbouring properties, the visual amenities of the area and also providing that the scheme would not result in an over-intensive use or unacceptable impact on highway safety and that appropriate refuse storage arrangements can be provided in compliance with the aforementioned Policies EV1, EV2, HC2 and AS6.

In terms of visual impact, the existing building is a large two storey (with accommodation in the roof) irregular semi-detached property which is in a dilapidated state and in need of renovation.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 1 (CONT'D)

APPLICATION NO. 2014/0248

Given the semi-detached properties are not symmetrical, careful consideration does not have to be given to the impact of the rebuilding of the property upon the balance and symmetry of the pair of properties in this instance.

As stated above the existing property has been unsympathetically altered over time and the current proposal provides an opportunity to re-introduce traditional features and remove the unsightly external staircase and flat roof additions which have been added over time. The two storey side addition will mirror the proportions of the existing two storey projecting front gable and as such create a sense of symmetry within the new build. The new build represents a well proportioned property and is of a design, scale and massing which complements the character and appearance of the existing building which it is to replace. The development will re-introduce the traditional features of the existing property which is considered to have a positive impact upon the visual amenities of the area and the wider street-scene. In terms of the pattern of fenestration, the re-development will incorporate traditional windows which pick up on the vertical emphasis which is common with traditional buildings and also allow for the reinstatement of the large traditional chimney which will undoubtedly improve the visual appearance of the property. It is acknowledged that the rebuilding will introduce additional fenestration openings that were not included in the previously approved application for the conversion and extension of the existing building. This would be most apparent in the north western elevation facing the properties in Overland Close. It is considered however, that their inclusion would be appropriate in terms of solid to void ratio.

The application also provides an opportunity to remove the unsightly close boarded fence boundary treatment which is currently on site and replace it with either a stone or brick wall or with a mature hedgerow. This can be controlled via an appropriately worded condition.

As such the proposal is considered to result in a development that respects the traditional appearance of the building to be demolished and also respects the character of this pair of semi-detached properties and the visual amenities of the street-scene in accordance with the principles of Policies EV1, EV2 and HC2 of the City and County of Swansea's Unitary Development Plan 2008.

Turning to the issue of residential amenity, the proposed development can easily be accommodated within the boundaries of the application site and would be sited approximately 2m from the edge of Overland Close, matching the depth of the rear elevation of no.17 Overland Road. The depth of the new building would be approximately 7m from the main back wall of no.17, approximately 2m less than the depth of the current property. At present there are 8 windows that directly face the rear of no.17 and this will be reduced to 6, two of which will be partially obscured. It is considered therefore that the situation will actually be an improvement for the occupiers of no.17 in terms of privacy and overbearing physical impact. In addition, the development will be sited a sufficient distance from No 13 Overland Road and the properties sited along Overland Close which will ensure that the scheme will not prove unacceptably overbearing or overshadowing or be detrimental to the residential amenities of these properties.

In terms of overlooking, ground floor overlooking would be mitigated against via an agreed boundary treatment which will be secured via condition. Windows in the front elevation will mainly overlook the curtilage of the building and the adjacent road which will help maintain natural surveillance within the area.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 1 (CONT'D)

APPLICATION NO. 2014/0248

With regard overlooking to the north, the 1<sup>st</sup> and 2<sup>nd</sup> floor windows will be sited a minimum of 20m from No's 7 and 8 Overland Close which is considered a sufficient distance to avoid unacceptable loss of privacy; however, the windows will be within 10m from their front curtilages. It should be noted that this area of land is currently used as the front garden of these properties and already within the public domain and, as such, the proposal would not afford unacceptable overlooking in this direction sufficient to warrant the refusal of this planning application. It is also acknowledged that the amount of windows in this elevation has increased from 9 in the previously approved scheme to 16 in the current scheme. However, as views from 6 of the windows towards nos. 7 and 8 Overland Close would be screened by the means of enclosure on the ground floor and two of the first floor windows would be obscure glazed, it is not considered that the introduction of additional openings would cause sufficient harm in terms of overlooking or loss of privacy to warrant or sustain a recommendation of refusal in this instance.

With regard the impact upon No 13 Overland Road, the 1<sup>st</sup> floor gable side windows are sited in excess of 10m from the boundary with No 13 which is considered sufficient in order to mitigate against unacceptable overlooking. However the 2<sup>nd</sup> floor gable windows would be within 15m from the boundary of this property which is considered an insufficient distance as the Local Planning Authority acknowledge that a separation distance of 5m per floor should be adhered to. As such in order to overcome issues relating to overlooking a condition requiring this kitchen window be obscurely glazed and fixed shut is recommended in this respect.

Therefore, subject to appropriately worded conditions, it is considered that, on balance, the proposal will respect the residential amenities of the neighbouring occupiers, in compliance with Policies EV1, EV2 and HC2 of the City and County of Swansea's Unitary Development Plan 2008.

The Head of Transportation and Engineering acknowledges that a total of 9 spaces should be provided where as only 8 are indicated within the current scheme. However, in locations that have access to local bus services and other facilities a reduction in parking can be applied provided that no fewer than one space per unit remains. In this instance therefore, no highway objection to the scheme is raised on balance that the shortfall of one parking space is unlikely to be a sustainable reason for refusal as the 8 parking spaces provided are shown as increased in width to 2.6m.

Notwithstanding the above ten letters of objection have been received which raise concerns with respect the scale of the operation, principle of development and parking. The issues pertaining to which have been addressed above.

It is considered that the proposed rebuilding of the property instead of its conversion and extension respects the visual amenities of the pair of semi-detached properties and the wider street-scene. In addition, this scheme provides an opportunity to improve the aesthetic appearance of the property. Subject to conditions, the scheme will also respect the residential amenities of the neighbouring properties and highway safety. As such the scheme complies with the overall principles of Policies EV1, EV2, HC2 and AS6 of the City and County of Swansea's Unitary Development Plan 2008 and approval is recommended.

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014**

ITEM 1 (CONT'D)

APPLICATION NO.

2014/0248

**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 dwelling(s) 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.
- 3 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.
- 4 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.
- 5 Samples of all external finishes 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.  
Reason: In the interests of visual amenity.
- 6 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.
- 7 Foul water and surface water discharges shall be drained separately from the site.  
Reason: To protect the integrity of the Public Sewerage System.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/0248

- 8 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.
- 9 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.
- 10 The second floor windows in the south-west elevation shown as serving the kitchen and dining room on the proposed second (attic) floor plan as indicated on the plan no:1318-04, the en-suite window and the kitchen window in the south western elevation as shown on the first floor plan no. 1318-03 and all the windows facing no.17 Overland Road shall be obscure glazed and fixed shut below a height of 1.7m from internal floor level and shall be retained as such unless otherwise agreed in writing with the Local Planning Authority.  
Reason: In the interests of the residential amenity of the occupiers of neighbouring properties.

### 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.
- 3 If 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.
- 4 The developer is advised that the Welsh Government have introduced new legislation that make it mandatory for all developers who wish to connect to the public sewerage to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW) (Mandatory Build Standards). Further information on the Mandatory Build Standards can be found on the Developer Services Section, DCWW at [www.dwrcymru.com](http://www.dwrcymru.com) or on the Welsh Government's website [www.wales.gov.uk](http://www.wales.gov.uk).
- 5 The developer is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's (DCWW) maps or public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. DCWW advise that the applicant contacts their Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/0248

- 6 The proposed development is crossed by a trunk/distribution water main. It may be possible for this water main to be diverted under Section 185 of the Water Industry Act 1991.

No structure is to be sited within a minimum distance of 3 metres from the centre line of the pipe. The pipeline must therefore be located and marked up accurately at an early stage so that the Developer or others understand clearly the limits to which they are confined with respect to Dwr Cymru Welsh Water's apparatus. Arrangements can be made to trace and peg out such water mains on request of the Developer.

Adequate precautions are to be taken to ensure the protection of the water main during the course of site development.

If heavy earthmoving machinery is to be employed, then the routes to be used in moving plant around the site should be clearly indicated. Suitable ramps or other protection will need to be provided to protect the water main from heavy plant.

The water main is to be kept free from all temporary buildings, building material and spoil heaps etc.

The existing ground cover on the water main should not be increased or decreased.

All chambers, covers, marker posts etc. are to be preserved in their present position.

Access to the Dwr Cymru Welsh Water's apparatus must be maintained at all times for inspection and maintenance purposes and must not be restricted in any way as a result of the development.

No work is to be carried out before Dwr Cymru Welsh Water has approved the final plans and sections.

- 7 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).

- 8 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

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014**

ITEM 1 (CONT'D)

APPLICATION NO.

2014/0248

- 8 - 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.

**PLANS**

1318-01B Site location plan, block plan and existing elevations, 1318-02B proposed ground floor plan, 1318-03 B proposed first floor plan, 1318-04 B proposed second (attic) floor plan, 1318-07 proposed bin store & cycle rack dated 18th February 2014, 1318-05 Rev E proposed site plan and elevations dated 5th March 2014.

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 2

APPLICATION NO.

2014/0335

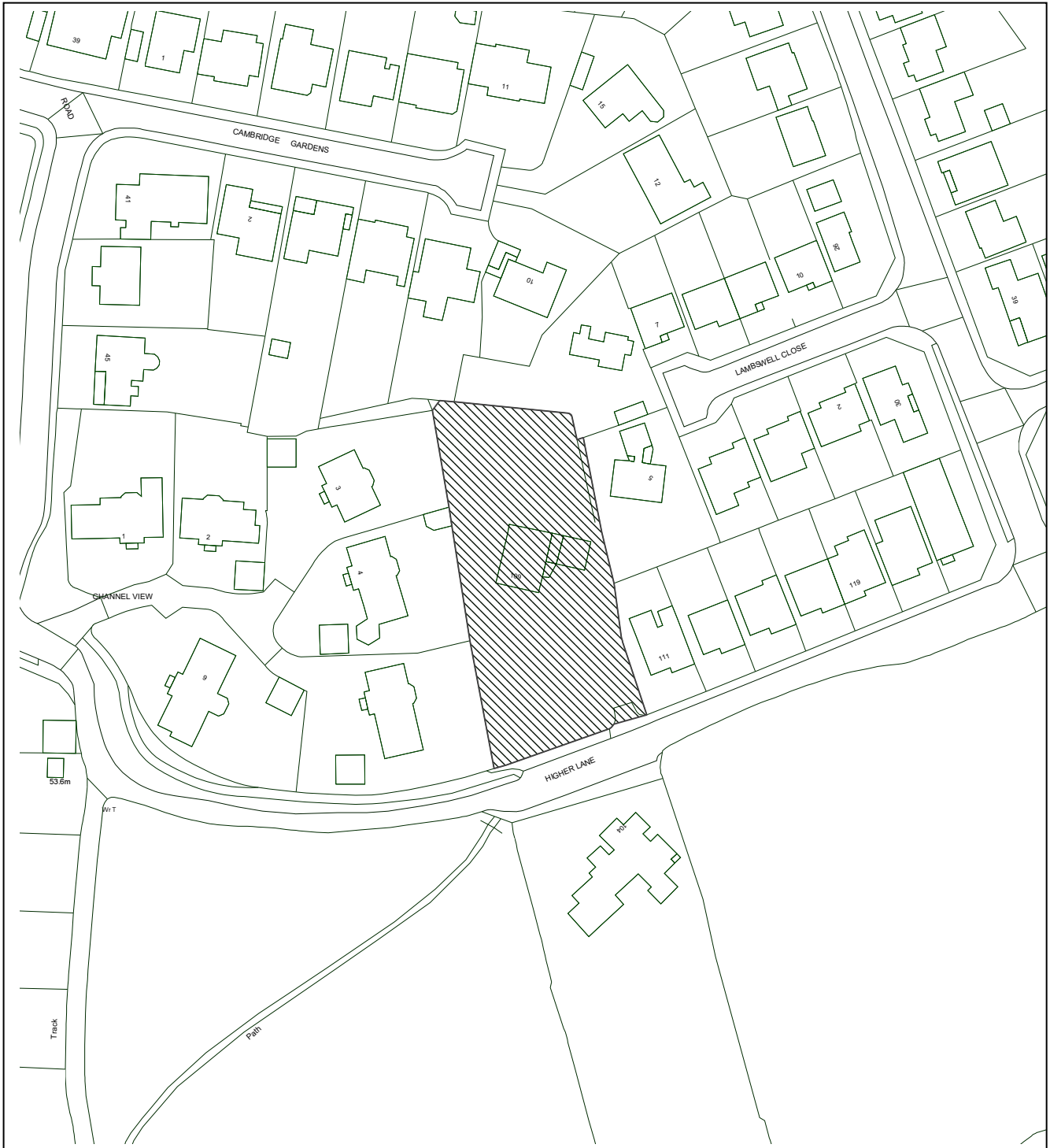
WARD:

Oystermouth  
Area 2

**Location:** 109 Higher Lane Langland Swansea SA3 4PS

**Proposal:** Replacement detached dwelling

**Applicant:** Mr & Mrs R Vale



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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 2 (CONT'D)

APPLICATION NO.

2014/0335

### BACKGROUND INFORMATION

#### POLICIES

Policy	Policy Description
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 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).

#### SITE HISTORY

App No.	Proposal
99/0225	ERECTION OF 6 DETACHED DWELLING HOUSES Decision: *HPS106 - PERMISSION SUBJ - S106 AGREEM. Decision Date: 03/08/1999

#### RESPONSE TO CONSULTATIONS

The application was advertised on site and seven individual properties were consulted. ONE LETTER OF OBJECTION has been received, which is summarised as follows:

1. The scale and siting will have an overbearing impact on our private amenity space
2. The development will have a dominant and incongruous visual impact upon the street scene of Higher Lane.
3. It will cut out a lot of sunlight in the winter months as our garden faces south.

**Dwr Cymru Welsh Water** – No objection subject to conditions

**Mumbles Community Council** – No objection

**Highways Observations** - Proposals are for a replacement detached dwelling. The proposed dwelling will use the existing vehicle access from Higher Lane. 3 parking spaces are required and this can be accommodated with a long driveway and garage parking. There are no highway objections.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 2 (CONT'D)

APPLICATION NO.

2014/0335

### APPRAISAL

This application is reported to Committee for determination and a site visit has been requested by Councillor Tony Colburn to assess concerns over the dwellings excessive size, overbearing impact and effect upon the character of the street scene.

Full planning permission is sought for a replacement dwelling at 109 Higher Lane in Langland, Swansea. The site measures approximately 73m in depth by 32m in width and the new dwelling would be sited approximately within the centre of the plot.

The new dwelling would measure approximately 25m (which includes the attached garage) x 14m, have a varying eaves height of between 2.7m and 5.5m and an overall height of between 6.2m and 9m. The accommodation would be arranged over three floors with the rooms in the attic being used for storage and office space. External materials would consist of slate roof, aluminium doors and windows with a mixture of facing brickwork, smooth render and shiplap boarding for the elevations. The existing dwelling is also sited centrally within the plot and comprises of a detached property with a detached garage which is linked to the house by a covered walkway. The existing dwelling measures approximately 9.3m (17.5m with the garage) x 12.8m with an eaves height of 5.3m and an overall height of 8m. The garage has a flat roof height of approximately 3m.

The main issues to be considered are the impact of the dwelling upon the visual and residential amenities of the area as well as highway safety having regard to the provision of Polices EV1, Ev2, and HC2 of the City and County of Swansea's Unitary Development Plan 2008.

The site lies within the established residential area of Langland and as such in principle, there is no objection to the rebuilding of the existing dwelling and will be supported, as stated in Policy HC2, where a site has been previously developed or is not covered by conflicting plan policies or proposals and provided the proposed development does not result in ribbon development or contribute to the coalescence of settlements, cramped/overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, the loss of important urban greenspace, significant harm to highway safety. Policy EV1 states that developments should follow good design objectives and Policy EV2 states that the siting of new development should give preference to the use of previously developed land over greenfield sites, and must have regard to the physical character and topography of the site and its surroundings.

It is acknowledged that the new dwelling is more substantial than the one it is to replace but it is a large house on a very large plot and as such it would not result in a cramped form of development or an overdevelopment of the site, thus complying with the criteria laid out in Policies EV1, EV2 and HC2. In addition, the plot lies adjacent to the very large properties in Channel View to the west which dictates that the new dwelling would not appear as an incongruous or discordant overly large feature within the street scene and also having regard to the fact that the dwelling would be sited back in the plot approximately 32m from its entrance onto Higher Lane.

Turning to the issue of residential amenity, concerns have been raised that the new dwelling would give rise to loss of light for the occupiers of Lambswell Close. However, as the site lies to the west of the garden of No. 5, this would be not have a significant impact.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 2 (CONT'D)

APPLICATION NO. 2014/0335

Concerns have also been raised that the dwelling would appear overbearing due to the increase in its depth. It is acknowledged that the new dwelling is closer to the common boundary with no.5 Lambswell Close than at present with regards to the main body of the dwelling. However, the dwelling affected on Lambswell Close is sited at a higher level than the application site and whilst the width of the dwelling would increase, the size of the plot and the relationship between the two dwellings would not result in unacceptable physical overbearance to a degree that would warrant a recommendation of refusal on this issue alone. In addition, there is a high well established hedgerow between the two properties, which would also provide some screening of the dwelling from No.5. The windows in the rear elevation of the new dwelling would be obscure glazed at attic level and the nearest window at first floor level would also be obscure glazed. In this instance therefore, it is not considered that there would be any undue impact in terms of direct overlooking or loss of privacy.

The distance between the new dwelling and those in Channel View exceed the standard and accepted minimum distances between dwellings and there are no habitable room windows in the western side elevation. It is not considered therefore that there would be any undue impact upon the residential amenities of these occupiers in terms of unacceptable loss of light, privacy or overbearing physical impact.

With regards to highway safety, the Head of Transportation and Engineering raises no highway objection as the required 3 car parking spaces can be adequately provided within the curtilage of the site.

The issues raised by the objector have been addressed above in the main body of the report.

In conclusion and having regard to all material considerations, including the Human Rights Act, the proposed replacement dwelling is an acceptable form of development at this location that would not, on balance, unduly impact upon the residential amenities of neighbouring properties, the visual amenities of the area or highway safety. The proposal is therefore considered to comply with the requirements of Policies EV1, EV2 and HC2 of the City and County of Swansea's Unitary Development Plan 2008 and the Council's recently adopted SPG entitled Infill and Backland Design Guide 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 Samples of all external finishes 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.  
Reason: In the interests of visual amenity.

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014**

ITEM 2 (CONT'D)

APPLICATION NO.

2014/0335

- 3 The first floor shower room windows in the rear elevation, the bathroom windows in the side elevations and the rear attic windows shall be obscure glazed and unopenable below a height of 1.7m from internal floor level, and shall be retained as such at all times unless otherwise agreed in writing with the Local Planning Authority.  
Reason: To safeguard the privacy of the occupiers of neighbouring residential properties.
- 4 The dwelling(s) 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(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.
- 6 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.
- 7 Foul water and surface water discharges shall be drained separately from the site.  
Reason: To protect the integrity of the Public Sewerage System.
- 8 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.
- 9 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 – 1<sup>ST</sup> JULY 2014

ITEM 2 (CONT'D)

APPLICATION NO.

2014/0335

### 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
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
  - Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild birdCare should be taken when working on buildings particularly during the bird nesting season March-August.
- 4 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 5 If 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.
- 6 The developer is advised that the Welsh Government have introduced new legislation that makes it mandatory for all developers who wish to connect to the public sewerage to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW) (Mandatory Build Standards). Further information on the Mandatory Build Standards can be found on the Developer Services Section, DCWW at [www.dwrcymru.com](http://www.dwrcymru.com) or on the Welsh Government's website [www.wales.gov.uk](http://www.wales.gov.uk).
- 7 The developer is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's (DCWW) maps or public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. DCWW advise that the applicant contacts their Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014**

ITEM 2 (CONT'D)

APPLICATION NO.

2014/0335

**PLANS**

873-L(90)103 site location plan, 873-L(90)101 existing block plan, 873-L(90)102 proposed block plan, 873-L(99)101 existing floor plans, 873-L(99)102 existing elevations, 873-L(99)103 proposed ground floor plan, 873-L(99)104 proposed first floor plan, 873-L(99)105 proposed second floor plan, 873-L(99)103 proposed elevations dated 6th March 2014, proposed site section dated 1st May 2014.

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 3

APPLICATION NO.

2013/1733

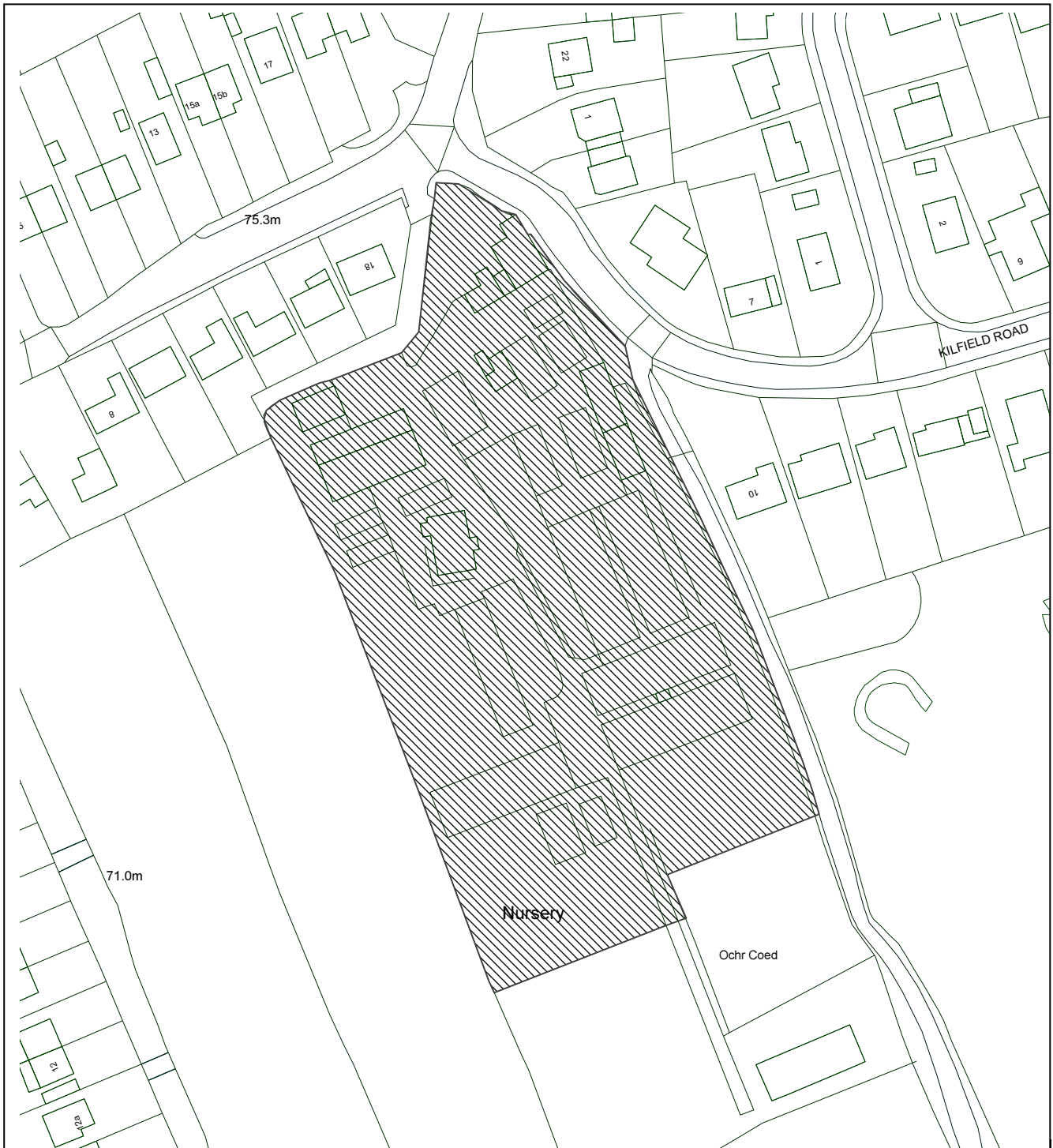
WARD:

Bishopston  
Area 2

**Location:** White Knight Gardens Nursery Oldway Bishopston Swansea SA3 3DE

**Proposal:** Demolition of existing buildings and structures and construction of 4 detached dwellings with detached garages, 1 detached dwelling with attached garage, 15 detached dwellings with integral garages, two pairs of 2 bedroomed dwellings, a terrace of 3 x 2 bedroomed dwellings, new access, landscaping and associated works

**Applicant:** Redrow House Copse Walk



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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 3 (CONT'D)

APPLICATION NO.

2013/1733

### BACKGROUND INFORMATION

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV17	Within the boundaries of the large villages as identified on the Proposals Map, development will be limited to existing commitments, small infill plots and, in locations outside the AONB, small scale rounding off, subject to the other defined criteria. (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 EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 3 (CONT'D)

APPLICATION NO.

2013/1733

Policy EV34 Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

None

### RESPONSE TO CONSULTATIONS

#### ORIGINAL SCHEME (26 dwellings - 5 x affordable terraced houses)

The application was advertised on site and in the local press and seven individual properties were consulted. 58 LETTERS OF OBJECTION AND 1 LETTER OF COMMENT were received, which are summarised as follows:

1. I have no objection in principle to the housing development but would like to see the houses on plots 23 and 24 eliminated as they will overlook the rear of the existing houses and gardens in Oldway.
2. The development is too large for the area and it would increase traffic to an unprecedented degree and place additional strain on the sewage infrastructure.
3. There is the likelihood of further expansion of the development and I object to the change from agricultural use to residential.
4. There is not clear visibility from the proposed access to 40m in either direction.
5. The access to Bishopston Road/Oldway is already dangerous.
6. The proposed development would contribute to the coalescence of Oldway, Pyle and Bishopston and only 25% of the proposed boundary is within the EV17 planning area.
7. There is no common amenity land in the plan, no pavement and a single access track access for the majority of it.
8. It is disputed that the site access is adequate.
9. There is no adequate public transport.
10. It would alter the character and appearance of the area.
11. The plots appear to be unduly small and would represent a kind of toy town development. Mandinam Park in Sketty is of a similar size and has only 11 houses.
12. The increase in traffic would increase the risk of accidents occurring.
13. The drainage problems will increase.
14. The primary school would be inadequate for an additional 30 to 40 extra children.
15. There is no requirement for additional housing in Bishopston.
16. If developers are allowed to build on any patch of land in Bishopston then it sets a dangerous precedent.
17. Consideration should be given to local residents during the demolition and construction processes.
18. Little of the development will be affordable housing and 5 out of 25 does not meet local need.
19. The area is a well known limestone area and will not be sufficiently stable to support the development as envisaged.

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014**

ITEM 3 (CONT'D)

APPLICATION NO.

2013/1733

20. Water supply pressure has already been altered to reduce risk of flooding to houses in Caswell.
21. The site and its surrounds provide a natural habitat for local wildlife.
22. The sewage works at Hareslade is at capacity.
23. There is sufficient demand for allotments in this area.
24. There is inadequate set back for Plot 1.
25. There is an interference with my right to light.
26. An alternative 2<sup>nd</sup> access must be provided for access of emergency services.
27. The majority of the area will be covered with tarmac as a result drainage for the new and surrounding properties will be come an issue of grave importance.
28. The term brownfield for the site is questionable as this development includes substantial amounts of ground that can only be described as Greenfield.
29. There is no need for ¾ bedroom detached houses but for bungalows for older people and more affordable starter homes for younger family members.
30. I question that the development will have no impact on the Sac and Sssi which is located only 600m to the east.
31. There has been zero consultation with the local residents neither by Redrow or the landowner.
32. More housing development of this magnitude would set a precedent and make Bishopston more suburban and anonymous in nature.
33. The development details two roads which open into the adjacent green fill land which would be contrary to paragraph 9.2.7 of PPW.
34. How can the lanes support this amount of additional traffic which must also accommodate cyclists and pedestrians?
35. The land proposed for development and adjacent land is the known to be the habitat for bats, birds, (Owls and Wood Peckers) badgers, foxes among others, if the development is permitted then this would necessarily result in breaches to Appendix 2 to the European Habitat Directive, the Wildlife & Countryside Act 1981 (as amended) and also the Protection of Badgers Act 1992.
36. Concerns about pedestrian safety.
37. I am concerned that the amenity of the area is not spoiled by the removal of trees and hedgerows which gives the area its rural feel.
38. The development has no regard to the Gower AONB design guide and is at odds with the Council's own settlement statement for Bishopston provided in that statement.
39. It is a complete and irreversible change of use from being semi-rural to residential and will have a negative visual impact from the east side.
40. The proposal has an excess of 20 houses of the six houses which would be far more in keeping for the site.
41. I do not consider the development to be either small infill plots or small scale rounding off or previously developed.
42. A single storey extension immediately adjacent to the application site contains bat roosts within both eaves elevations.
43. What would be the noise output from the pumping station and how would smells be dealt with?
44. This development is considered as sprawl.
45. The existing trees and shrubs growing outside my entrance lane should not be removed.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 3 (CONT'D)

APPLICATION NO. 2013/1733

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

1. The proposal is at odds with current UDP and the land is designated as EV21.
2. The area was applied for as a candidate site as part of the process of preparing the new LDP and as far as we are concerned there can be no deviation from current legislation until any changes are made.

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

1. Visual impact, over intensity and density of site due to its size.
2. Highway safety, entrance onto Kilfield Road and onto Oldway at keep left signs where visibility is poor these roads are not suitable to an increase of possible 70/80 vehicles
3. Currently Bishopston Primary School and Comprehensive school are both full to capacity and would put extra pressure on schools as they are not capable of a possible increase of 30-40 pupils.
4. Misleading information suitable for walkers and cyclists using a dead end close?
5. Known fissures in this area.

**Dwr Cymru Welsh Water** – No objection subject to conditions

**AMENDED SCHEME ( 26 dwellings, 5 x affordable units of 1 terrace of 3 and a pair of semi detached)**

The application was advertised on site and 55 individual properties were consulted. 26 LETTERS OF OBJECTION were received, which re-iterate previous objections raised.

**The Gower Society** – We cannot change our original thoughts on this application and therefore our objection still stands. This is purely on the grounds that the land is designated as EV21 and the proposal is at odds with the current UDP.

**Bishopston Community Council** – Objects to this application on the same grounds as per our previous letter.

**AMENDED SCHEME (26 dwellings – 5 affordable housing units, 1 terrace of 3 in south of site and pair of semi detached dwellings at site entrance)**

The application was advertised on site and 62 individual properties were consulted. 15 LETTERS OF OBJECTION were received, which re-iterate previous objections raised.

**The Gower Society** – Our original objection still stands

**Bishopston Community Council** – Objects on same grounds as previous letter

**AMENDED SCHEME (27 dwellings – 7 affordable housing units – 2 pairs of semi detached dwellings and a terrace of 3 dwellings)**

The application was advertised on site and 59 individual properties were consulted. 3 LETTERS OF OBJECTION have been received, which again re-iterate previous objections raised.

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2013/1733

**The Gower Society** – Objections still stand.

**Natural Resources Wales:**

Initial comments (24.02.2014)

We would ask that determination of the application be deferred until further information relating to the potential for contamination from the site and drainage has been submitted for review and comment.

**Contaminated Land**

We are aware that the site was previously a horticultural site and the Design and Access Statement submitted with this application makes reference to a Ground Investigation by Integral Geotechnique. However, this does not appear to have been submitted with the application and we would ask that this is supplied for comment. At present without this information we are unable to advise your Authority whether the risk of pollution to controlled waters is acceptable.

As a minimum, we require a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) to be provided. This information will help us understand the risks from any contamination to controlled waters.

**Drainage**

The site is underlain by a Principal Aquifer and as such should be afforded suitable protection for the management of soakaways on site.

We have reviewed the Drainage Strategy report (Pheonix Design Partnership Ltd, dated October 2013) and note that it is proposed to discharge surface water drainage via shallow and borehole (deep) soakaway. We are generally opposed to the use of deep infiltration methods (such as boreholes or other structures that bypass the soil layers) for surface water drainage and will only agree to their use if the developer can show that ***all of the following apply:***

- there are no other feasible drainage options such as shallow infiltration systems) for surface water) or drainage fields that can be operated in accordance with British Standards;
- the system is no deeper than is required to obtain sufficient soakage;
- pollution control measures are in place
- risk assessment demonstrates that no unacceptable discharge to groundwater will take place, in particular that inputs of hazardous substances to groundwater will be prevented; and
- there are sufficient mitigating factors or measures that compensate for the increased risk arising from the use of deep structures.

We will therefore require reasoned argument for the deeper soakaway approach, which to date hasn't been provided. It will need to be demonstrated with evidence that all other sustainable drainage options (SUDS) have been fully investigated. For instance, has any area of the site been identified as suitable for on-site SUDS?

ITEM 3 (CONT'D)

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Has the possibility of separating roof drainage from road drainage been considered?, or could non-infiltration techniques such as grey-water recycling be incorporated into the design of the development?

Until it can be clearly shown that all appropriate drainage options have been fully explored and evidence provided to demonstrate why they cannot be used would we be prepared to consider the use of deep/borehole soakaways.

### **Ecology**

We note the submission of the report entitled '*White Knights Garden Nursery, Bishopston – Ecological Assessment*' conducted by Ecology Solutions Ltd and dated December 2013 and our comments on this report are detailed below.

### **European Protected Species - Bats**

We welcome the bat survey carried out in support of the application and note that a small summer roost comprising males or non breeding females of Pipistrelle species was confirmed in Building B1.

As you are aware, European Protected Species (EPS) are protected by The Conservation of Habitats and Species Regulations 2010 (as amended) (The Habs Regs). Regulation 9 of the Conservation of Habitats and Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to have regard to and, in respect of enactments relating to nature conservation to secure compliance with the requirements of the 1992 'Habitats' Directive (92/43/EEC).

Where an EPS such as bats are present, and a development proposal is likely to contravene the protection afforded to it, a development may only proceed under a licence issued by Natural Resources Wales as the appropriate authority responsible for issuing licences under Section 53 of the above Regulations. This licence can only be issued for the purposes of: 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.'

Furthermore, the licence can only be issued by NRW on condition that there is 'no satisfactory alternative', and that 'the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

In this instance, we do not consider there to be a detriment to the maintenance of the favourable conservation status of the bat species present, providing that:

- The works are carried out in accordance with a method statement (MS) to be agreed with your authority prior to any work commencing at the site. The MS should include, but not be limited to, timing of works, measures to avoid killing and injuring bats during works, use of materials (such as timber, roofing membranes), positioning and size of entrances, size and location of roosting areas, vegetation retention / management, proposals for lighting as appropriate and should be implemented as agreed. We note that some mitigation measures have been proposed in the provided report and advise these are submitted in the MS.

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- A suitable roosting resource is retained or provided for the bats, appropriate to the species and its use of the structure.

We are therefore satisfied that if our concerns regarding contaminated land and drainage can be addressed, an appropriate condition to the above effect could be included on any permission granted.

The applicant must also be made aware that they will need to obtain a European Protected Species licence from ourselves before any works on site commence (that may impact upon bats). Please note that the granting of planning consent does not negate the need to obtain such a licence. Whilst we may wish to discuss aspects of the scheme with the applicant at the time of the licence application, we do not intend to comment further at this stage.

We note that no other protected species were found to be using the site; however there is some potential of use of the site by birds and badgers. Advice on these matters is provided below.

### **Habitats**

We note the conclusions reached in the report that the site is made up of a mix of amenity grassland, hedgerows, trees, and scrub with buildings on site. The habitats on site are not considered to be of particular ecological importance; however the trees and hedgerows do provide some value to the site. We are pleased to note that the majority of the hedgerows and trees are to be retained on site and welcome the proposals to enhance the habitat areas as outlined in sections 7.10-7.16 of the report. We would recommend the use of native species, local to the area for these proposals in order to enhance benefits for local species.

The report has also highlighted that birds may be using the vegetation on site for nesting. The applicant should also be aware that all wild nesting birds are protected by The Wildlife & Countryside Act 1981 (as amended). Therefore, if planning permission is secured and any vegetation clearance is proposed to allow works to commence, this should be avoided during the bird breeding season (March to August inclusive). Should any vegetation clearance be required during this period, the areas must be checked by a qualified, licensed and experienced ecologist for any evidence of breeding birds, prior to any works being carried out. If any evidence is found, no works can continue and NRW must be contacted for advice.

We note that a survey for badgers at the site was carried out and that the majority of the site is considered unsuitable for this species. Some minor foraging opportunities have been identified and therefore we welcome the precautionary proposals outlined in sections 7.30-7.32 of the report and would recommend that these are followed.

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests.

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We recommend that you seek further advice from your authority's internal ecological adviser and/or nature conservation organizations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's website has guidance for assessing proposals that have implications for section 42 habitats and species (.

### Additional comments (27<sup>th</sup> March 2014)

"Further to our letter of 12 March 2014, we have been again contacted by Mr Steve Davis of Phoenix Design Partnership Ltd via email (dated 18 March 2014).

In this email, he has acknowledged our request to undertake further site investigation at trial pit 2.

He has also advised that final shallow soakaway tests will be undertaken on site once it has been cleared. However, the clearing of the site won't be done until planning permission has been secured. Due to this, we have been asked to consider recommending appropriate planning conditions to enable your Authority to take this proposal through to determination.

If your Authority are minded to approve this application then we would recommend that the conditions detailed below are included on any permission. In respect of recommended condition 1, we accept a Preliminary Risk Assessment has been provided and that the further investigation is to be undertaken in the vicinity of TP2."

### **Highways Observations** – Comment as follows:

1.1 This proposal is for redevelopment of the former White Knight garden nursery in Kilfield Road, Bishopston.

1.2 A total of 27 dwellings is proposed with a modified access from Kilfield Road utilising the existing access point.

#### 2 Traffic Generation

2.1 In development traffic terms, the proposal is relatively small with the expected number of traffic movements generated by the proposal being approximately 16 two-way movements in each of the peak hours. Whilst roads leading to the site are a mixture of both urban and rural standard it is unlikely that any volume issues will result from the additional traffic movements.

#### 3 Highway Safety

3.1 Traffic movements generated to and from the site will travel in both directions along Oldway towards Murton and towards Pyle Road. There are restrictions in both directions in terms of the highway standard with a lack of footways and restricted width. However, this is the current situation with all local traffic having to negotiate these restrictions which will on occasion result in drivers having to give way to oncoming vehicles on narrower sections.



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3.2 Pedestrian movements are similarly challenging with a lack of footways on Oldway towards Murton and missing footway links towards Pyle Road. Of particular concern is the route to the nearest local store on Pyle Road. Pedestrians have to negotiate a narrow section of highway where Ridley Way and Caswell Bay Road emerge and form a staggered crossroads. Visibility at the junction is restricted by boundary walls and hedges and in order to provide some safety for pedestrians the applicant has put forward a scheme of lining on the carriageway in an effort to segregate pedestrians and vehicles.

3.3 The scheme suggested by the applicant is to provide a 'give way' marking on the approach to the narrow section so that on-coming traffic from the Pyle corner direction has priority. Forward of this through the narrow section a pedestrian route is marked with white lining and coloured tarmac reducing the carriageway to 3.25m and providing a 1m strip for pedestrian use. Advance warning signs are also included.

3.4 I do have some concern with this approach for the following reasons;

- The proposal will not address concerns with lack of visibility for drivers emerging from Ridley Way or Caswell Bay Road.
- The minimal 1m strip could result in pedestrians having to step out into the carriageway to pass each other.
- The 1m strip is below the recommended width for an adult and child side by side.
- The 1m strip could offer a false sense of security whereas in fact it offers little or no protection.
- There is a relatively long distance of 45m between the give way line and the cross roads.
- The 3.25m carriageway width could be an issue for fire appliances.

3.5 I have suggested that a more appropriate approach might be to install a speed table at the cross roads. If this were installed in combination with a delineated pedestrian route, then traffic would more likely negotiate with greater care especially when emerging from the side roads with restricted junction visibility. By imposing a physical feature such as this to reduce speeds and alter driver behaviour, safety could be improved further.

3.6 The applicant has considered this but is not prepared to offer such a solution as the impact of the development will be minimal in terms of traffic and additional pedestrian movements. Also, a safety audit has deemed the solution acceptable, although this audit has not been submitted with the application. In considering whether such a solution should be imposed on the developer through a suitably worded condition there is a need to have regard to the test for conditions and where requirements are not proportional to the impact of the development, such requirements should not be imposed. On balance therefore, whilst I would have a preference for a more comprehensive solution as outlined, this is likely not justified on the scale of the development impact.

#### 4 Site Layout

4.1 The access into the site is indicated to be a combination of 4.8m wide carriageway with a footway on one side and service strip on the other. This leads onto a shared surface area (no footways) and a series of shared private drives.

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- 4.2 The access road is not suitable for adoption as I would wish carriageways within the site to be 5.5m wide offering better and easier access to properties. It is not the applicant intention to offer any of the roads for adoption and these will remain privately maintained. It should be noted, that adoption of streets is a voluntary action and developers cannot be forced to offer their roads for adoption.
- 4.3 Where the access crosses the highway (between carriageway and back of footway), construction will normally be undertaken by the Highway Authority at the applicant's expense.
- 4.4 Visibility splays at the access junction accord with recommended standards and are acceptable.
- 4.5 A minimum of two parking spaces is being provided for each dwelling with room for four cars for larger dwellings.

### 5 Recommendation

- 5.1 Whilst there are aspects of the proposal that are not ideal, on balance, I recommend no highway objection subject to the following;
- i. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].
  - ii. No dwelling shall be occupied until the access junction and that part of the estate road serving the dwelling has been substantially completed (base course/binding course).
  - iii. No dwelling shall be occupied until the off-site road safety enhancements have been completed in accordance with approved details.

Note 1: The applicant is advised that to discharge condition i. that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Note 2: All works on existing highway are subject to agreement under Section 278 of the Highways Act 1980. Such works are to be undertaken by the Highway Authority unless otherwise agreed in writing.

### Education Observations

The catchment area for this development is Bishopston, and the catchment schools are:

English Medium Primary	Bishopston Primary
English Medium Secondary	Bishopston Comprehensive

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Welsh Medium Primary YGG Llwynderw  
Welsh Medium Secondary YG Y Gwyr

Primary - There is no capacity for growth in Welsh Medium. The **surplus capacity** at YGG Llwynderw (which is the nearby Welsh medium primary school, in January 2013 was 104 with the projection figures for September 2019 as being down to 33.

In January 2013, Bishopston Primary had a **surplus capacity** of 8 pupils, with a projection for September 2019 of 60 pupils.

Secondary: The development will generate 5.72 secondary pupils. In January 2013, Bishopston Comprehensive was **over capacity by 4** pupils, with a projection for September 2019 of being **under capacity** by 7 pupils.

The Authority would seek a Developer's contribution of **£54,339 plus inflation for Bishopston Primary school** refurbishments/enhancements to provide improved facilities at the school.

In addition, Education would also be seeking the full **£90,651 plus inflation for Bishopston Comprehensive School** enhancements which will require a developer's contribution for new build and this would mean claiming the full figure generated for secondary schools

**Housing Enabling Observations** - The Housing Service will expect the provision of 30% affordable housing units on this site, the units should be pepper potted throughout the scheme and be a mix of house types and tenure. The units should also be of the same design and specification as the open market units.

### **Ecology Observations – as below**

#### Initial comments (03.01.2014)

The developers commissioned an ecological survey of the site. Overall the site is of relatively low ecological value there was though a bat roost identified in the house. The developers will need a bat licence (we'll need to condition this). The bats were identified from droppings; this is not a completely reliable, but in this case as no alternative method was possible I think we should accept this but with a degree of caution. Because of the uncertain identification we should therefore ask for slightly more mitigation. The Bat Mitigation Guidelines indicate that in cases where there is likely to be small numbers of non breeding relatively common animals present the mitigation should include "access to new buildings" this has not been described in detail in the mitigation plan. Please can we ask for plans describing the bat the roosting provision for the species identified? These should include the exact location, dimensions and nature of bat access points and bat roost spaces. These need to be shown on architectural drawings and block plans for the buildings. We should get this before we give any permission.

There will be some loss of habitats on the site, primarily hedges and small trees, the loss of these should be compensated for by some suitable landscape planting. Please include the informative below

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### **BIRDS**

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

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

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

Additional Comments (10.06.2014)

The proposals as detailed in sections 47 to 62 of the mitigation strategy are fine, if carried out they will maintain the conservation status of the species affected. Please could we make the execution of the mitigation a condition of any permission we give.

### **APPRAISAL**

This application is reported to Committee for decision and a site visit has been requested by Councillor Keith Marsh to assess concerns with overdevelopment.

Full planning permission is sought for the demolition of the existing buildings and structures at White Knight's Nurseries, Oldway, Bishopston and the construction of 27 residential units and associated works

### **Site and Surroundings**

The application site lies to the west of Kilfield Road and south of Oldway and forms a broadly rectangular parcel of land that has an area of approximately 1.01ha. The site has ceased being used as a commercial nursery where polytunnels, greenhouses and outbuilding have been constructed in connection with this use. The land therefore is considered to be brownfield or previously developed land. The land lies within the settlement boundaries of Bishopston but adjoins the West Cross/Newton Green Wedge boundary. The Gower AONB boundary lies approximately 150 m to the south west corner of the site.

The land surrounding the application site is predominately residential and comprises of a mixture of styles and designs of which there is no particular local vernacular character.

### **The Proposal**

The application consists of 27 dwellings with the following dwelling mix:

- 4 detached dwellings with detached garages
- 1 detached dwelling with attached garage
- 15 detached dwellings with integral garages
- Two pairs of 2 bedroomed dwellings,
- A terrace of 3 x 2 bedroomed dwellings

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Seven dwellings are proposed to be “affordable housing” which equates to 26% provision across the site. All 7 dwellings would be low cost home ownership. Car parking for the site is provided off street for the majority dwellings and by the way of allocated car parking spaces laid out opposite the terrace of three dwellings and the pair of semi detached dwellings in the southern corner of the site. The new access to the site will be created at the north western corner of the site onto Kilfield Road.

### **Main Issues**

The main issues to be considered are the impact of the development upon the visual and residential amenities of the area and highway safety having regard to the provisions of Policies EV1, EV2, EV3, HC2, EV17, HC3, EV33, EV34, EV35 and AS6 of the City and County of Swansea’s Unitary Development Plan 2008 and the supplementary planning guidance document entitled “Places to Live – Residential Design Guide”.

Policy EV1 states that new development shall accord with the following objectives of good design and be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density,

Policy EV2 states that the siting of new development should give preference to the use of previously developed land over greenfield sites, and must have regard to services,

Policy EV3 states that proposals for new development and alterations to and changes of use of existing buildings will be required to provide access and facilities for all, provide satisfactory parking in accordance with Council adopted design standards, contribute to a high quality public realm by improving pedestrian linkages with adjoining spaces and attractions and be accessible to pedestrians, cyclists and users of public transport.

Policy HC2 states that proposals for housing development within the urban area will be supported where the site has been previously developed or is not covered by conflicting plan policies or proposals.

Policy EV17 advises that within the boundaries of the large villages as identified on the Proposals Map, development will be limited to existing commitments, small infill plots and, in locations outside the AONB, small scale rounding off, subject to the other considerations set out in the amplification to this policy. Extensions into the surrounding countryside will not be permitted, except where they contribute to affordable local housing needs as defined in Policy EV18.

Policy AS6 states that parking provision to serve development will be assessed against adopted maximum parking standards to ensure that proposed schemes provide appropriate levels of parking for private cars and service vehicles. Account will also need to be taken of the need to provide facilities for the parking of motorcycles and cycles

Policy HC3 states in areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational/accessibility terms and where this is not ruled out by exceptional development costs.

Policies EV33, EV34 and EV35 refer to the impact of development on sewage disposal, protection of controlled waters and surface water run-off respectively.

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### **VISUAL AMENITY**

The application site is located with the village of Bishopston, which is characterised by a range of dwellings in a variety of sizes, styles and designs. It is not considered therefore that the proposed house types which provide 2, 3 and 4 bedrooms would be out of keeping with the character of this particular area. The dwellings would be two storey in height, incorporating a varying degree of width and depths and garage provision. The new dwellings would be sited at acceptable distances from each other and provide sufficient private amenity space to ensure that the layout would not appear cramped or overdeveloped or that future occupiers would have unacceptable living conditions. In addition, the optimum density of a development as quoted in the Residential Design Guide is between 30-40 dwellings per hectare. The application site has 27 dwellings per 1.01ha and as such is considered to be appropriate in this regard.

The layout consists of one main spine road into the site onto which the majority of the dwellings would front and from which 3 separate secondary access roads would serve 2 x 2 dwellings and 5 dwellings along the western boundary of the site.

The dwellings would have soft landscaping areas to their fronts as well as their off street car parking areas. This landscaping will provide some visual relief from the hard landscaping proposed throughout the site. The existing hedgerows which surround the site are to be retained and/or strengthened which will, it is considered, serve to integrate the scheme well into the village as a whole in this location as well as maintaining a positive visual relationship with the adjoining countryside.

The dwellings would be finished in a variety of materials which include white rough cast render, grey or mixed russett Forticrete tile roofs, brown and red lbstock multi stock bricks with white UPVC windows and black rainwater goods. The front doors of the dwellings will be a mixture of colours including blue and beige.

Whilst the designs of the dwellings differ in size, they maintain many common features such as external materials and front gable features. It is considered therefore that the development has been well thought out in terms of integrating the larger and smaller dwellings into an interesting street scene without one design jarring with another and ensuring continuity.

It is considered therefore that the proposed design and layout of the development is acceptable and complies with the provisions of Polices EV1 and EV2 of the Unitary Development Plan 2008.

### **RESIDENTIAL AMENITY**

With regard to the amenity of existing residents, the existing properties that would be closest to the proposed development are nos. 12 -18 Oldway to the north, 5 Kilfield Road to the north east and 10 Kilfield Road to the east.

The rear of three detached dwellings would face the properties in Oldway with a minimum separation distance of 21m between nearest facing elevations which complies with the standard and accepted minimum distances between dwellings to prevent unacceptable loss of privacy or overbearing physical impact.

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It should also be noted that the rear of the gardens serving the dwellings on plots 24, 25 and 26 would not directly adjoin their rear gardens as the existing rear access at this location lane is to remain.

The rear of the dwellings on plots 3, 4, 5 and 6 would face towards no.10 Kilfield Road but the distances to this dwelling also comply with the minimum distances between dwellings. In addition, the existing hedgerow screening on this eastern boundary will be retained which will also safeguard the residential amenities of the occupiers of this property.

The dwellings on plots 1 and 2 would be sited at the entrance to the site and opposite no.5 Kilfield Road. The distance between these properties would be approximately 24m and as the views from the new dwellings would be over the front granted on no.5 which open to public views, there would be no undue impact upon their residential amenities, it is considered.

In terms of the layout of the scheme, the relationship of the dwellings to each other complies with the recognised minimum distances between dwellings and as such, there would be no undue impact upon future occupiers by virtue of loss of light or privacy or overbearing physical impact. It is recognised that the relationship between the dwellings on plots 14 and 15 is more awkward than the other plots on the site in terms of overlooking. However, any views from the first floor front windows of plot 14 would be at an oblique angle and the off-set siting of the dwelling on Plot 15 would dictate that there would be no direct overlooking into habitable room windows. It is considered therefore that on balance, there would be no significant impact upon the residential amenities of future occupiers through unacceptable loss of privacy.

The siting of the dwelling on plot 17 has been amended from the previous submission; however, it is considered that this siting now allows direct overlooking of the rear garden area of plots 13 and 14. It is considered therefore that if the siting for the dwelling on Plot 17 be amended to further orientate it towards the front access road, this would ensure a better layout in terms of impact upon the dwellings to the rear i.e. plots 13 and 14. An appropriate condition is recommended.

It is also recommended that the side boundary enclosure for Plot 1 is increased towards the front elevation of the dwelling to increase the private amenity space available to the plot.

It is considered therefore that the new development would not result in any undue impact upon the residential amenities of existing or future residents and as such complies with the overall requirements of Policies EV1, EV2, EV17 and HC2 of the City and County of Swansea's Unitary Development Plan 2008.

### **HIGHWAY SAFETY ISSUES**

Access to the site will be derived from a new access that is being created to the north west of the site on to Kilfield Road; approximately 36m from the junction between Oldway and Kilfield Road. The access will be a 4.8m wide carriageway with a footway on one side and a service strip on the other. Visibility splays at the junction are in accordance with recommended standards.

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The Head of Transportation and Engineering raised some concerns over the lack of visibility for drivers and pedestrian safety but the impact of the development is considered to be minimal in terms of traffic and additional pedestrian movements, and the results of the safety audit undertaken deem the situation acceptable. It is not considered reasonable therefore to impose requirements for a speed table at the entrance to the site and on balance the situation is considered to be acceptable as proposed and no highway objections are raised. However, the Head of Transportation and Engineering has requested that conditions relating to the proposed and future maintenance of the site, the access to the site being substantially completed and the off site road safety enhancements being completed before any unit is occupied be added to any planning permission granted. It is recommended therefore that these suitable worded conditions are imposed.

### **AFFORDABLE HOUSING**

UDP Policy HC3 (Affordable Housing) highlights that where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on suitable sites. In most parts of the Plan area, such negotiations will focus on new housing developments of 25 or more dwellings or sites of 1ha or more or phases of such developments. However, in the large and small villages subject to Policies EV16 and EV17 and Swansea West Strategic Housing Policy Zone where opportunities for housing development are more constrained, negotiations for the inclusion of a percentage of affordable housing in new housing schemes will be sought on new housing developments of 10 or more dwellings or sites of 0.4ha or more or phases of such developments. The proposed development site falls within Policy EV17 and the Swansea West Strategic Zone. The affordable housing contribution required is therefore between 25% - 30% and should be provided on site unless exceptional circumstances dictate otherwise.

The initial planning application submission offered a 20% on site provision plus a further 10% off site contribution. However, as no exceptional circumstances were put forward to demonstrate why the contribution could not be provided on site, this was not accepted. During further negotiations with the developer a contribution of 7 on site affordable units was which equates to a 26% contribution was agreed. It is considered therefore that the proposal now complies with the overall requirements of Policy HC3 and the supplementary planning guidance "Planning Obligations". These dwellings have been identified on the submitted plans and the agreed level of affordable housing can be secured via a S106 planning obligation.

### **EDUCATION**

The Director of Education has requested a financial contribution for the following local schools in the catchment of the application site.

English Medium Primary – Bishopston Primary  
English Medium Secondary – Bishopston Comprehensive  
Welsh Medium Primary – YGG Llwynderw  
Welsh Medium Secondary – Y G Y Gwyr

In accordance with the agreed Supplementary Planning Guidance on Planning Obligations the development will generate 8.06 primary pupils and 5.72 pupils secondary pupils.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 3 (CONT'D)

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There was no request for a contribution for the Welsh medium schools but a specific contribution for the English Medium schools of £54,339 plus inflation for Bishopston Primary School and £90,651 plus inflation for Bishopston Comprehensive School was put forward.

The developers have put forward a case that as capacity is shown for both schools i.e. 7 for Bishopston Comprehensive in September 2017, 2018 and 2019 and capacity of 48, 54 and 60 for the same time at Bishopston Primary School that will accommodate any pupils from this development, that a specific financial contribution is not required. Having considered this argument and the case put of the Director of Education it is concluded that given that there is capacity shown in the schools to accommodate the number of children generated from the development, a requirement to provide the aforementioned education contribution is not reasonable.

### ECOLOGY

The Council's Ecologist and Natural Resources Wales have provided comments on the scheme. A protected species survey was undertaken at the site. Protected species have been found on the site and as such a Licence to Disturb will be required which will be imposed via a condition with mitigation measures for their protection included. Natural Resources Wales have requested that conditions be imposed to ensure that there would be no undue impact on the ground conditions of the area, which have been duly noted and also included as part of the recommended conditions.

### OTHER ISSUES

The dwelling that forms part of the White Knights Nurseries site known as "Ochr Coed" was granted planning permission in 1978 subject to a Section 52 agreement which stated within the Third Schedule that (ii) "the dwelling shall at all times be occupied by a person or person employed in agriculture at the White Knights Nurseries as defined by Section 290 of the Town and Country Planning Act 1971" and (iii) The dwelling shall at all times form part of the White Knights Nurseries and shall not be sold, let or otherwise occupied as a separate unit of accommodation". Conditions g (ii) and g (iii) reiterate the above constraints. Therefore in order for the occupiers of Ochr Coed to occupy their property and not be in breach of their planning permission once the site no longer forms part of their land, they will need to apply to the Local Planning Authority to either remove or vary the aforementioned Agreement and Conditions.

This however, is a separate matter from the current scheme and does not prejudice the consideration or outcome of the current application.

### RESPONSE TO CONSULTATIONS

The issues concerning visual amenity, residential amenity, highway safety issues, impact upon school provision, density, landscaping and ecology have been addressed above in the main body of the report. Concerns have been raised concerning drainage and sewerage however, Dwr Cymru Welsh Water have raised no objection to the scheme providing the foul and surface water is separated. The land does not lie within the open countryside or the AONB and as such the requirements of the Gower AONB Design Guide do not apply.

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The current scheme does not include any other land outside of the application site thus whilst the concerns raised about further development is acknowledged, it is not a material planning consideration for this development.

### CONCLUSION

In conclusion and having regard to all material considerations, including the Human Rights Act, the proposed development of 27 dwellings at this site is considered an acceptable form of development at this location that would not, on balance, unduly or significantly impact upon the visual or residential amenities of the area or highway safety. It is considered therefore that the proposal complies with the overall requirements of Policies EV1, EV2, EV3, EV17, HC2 and AS6 of the City and County of Swansea's Unitary Development Plan 2008 and approval is recommended.

### RECOMMENDATION

**That planning permission be GRANTED subject to the following conditions and the applicant entering into a S106 Planning Obligation to provide 7 units of affordable housing on the site**

- 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 dwelling(s) 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.
- 3 Unless otherwise agreed in writing with the Local Planning Authority, 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.
- 4 Unless otherwise agreed in writing with the Local Planning Authority, 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.

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- 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.
- 8 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
1. A preliminary risk assessment which has identified:
    - " all previous uses
    - " potential contaminants associated with those uses
    - " a conceptual model of the site indicating sources, pathways and receptors
    - " potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The controlled waters at this site are considered to be of high environmental sensitivity as the site is underlain by a Principal Aquifer and contamination is known/strongly suspected due to its previous use as horticultural site.

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ITEM 3 (CONT'D)

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- 9 Prior to occupation of any part of the permitted development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 10 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

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

Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

- 12 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that contaminants on site are not mobilised into the Principal Aquifer and Source Protection Zone under the site.

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- 13 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to this system, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision of a satisfactory means of surface water disposal.

- 14 The construction phase of the development hereby permitted shall not be commenced until such time as a drainage scheme to use (deep) soakaways has demonstrated that all of the following apply:

1. that there are no other feasible drainage options such as shallow infiltration systems ( for surface water) or drainage fields that can be operated in accordance with British Standards;
1. that the proposed soakaway system is no deeper than is required to obtain sufficient soakage;
2. that appropriate pollution control measures are in place ;
3. that a risk assessment demonstrates that no unacceptable discharge to groundwater will take place, in particular that inputs of hazardous substances to groundwater will be prevented.

This scheme should be submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained as approved; any changes to the scheme must be subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure the protection of the Source Protection Zone 1 underlying the site held within the Principal Aquifer.

- 15 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

Reason: In the interests of highway safety

- 16 No dwelling shall be occupied until the access junction and that part of the estate road serving the dwelling has been substantially completed (base course/binding course).

Reason: In the interests of highway safety.

- 17 No dwelling shall be occupied until the off-site road safety enhancements have been completed in accordance with approved details.

Reason: In the interests of highway safety.

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- 18 Prior to the commencement of any work on site, a "Bat Licence" shall be obtained from the Welsh Assembly Government and a copy submitted to and approved in writing by the Local Planning Authority. The mitigation measures proposed in the accompanying mitigation/method statement should form part of the "licence to disturb" application. The approved details shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the development complies with the Conservation (Natural Habitats & c) Regulations 1994, and to secure the protection of Listed European Protected Species on site.

- 19 The mitigation proposals as detailed in sections 47 to 62 of the bat mitigation and enhancement strategy by Ecology Solutions Ltd dated May 2014 shall be executed unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure that the development complies with the Conservation (Natural Habitats & c) Regulations 1994, and to secure the protection of Listed European Protected Species on site.

- 20 Notwithstanding the means of enclosure details as indicated on Plot 1, prior to the occupation of the dwelling the side boundary enclosure shall be extended towards the front elevation of the dwelling in accordance with details which shall be submitted to an approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and the residential amenity of occupiers.

- 21 Notwithstanding the details on the submitted plans, the siting of the dwelling on Plot 17 shall be amended in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works.

Reason: In the interest of residential amenity.

### INFORMATIVES

- 1 Construction Noise

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

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

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

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

Smoke/ Burning of materials - No burning of any material to be undertaken on site.

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

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

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

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

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

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

- 2 All works on existing highway are subject to agreement under Section 278 of the Highways Act 1980. Such works are to be undertaken by the Highway Authority unless otherwise agreed in writing.

- 3 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

You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.

- 4 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, HC2, EV17, EV3, EV33, EV34, EV35, AS6

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

- 6 Appropriate pollution prevention measures must be in place during the construction works on site. We would recommend that a detailed construction management plan (CMP) is produced detailing the measures to be implemented to reduce the risk of contaminated surface run-off from entering and pollution controlled waters. As a minimum this plan should include:

- " Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- " How each of those watercourses and pathways will actually be protected from site run off.
- " How the water quality of the watercourses will be monitored and recorded.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

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- 6 " What the construction company intends to do with surface water runoff from the site during the construction phase. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- " storage facilities for all fuels, oils and chemicals
  - " construction compounds, car parks, offices etc
  - " measures for dealing with dust
  - " measures for dealing with any contaminated material (demolition waste or excavated waste)
  - " identification of any buried services, such as foul sewers, so that they are protected
  - " details of emergency contacts, for example Natural Resources Wales' Pollution hotline 0800 807 060

Any drains laid must also be protected in a way that prevents dirty water from the construction site entering them.

Appropriate pollution prevention guidance is available on the Environment Agency website at <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

- 7 The applicant is advised that to discharge condition i. that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

### PLANS

Rear elevation 5 bar gate, timber entrance gate plan, spec for protective barrier, Balmoral floor plans, Balmoral elevations, The Cambridge render elevations and floor plans, The Cambridge brick elevations and floor plans, The Richmond Elevations, The Richmond floor plans, The Oxford render elevations and floor plans, The Oxford brick elevations and floor plans, The Marlborough elevations, The Marlborough floor plans, Drainage strategy, Planning statement, Ecologist assessment, Tree survey dated 4th December 2013, Double garage plans dated 12th December 2013, dated 13th December, Double garage plan, single garage plan dated 18th December 2013, The Richmond floor plans (mirrored), The Richmond elevations (mirrored), The Oxford elevations and floor plans - Brick - (mirrored), The Oxford elevations - render (mirrored), The Marlborough floor plans (mirrored), the Marlborough elevations (mirrored), dated 20th December 2013, Harrogate House Type dated 1st April 2014, Evesham elevations and floor plans dated 9th April 2014, site location plan dated 5th March 2014, plot layout plan 3976-15-04-02 REV G dated 9th June 2014, The Harrogate elevations and floor plans dated 9th June 2014, 3976-04-05-F Amended street scene AA, 3976-04-06-F Amended street scene BB, 3976-04-07 F Amended street scene CC, DD & EE, 3976-15-04-02 G amended planning layout, 3976-15-04-03 G amended enclosures layout, 3976-15-04-04 G amended materials layout, 3976-15-06-001 J amended engineering layout, 873.01 G amended landscape strategy dated 9th June 2014.



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ITEM 4

APPLICATION NO.

2014/0135

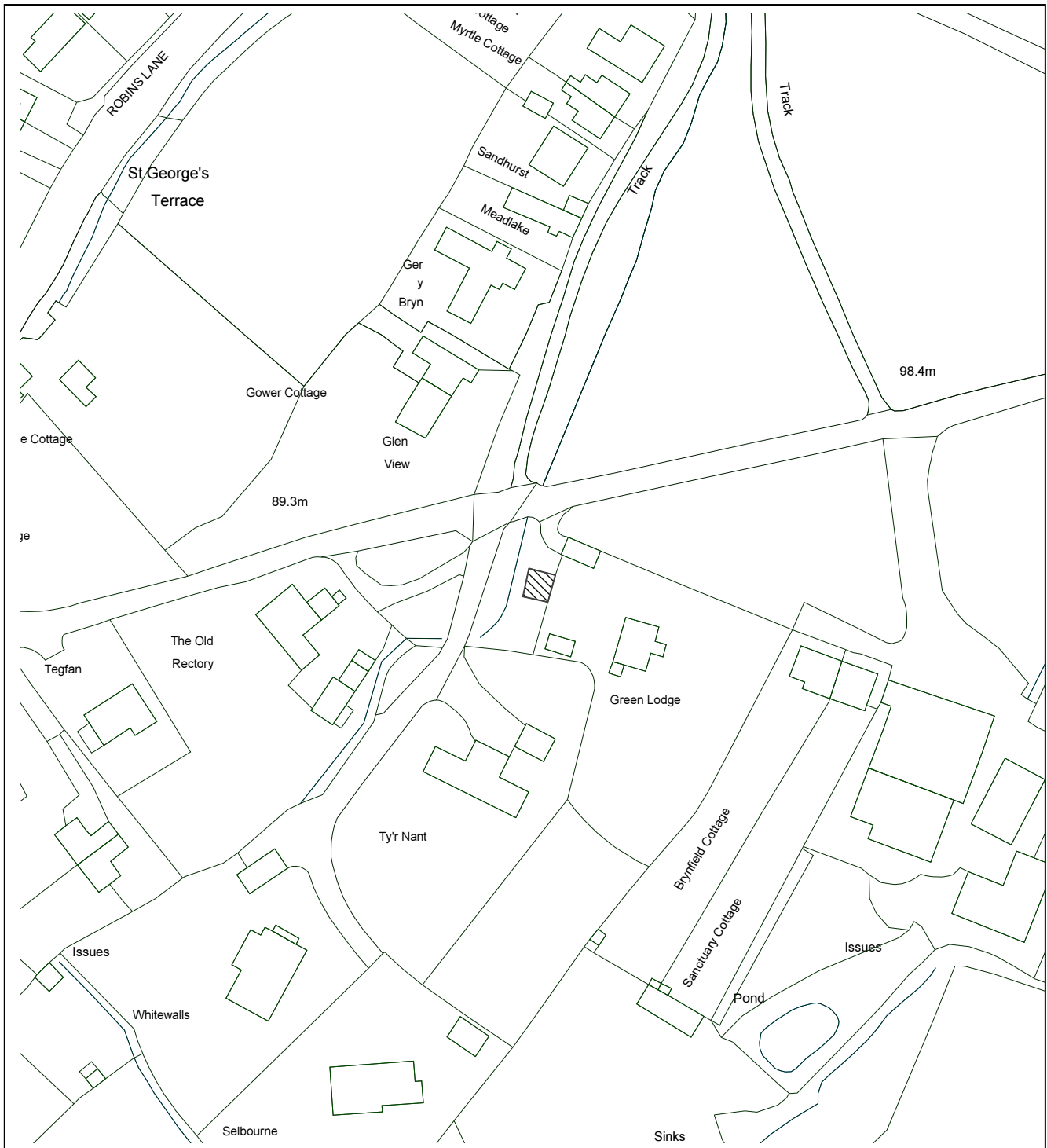
WARD:

Gower  
Area 2

**Location:** Former Smithy, Reynoldston, Swansea, SA3 1AD

**Proposal:** Conversion of former smithy to holiday accommodation, increase in ridge height and construction of 2m stone wall

**Applicant:** Mr Robert Jenkins



NOT TO SCALE

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### BACKGROUND INFORMATION

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
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 EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (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 EC12	The conversion of existing buildings in the countryside to new uses that contribute to the local economy and the extensions of such buildings will be permitted subject to a defined set of criteria including the building's structural integrity, its ability to be converted without prejudicing the character of the building or its locality, the building's compatibility with its surroundings, issues of access and highway safety, and the building's past uses etc. (City & County of Swansea Unitary Development Plan 2008)
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)

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Policy EC19 The creation of well-designed un-serviced tourist accommodation through the conversion of existing appropriate rural buildings will be supported. (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

None

### RESPONSE TO CONSULTATIONS

The application was advertised on site as development within the Reynoldston Conservation Area and one neighbouring property consulted. THREE SEPARATE LETTERS OF CONCERN have been received from the same author and are summarised as follows:

- We object on the grounds that a septic tank will be installed despite the fact that Reynoldston is connected to mains drainage. According to HM Government Building Regulations 2010, Section H2, a septic tank should be sited at least 7 metres from an inhabited property and downhill and 10 metres from a water course. The proposed site of the septic tank for this proposed development is not in compliance with these regulations which causes us concern from a health and safety perspective. This non compliance with regulations gives us added concern as it would be situated within 3 metres of our garage and access to our property.
- The applicants should research the possibility of mains drainage connection further.
- the decision to potentially accept a private treatment system without any further justification is not acceptable
- It is not understood why this has been given the go ahead as it directly contravenes building regulation. A permit would have to be issued for a septic tank. I would be amazed if a permit was given if they were fully informed of the location of the tank in relation to a water course and an inhabited building.
- not satisfied that at present that Natural Resource Wales has completely evaluated this proposal for a septic tank and strongly feel that they need to do a site visit to fully evaluate the proposal
- Package sewage treatment plants proposed as an alternative by the applicant need a steady flow of sewage to keep the micro-organisms alive and to operate most effectively. If the site may generate erratic loads (for example holiday accommodation, scout camps) specialist advice should be sought as a flow balancing system may be required to even out the flow.
- the best system to adopt is connection to the mains Drainage.

**Natural Resource Wales– NO OBJECTION SUBJECT TO:**

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

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- **Drainage**

The submission of a detailed foul drainage scheme to be submitted to and agreed in writing by the Local Planning Authority.

- **Ecology**

The implementation of Bat mitigation measures.

**Dwr Cymru Welsh Water – No** objection to proposal (should circumstance change further advice should be sought)

**Highways** – Visibility at the access point is acceptable. Parking for one vehicle within the curtilage is indicated and this is sufficient for the size of the unit. It is likely that the removal of the current use and its replacement with holiday use will reduce the amount of traffic associated with the site.

I recommend no highway objection.

### APPRAISAL

This application is reported to Committee and a site visit has been requested by Councillor Richard Lewis in order to assess the impact upon the AONB.

Full planning permission is sought for the conversion of the former Smithy, Reynoldston to form holiday accommodation together with an increase in ridge height and a stone boundary wall to a maximum height of 2m.

The main issues for consideration during the determination of this application relate to whether or not the building is structurally capable of conversion, and the impact of the proposal upon the traditional character of the existing building and the wider Gower AONB having regard for the provisions of Policies EV1, EV3, EV9, EV22, EV26, EC12 and EC17 of the Swansea UDP and the Supplementary Planning Guidance documents entitled 'A Gower Design Guide' and the 'Conversion of Rural Buildings'.

The application is accompanied by an Ecological Survey. Following detailed discussions with Natural Resource Wales and the Authority's Ecologist it has been agreed that appropriately worded conditions requiring bat mitigation measures are attached to the planning permission together with an appropriately worded condition requiring a the precise details of foul drainage management to be submitted to and agreed in writing by the Local Planning Authority.

The site comprises of a small outbuilding known as 'The Old Smithy' which lies outside of and adjacent to the front stone boundary wall of an existing house known as Green Lodge, Reynoldston. The property therefore falls within the centre of the Reynoldston Conservation Area and forms part of the Gower AONB. The part of the conservation area in which the site lies is characterised by its openness around a large 'green focal space' as identified in the Gower Design Guide – Reynoldston settlement statement character map. The existing Conservation Area schedule for the locality states:

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“The settlement has developed along a maze of narrow lanes and footpaths which meet at the village green to the west of the church. This is the only part of the village where any sense of enclosure is felt. The remainder of the village depends for its character to a great extent on the lack of any determined building line. This has given rise to an interplay of receding and projecting building forms which has produced a street picture of attractive informality. The simple architectural design of the buildings which for the greater part have been built with a horizontal emphasis is an essential feature in the visual composition of the village.”

The existing application building comprises of stone rear and side (south and east) walls, with a timber wall to the west and timber doors facing north. The building is covered with an asymmetric slate roof. The application site occupies a highly prominent and visible location to the south western corner of the large ‘green focal space’ and as such any proposals must be sensitively designed so as not to detrimentally impact upon the sense of openness in this location. Much of the existing character is given by the half timber and half stone construction; it considered that the proposal reflects this materiality with the new walls and horizontal timber cladding.

The proposed conversion will result in a relatively limited floorspace to the development and as such the proposal incorporates an outdoor private space to provide some storage space. The proposed outdoor space is limited in scale and is in a concealed location at the ‘back’ of the development at the southern elevation where it has a lesser visual impact and will not impinge upon the sense of openness around the green focal space and will not detrimentally affect the wider conservation area. Furthermore, in a countryside location such as this, the curtilage for any holiday let should be limited, to avoid the creation of an unjustified dwelling in the countryside. This will be controlled by condition in any event.

The application is also supported by a Structural Survey which demonstrates the building is capable of being converted without major rebuilding. The conversion of the building is considered well designed and sympathetic to the design of the building. The existing stone walls will be retained and repaired where necessary and a matching stone boundary wall erected. The roof will be finished in an agreed slate and the building retains a rural scale and the quality of the detailed elements such as timber windows and door panel, and stone cills will be used in the conversion and are considered sympathetic to the overall design quality of the proposal and as such are acceptable in visual terms.

On this basis, it is considered that the scale, design and external appearance of the proposed scheme is in keeping with the character and appearance of the surrounding area, and would not appear unduly prominent when viewed from public vantage points. It is therefore considered that the proposal would not have a significant harmful effect upon the visual relationship of the character of the area and its setting which contributes positively to the quality of the area and the wider Gower AONB.

As such the proposals would accord with Policies EC12, EV22 and EV26 of the Unitary Development Plan and Supplementary Planning Guidance documents Gower Design Guide and the Conversion of Rural Buildings.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0135

The application site is well placed for walking, cycling, horse riding and activity holidays, being within the Gower AONB and the surrounding area is served by bus routes and road networks. In this respect, it is considered that the proposed holiday let element of the scheme accords with the criteria of Policy EC17 which supports proposals for tourism and recreation developments of an appropriate scale and Policy EC19 which supports the creation of well-designed unserviced tourist accommodation through the conversion of existing appropriate rural buildings. However to ensure that the holiday let remains in perpetuity an appropriate condition is attached ensuring that the building is used for holiday accommodation purposes only.

Turning to residential amenity, the nearest properties considered to be potentially affected by the proposal are Green Lodge to the east and Ty'r Nant to the south, however the scale of the building remains largely unchanged and therefore no additional issues of physical overbearance or overshadowing arise. Any new window openings are limited to overlooking the public realm and as a consequence the proposal will not result in loss of privacy. It is acknowledged that the use will change, however, it is not considered that the level of accommodation proposed coupled with it being for holiday purposes only and as such its use will most likely be seasonal, it is not considered that the levels of comings and goings likely to be generated will give rise to any significant demonstrable harm. Overall therefore the proposal is considered to comply with Policy EV1 of the Swansea UDP.

Visibility at the access point is acceptable and parking for one vehicle within the curtilage is indicated which is sufficient for the size of the unit. It is likely that the removal of the current use and its replacement with holiday use will reduce the amount of traffic associated with the site. The Head of Transportation and Engineering therefore raises no objection to the proposal.

With regard to foul and surface water management the original submission indicated a non-mains arrangement for foul water in the form of a septic tank or package treatment plant. However mains connection is always the preferred option for the disposal of foul waste, however in this instance as a connection to the mains would require third party land ownership consent which at the time of submission was believed unobtainable. The other mains option would have required significant disruption to the open green focal space/common land within the Conservation Area, the potential harm of which would justify non-mains arrangements. However, the current position now is that connection is being negotiated between the applicant and the neighbouring third party land owner as both parties would prefer that option. It is proposed to attach an appropriately worded condition to the permission which will seek details of the precise means of foul drainage to be submitted to and agreed in writing by the Local Planning Authority thus allowing the detailed negotiations between the two parties to continue but will also allow the flexibility of resorting to a non-main in the event that negotiations reach an impasse.

Finally turning to the objection letters received, these refer solely to the original proposal to use a non-mains foul drainage solution in the form of a septic tank, or package treatment plant.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0135

As detailed above, whilst mains connection is always the preferred option for the disposal of foul waste, in this instance nearest available mains connections would require third party land ownership consent or some disruption to the open green focal space /common land within the conservation area, under the circumstances initially a non-mains solution was considered acceptable both from a local authority perspective and supported by NRW. However, the neighbouring land owner has subsequently offered to reach agreement with the applicant whereby connection via the mains on his land may be agreed, which is the preferred option for all.

In conclusion it is considered that the proposal respects the proportions, design and character and appearance of the existing building which in turn respects the wider conservation area and countryside whilst also offering modern, flexible holiday accommodation for its occupants. The introduction of this use will also make a valuable contribution to the local economy and is considered to be of a good quality design and subject to a condition ensuring traditional materials are used in their construction and renovation the proposal will respect the visual amenities of the area. Therefore, it is considered that the development complies with the principles of Policies EV1, EV2, EV3, EV9, EV22, EV26, EC12, EC17 and EC19 of the Swansea UDP and Supplementary Planning Guidance documents 'Gower Design Guide' and the 'Conversion of Rural Buildings'. 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 The owner shall ensure that an up to date register containing details of all occupiers of the property together with the dates of occupancy and details of the occupiers' main home address, is maintained and submitted to the Local Planning Authority on an annual basis (the register for each calendar year shall be submitted by the 31st January in the following year unless otherwise agreed by the Local Planning Authority), and shall also be made available at all reasonable times for inspection by the Local Planning Authority.  
Reason: To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation.
- 3 The property shall be used for holiday accommodation only and shall not be occupied by any person or persons as their main or sole place of residence.  
Reason: The site is only suitable for holiday use and is unsuitable for permanent residential use.
- 4 The materials used in the development hereby approved shall match those of the existing building.  
Reason: In the interests of visual amenity.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0135

- 5 Notwithstanding the submitted plans, the precise details of the door window openings on the northern elevation will be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of any works on site.

Reason: In the interest of visual amenity.

- 6 The works hereby approved shall be carried out in accordance with a method statement (MS) to be submitted and to and agreed with the Local Planning Authority prior to any work commencing at the site. The MS should include, but not be limited to, timing of works, measures to avoid killing & injuring bats during works, use of materials (such as timber, roofing membranes), positioning and size of entrances, size & location of roosting areas, vegetation retention/management, proposals for lighting as appropriate and should be implemented as agreed.

Reason: In the interest of protecting species listed under the Conservation of Habitats and Species Regulation 2010.

- 7 A suitable roosting resources shall be provided, appropriate for use by day roosting pipistrelle species of bats. This roosting resources could be provided in the form of, for example, behind fascia crevices, or retained cavities within the wall structure or similar, which can provide similar roosting to that available presently, details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of protecting species listed under the Conservation of Habitats and Species Regulation 2010.

- 8 The design, location and orientation of any/all new lighting provision installed as a consequence of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any lighting is erected, and the scheme shall be implemented and retained in accordance with the approved details.

Reason: To ensure that the development hereby approved does not result in unacceptable levels of light pollution to neighbouring premises and/or the surrounding area.

### INFORMATIVES

- 1 As part of a sustainable drainage system the developer is advised to consider the use of sustainable drainage (SUDS) measures, such as permeable paving for the driveway access and car parking area, and rainwater or greywater harvesting from the new buildings, etc.

- 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 development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, EV3, EV9, EV22, EV26, EC12, EC17, and EC19 of the Swansea Unitary Development Plan 2008.



**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014**

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0135

**PLANS**

Site location plan, existing site plan, existing elevations and section A-A, dated 28th January 2014, proposed site plan; proposed elevations and sections dated 24th March 2014

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**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014**

ITEM 5

APPLICATION NO.

2014/0638

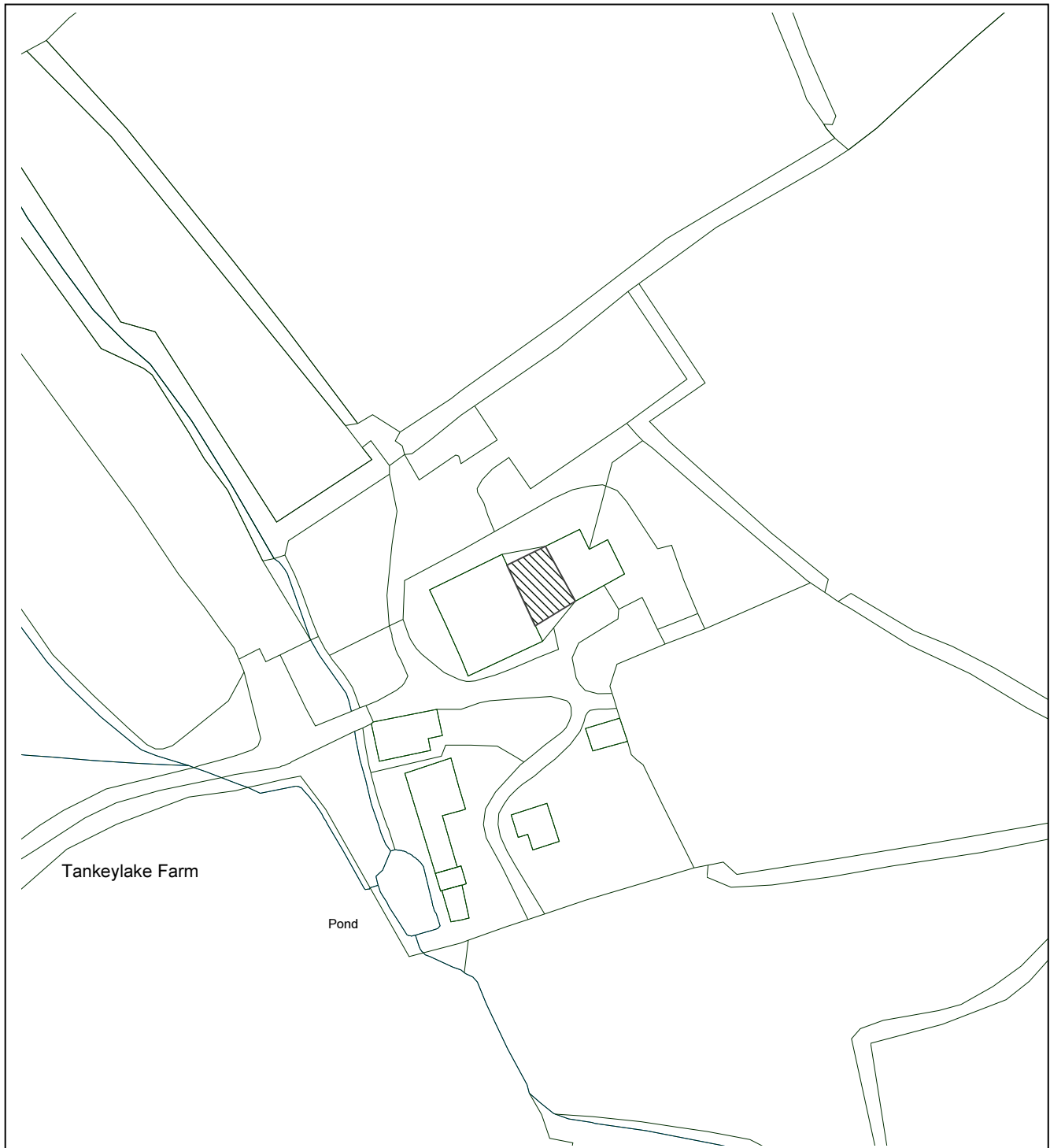
WARD:

Gower  
Area 2

**Location: Tankey Lake Farm Llangennith Swansea SA3 1DT**

**Proposal: Construction of an extension to join two existing barns**

**Applicant: Mr David Miller**



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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0638

### 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 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 EC13	Development that would result in the loss of the best and most versatile agricultural land will not normally be permitted. (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)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2002/1721	Conversion of existing agricultural barn to a dwelling house with addition of a two storey side extension and an increase in roof height of building by 0.3 metres Decision: Grant Permission Conditional Decision Date: 11/02/2003
2002/1890	Conversion of existing storage barn to stables for 6 horses Decision: Grant Permission Conditional Decision Date: 10/01/2003
2009/0455	Detached storage barn (application for the Prior Approval of the Local Planning Authority) Decision: Withdrawn Decision Date: 06/01/2010

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014**

ITEM 5 (CONT'D)	APPLICATION NO.	2014/0638
2009/1355	Construction of two open fronted storage buildings in connection with Tankey Lake Farm/Livery Stables Decision: Grant Permission Conditional Decision Date: 13/01/2010	
2010/0985	Installation of 21 photovoltaic panels to barn roof Decision: Grant Permission Conditional Decision Date: 19/08/2010	
2013/0316	Construction of a horse exerciser Decision: Grant Permission Conditional Decision Date: 15/10/2013	
2014/0638	Construction of an extension to join two existing barns Decision: CALLED IN Application (Swansea) Decision Date: 03/06/2014	
77/0072/03	ERECTION OF A NEW FARM BUILDING FOR PRODUCE AND CATTLE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 31/03/1977	
84/1644/03	RENOVATION AND EXTENSION OF EXISTING FARMHOUSE. Decision: *HGPCU - GRANT PERMISSION UNCONDITIONAL Decision Date: 31/01/1985	
85/1796/03	TO CONVERT REDUNDANT STONE BUILDING TO USE AS A FINE ART GALLERY DISPLAYING OWN WORK. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 30/01/1986	
86/0496/06	A) FINGER POST B) FRAMED SIGN ON POST APPROX 3' X 4' Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 31/07/1986	
87/0158/03	USE AS A CARAVAN SITE FOR NOT MORE THAN FIVE TOURING CARAVANS BELONGING TO MEMBERS OF THE CARAVAN CLUB. Decision: *HRP - REFUSE PERMISSION Decision Date: 10/03/1987	
87/1866/03	FIRST FLOOR REAR EXTENSION TO PROVIDE BATHROOM. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 09/02/1988	

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 5 (CONT'D)	APPLICATION NO.	2014/0638
87/1867/03	ERECTION OF TOILET/LAUNDRY BLOCK AND LEAN-TO CAR PORT WITH PROVISION OF SEPTIC TANK. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 12/04/1988	
88/0012/03	CONVERSION OF STUDIO TO PROVIDE TWO HOLIDAY ACCOMMODATION UNITS. Decision: *HPS106 - PERMISSION SUBJ - S106 AGREEM. Decision Date: 08/07/1988	
88/1675/03	USE OF EXISTING BARN AS LIVERY STABLES FOR 15 HORSES + STORE FOR FODDER. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 06/12/1988	
93/0215	ALTERATION AND ADDITION TO HOUSE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 20/04/1993	
97/0575	ERECTION OF STEEL FRAMED HAY BARN AND REPLACEMENT OF IMPLEMENT SHED (APPLICATION FOR THE PRIOR APPROVAL OF THE LOCAL PLANNING AUTHORITY) Decision: *HPANREQ - PRIOR APPROVAL NOT REQUIRED Decision Date: 30/05/1997	
99/0178	FIRST FLOOR REAR EXTENSION AND ERECTION OF REAR CONSERVATORY EXTENSION Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 19/03/1999	
A01/0238	Creation of an enclosed exercise area (manege) Decision: Grant Permission Conditional Decision Date: 24/04/2001	

### RESPONSE TO CONSULTATION

The application was advertised on site. No response

**Llangennith, Llanmadoc and Cheriton Community Council** – No Objection

**The Gower Society** – make the following comments:

1. The building is in a highly conspicuous location and the proposal will result in a large elevation that will be seen from many locations to the South.
2. We assume that there is a justifiable need for such a structure but this does not appear to have been fully explained.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 5 (CONT'D)

APPLICATION NO. 2014/0638

If allowed we think that it is essential that the colours of all materials are either mid to dark grey or green. Modern natural fibre cement is very light coloured and stands out in the landscape. There are recent examples that are highly conspicuous in the AONB

### APPRAISAL

This application is reported to Committee for decision and for a site visit at the request of Councillor Richard Lewis in order to assess the impact upon the AONB.

Full planning permission is sought for an extension to join two existing barns at Tankey Lake Farm, Llangennith.

The application site is an established farmstead located within an area of open countryside north of Llangennith and south of Llanmadoc. The proposed extension is required to provide storage for farm machinery and fertilizer.

The main issues for consideration during the determination of this application relates to the visual impact of the proposal upon the character and appearance of the area, the impact of the proposal upon the residential amenities of the neighbouring occupiers and highway safety, having regard for Policies EV1, EC14, EC13, EV22 and EV26 of the City and County of Swansea Unitary Development Plan and the site history.

The proposal involves a 7.6m wide building that will effectively create a covered link between to existing barns at the site. The proposed extension will be constructed with a mon-pitch roof 3.8m high at its lowest and 4.9m high at its highest and will be finished in a combination of concrete and box profile sheeting, and Yorkshire boarding to match existing. The building would be some 20 metres from the nearest highway access point and not visible from the main Gower highway (B4271) as it would be largely screened by the existing landscape and adjacent existing buildings. It is not considered that the proposal would appear overly conspicuous having regard to its siting and the dominant agricultural use of the surrounding landform. Any oblique views from the public highway/vantage points; currently include the existing barns as a feature in the landscape and the proposed extension is a subordinate addition. Overall the scale and design of the proposed extension is considered consistent with the agricultural context and the size of the holding it is to serve. Buildings of this nature are prevalent on agricultural land throughout the countryside and it is considered that the proposed extension and existing buildings are commensurate with the size of the holding.

Turning to residential amenity, the application site is in a remote location sited a considerable distance away from any residential property, nevertheless, given that there are existing buildings on site and the proposal seeks to extend, rather than introduce a new structure; and the extent of screening at the boundary it is not considered that there would be any significant detrimental impact on residential amenity.

With regard to the comments made by the Gower Society, the proposed extension is not considered to be visually prominent as described in detail above, furthermore the LPA is satisfied with the information provided with the application and that the existing barn and proposed extensions will be used for the use described to serve an established farming enterprise.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 5 (CONT'D)

APPLICATION NO. 2014/0638

In conclusion and having regard to all of the above, It is considered that the proposal is an acceptable form of development of an appropriate scale and design within the agricultural context and will not have any significant demonstrable harm upon the visual amenities of the area, or wider AONB. Furthermore the proposal will not impact upon residential amenity and raises no highway safety issues in compliance with Policies EV1, EC13, EC14, EV22 and EV26 of the City and County of Swansea UDP.

### 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 development hereby approved shall match those of the existing building.  
Reason: In the interests of visual 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: Policies, EV1, EC13, EC14, EV22 and EV26 of the Swansea Unitary Development Plan 2008.
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
  - Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild birdCare should be taken when working on buildings particularly during the bird nesting season March-August.

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014**

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0638

**PLANS**

Block plan, proposed floor plan, proposed front elevation, proposed rear elevation, proposed side elevations dated 29th April 2014. Site location plan dated 13th May 2014

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 6

APPLICATION NO.

2014/0605

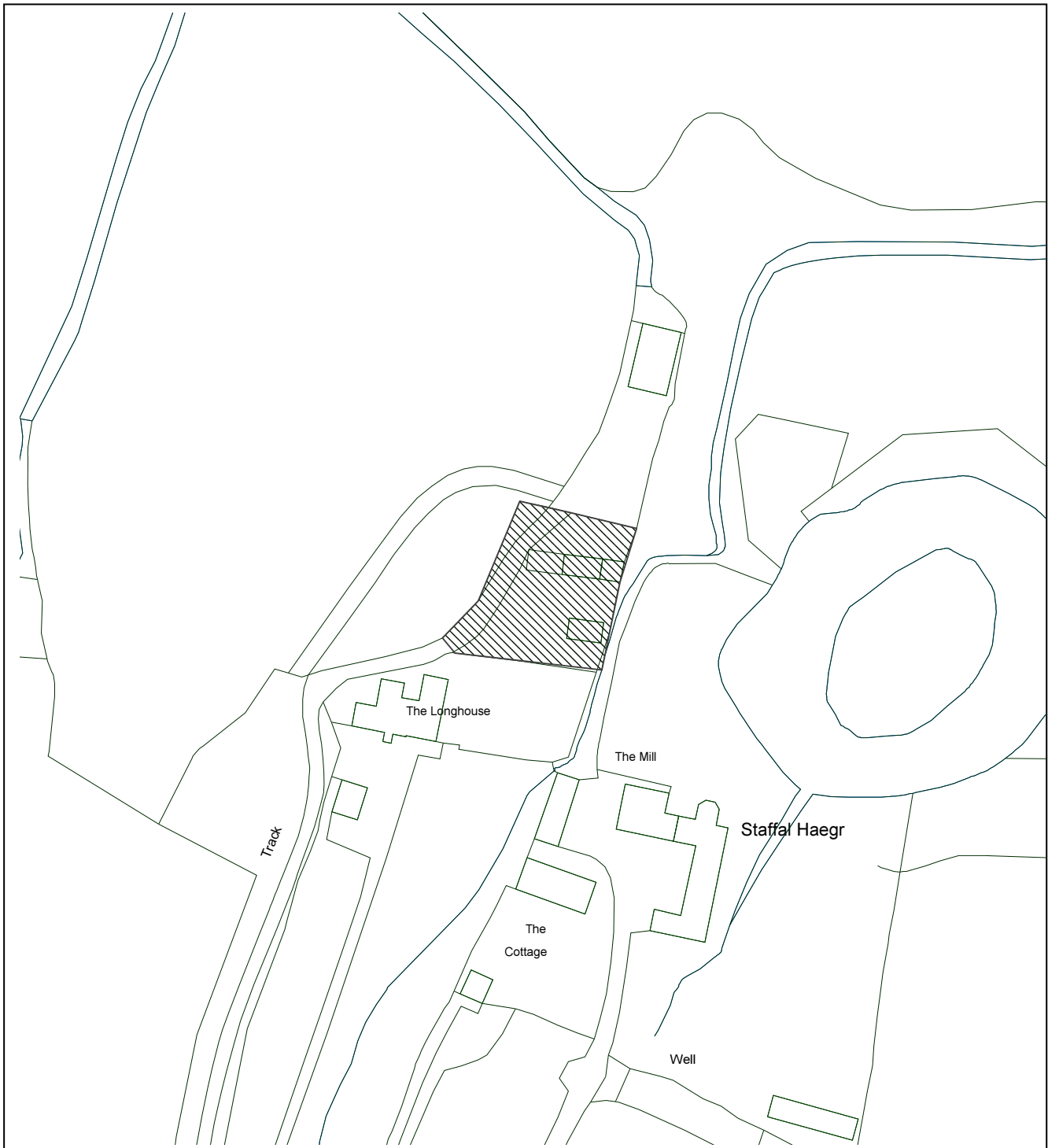
WARD:

Gower  
Area 2

**Location:** The Long House, Stavel Hagar, Llanrhidian, Swansea

**Proposal:** Conversion of redundant long house to form a holiday let and single storey front extension

**Applicant:** Mr Michael Baldrain



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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 6 (CONT'D)

APPLICATION NO.

2014/0605

### BACKGROUND INFORMATION

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EC12	The conversion of existing buildings in the countryside to new uses that contribute to the local economy and the extensions of such buildings will be permitted subject to a defined set of criteria including the building's structural integrity, its ability to be converted without prejudicing the character of the building or its locality, the building's compatibility with its surroundings, issues of access and highway safety, and the building's past uses etc. (City & County of Swansea Unitary Development Plan 2008)
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 EC19	The creation of well-designed un-serviced tourist accommodation through the conversion of existing appropriate rural buildings will be supported. (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 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 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)

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 6 (CONT'D)

APPLICATION NO.

2014/0605

### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2007/0806	Repositioning of existing agricultural building (application for the Prior Approval of the Local Planning Authority) Decision: Prior Approval Is Not Required Decision Date: 27/04/2007
99/0084	CHANGE OF USE OF DISUSED BARN TO WATER BOTTLING UNIT Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 04/10/1999

### RESPONSE TO CONSULTATIONS

The application was advertised on site and one neighbouring property consulted. No response.

**The Gower Society** – make the following comments:

3. The Design Guide should be strictly followed.
4. We are concerned about the NRW letter to the applicant in March of this year stating the position relating to potential flooding. Local knowledge of this area confirms to us that water may have reached this building (and may even have entered it) during high tides early this year. This requires checking.
3. We refer to the decision made by the Planning Inspector to refuse the building to remain as it was following unlawful works and subsequent planning enforcement in March 2007. It is essential that the clauses relating to matters that had been carried out without permission be adhered to prior to any decision being made.
4. Under no circumstances must the building be raised in any shape or form beyond the dimensions referred to by the Inspector.
5. The drawings do not indicate, as far as we could see, what materials the windows are to be made from.

We are concerned about this application and would be obliged if you would take these points into consideration when making your decision.

### **Natural Resource Wales –**

Natural Resources Wales (NRW) does not object to the above application, providing appropriately worded conditions requiring the implementation of bat mitigation measures are attached to any planning permission your authority is minded to grant.

### **Protected Species - Bats**

NRW welcome the submission of the revised document entitled; '*Bat Survey for Staffal Haegr, Llanrhidian (Report Number B-14-04-01)*', dated 11 April 2014, by Matthew Carroll (Consultant Ecologist).

We note from the survey report that small numbers of pipistrelle species of bats were recorded day roosting within the long barn.

ITEM 6 (CONT'D)

APPLICATION NO. 2014/0605

**NRW advice on the application**

NRW does not object to the above application and we do not consider the proposed development will result in a detriment to the maintenance of favorable conservation status of this species, providing that:

The works are carried out in accordance with a method statement (MS) to be agreed with your authority prior to any work commencing at the site. The MS should include, but not be limited to, timing of works, measures to avoid killing & injuring bats during works, use of materials (such as timber, roofing membranes), positioning and size of entrances, size & location of roosting areas, vegetation retention/management, proposals for lighting as appropriate and should be implemented as agreed.

A suitable roosting resources is provided, appropriate for use by day roosting pipistrelle species of bats. This roosting resources could be provided in the form of, for example, behind fascia crevices, or retained cavities within the wall structure or similar, which can provide similar roosting to that available presently.

We also advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010 before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence.

**Flood Risk**

The site is located within zone C2, as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk of flooding in the 1% flood event.

The proposal is for the conversion of an agricultural building into holiday accommodation and can therefore be classed as a change of vulnerability from less vulnerable to highly vulnerable according to TAN15.

The TAN15 guidance is that highly vulnerable development should not be permitted within zone C2. However as a Flood Consequences Assessment (FCA) has been submitted with this application, it appears your Authority are minded to go against TAN15 policy and have applied the justification test outlined in Section 6 of TAN15.

As the flood risk to the site is tidal, climate change has been considered as part of section 3 of the FCA. It proposes that the finished floor level of the property will be 6.45m AOD which is above the 0.5% tide level with climate change allowances applied, however only a 50 year lifetime of development has been considered when applying climate change. For residential development we advise that a 100 year lifetime of development is considered for climate change purposes, therefore it is up to your Authority if you are willing to accept a 50 year lifetime of development for this application.

Therefore we would advise your Authority that when climate change is applied to the 0.1% scenario it will not comply with Table A1.15 in TAN15. Should your Authority be minded to approve this application despite it not complying with TAN15, we would advise that a flood management plan is developed for the site and approved by your Authority to ensure that occupants can be safely evacuated should a flood event occur.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 6 (CONT'D)

APPLICATION NO. 2014/0605

We would be in favour of the use of soakaways in the management of surface water from the site. If it is found for any reason that soakaways or any other SUDs techniques cannot be implemented on site, Developers must give a good reason as to why they cannot be used and any conventional drainage system must improve upon the existing status quo.

**In summary, Natural Resources Wales does not object to the above application, providing appropriately worded conditions requiring the implementation of bat mitigation measures are attached to any planning permission.**

**Planning Ecologist** – No objection subject to conditions securing bat roost

**Glamorgan Gwent Archaeological Trust** – the proposal will require archaeological mitigation and a standard condition recommended.

**Highways** - Whilst access to the site is via a rural lane which is restricted, it is unlikely that a single holiday let will generate such a volume of traffic movements as to render the proposal unacceptable in highway terms. Adequate parking is available within the farm complex and three spaces are indicated to be reserved for the holiday let use.

I recommend that no highway objections are raised.

### APPRAISAL

The application is reported to Committee for decision and a site visit has been requested by Councillor Richard Lewis in order to assess the impact upon the AONB.

Full planning permission is sought for the conversion of the former Longhouse at Stavel Hagar , Llanrhidian to form holiday accommodation together with a single storey front extension

The main issues for consideration during the determination of this application relate to whether or not the building is structurally capable of conversion, and the impact of the proposal upon the traditional character of the existing building and the wider Gower AONB having regard for the provisions of Policies EV1, EV3, EV22, EV26, EC12 and EC17 of the Swansea UDP and the Supplementary Planning Guidance documents entitled 'A Gower Design Guide' and the 'Conversion of Rural Buildings'.

The application is accompanied by an Ecological Survey; a Structural Survey and a Flood Consequence Assessment. Following detailed discussions with Natural Resource Wales and the Department own Ecologist it has been agreed that:

- **Ecology**

The works should be carried out in accordance with a method statement (MS) to be agreed with your authority prior to any work commencing at the site. The MS should include, but not be limited to, timing of works, measures to avoid killing & injuring bats during works, use of materials (such as timber, roofing membranes), positioning and size of entrances, size & location of roosting areas, vegetation retention/management, proposals for lighting as appropriate and should be implemented as agreed.

ITEM 6 (CONT'D)

APPLICATION NO.

2014/0605

A suitable roosting resources is provided, appropriate for use by day roosting pipistrelle species of bats and that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2)e of the Conservation of Habitats and Species Regulations 2010 before any works on site commence that may impact upon bats.

- **Flooding**

A flood management plan should be developed for the site and approved by the Local Planning Authority to ensure that occupants can be safely evacuated should a flood event occur.

The application site lies on the north western outskirts of the village of Llanrhidian behind an identified 'visually significant tree belt' (Gower Design Guide) and is accessed via a long shared access road off the western end of Mill Lane which in turn splits onto 2 separate private access drive to the property as well as a neighbouring one to the south east. A short distance to the north of the site lies the Loughor estuary. As such these two properties lie in relative isolation with no through route passing by.

The site comprises of a host dwelling as well as several small outbuildings which include an existing single storey barn type structure known as the 'Long House' which is the focus of this application. In its current form the Long House comprises of a long, linear single storey building which has differing roof forms at either end of this. These comprise of a pitched roof form for the eastern half of the building and a taller monopitched roof to the western end. In addition to this there are a number of different sized door and window openings some of which have been boarded over as well as a section of facing brickwork.

The proposals seek to bring the building into habitable use as a holiday let comprising of a living room, dining area and kitchen, bathroom and bedroom as a series of linearly connected rooms. It is also proposed to incorporate a gable roofed porch area which also includes a small WC. Access to the Long House will be via the porch area as well as directly into the kitchen area from the south and into a small hallway between the kitchen and bedroom to the north.

Proposed changes to the appearance of the building include replacing the monopitched roof with a traditional pitched roof, reuse of the boarded up door openings, new fenestration and the aforementioned new porch. Materials are to include a natural slate roof, softwood stained fascia boards and barge boards, natural stone to building envelope, hardwood doors and softwood stained windows with oak lintels and stone cills.

The application is also supported by a structural survey which demonstrates that the building is capable of being converted without major rebuilding. As a result of all of the minor changes over the years the existing building now lacks a coherent appearance and form. The proposals to alter the roof and provide new fenestration would improve the appearance of the building and give it a more visually unified exterior. The proposed porch is of an appropriate design and is therefore acceptable. The use of the proposed traditional materials is strongly welcomed given the location of the site within the Gower AONB area. Overall the proposals represent an improvement over the existing in design terms and also help to increase the holiday let offer of the locality and as such are acceptable in visual terms

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 6 (CONT'D)

APPLICATION NO.

2014/0605

On this basis, it is considered that the scale, design and external appearance of the proposed scheme is in keeping with the character and appearance of the surrounding area, is not visible from any surrounding public vantage points and so would not appear unduly prominent. It is therefore considered that the proposal would not have a significant harmful effect upon the visual relationship of the character of the area and its setting which contributes positively to the quality of the area and the wider Gower AONB. As such the proposals would accord with Policies EC12, EV22 and EV26 of the Unitary Development Plan and Supplementary Planning Guidance documents entitled the Gower AONB Design Guide and the Conversion of Rural Buildings.

The application site is well placed for walking, cycling, horse riding and activity holidays, being within the Gower AONB and the surrounding area is served by bus routes and road networks. In this respect, it is considered that the proposed holiday let accords with the criteria of Policy EC17 which supports proposals for tourism and recreation developments of an appropriate scale and Policy EC19 which supports the creation of well-designed unserviced tourist accommodation through the conversion of existing appropriate rural buildings. However to ensure that the holiday let remains in perpetuity an appropriate condition is attached ensuring that the building is used for holiday accommodation purposes only.

Turning to residential amenity, the scale of the building remains largely unchanged and therefore no addition issues of physical overbearance or overshadowing arise. Any new window openings are limited and given the distance and relationship between the application property and the surrounding properties the proposal will not result in any loss of privacy. It is acknowledged that the use will change, however, the scale and type of accommodation proposed, it is not considered that the comings and goings likely to be generated will give rise to any significant demonstrable harm. Overall therefore the proposal is considered to comply with Policy EV1 of the Swansea UDP.

Glamorgan Gwent Archaeological Trust has advised that the proposed development has the potential to reveal archaeological features relating to the medieval and post-mediaeval settlement of the area. They do not raise any objection to the positive determination of the application, subject to a condition being attached to the consent, to mitigate the impact of the proposed extension on any buried archaeological resource. This will be achieved through an appropriately worded condition requiring the applicant to submit a programme of archaeological work in accordance with a written scheme of investigation.

In terms of highway safety matters, whilst access to the site is via a rural lane which is restricted, it is unlikely that a single holiday let will generate such a volume of traffic movements as to render the proposal unacceptable in highway terms. Adequate parking is available within the farm complex and three spaces are indicated to be reserved for the holiday let use. The Head of Transportation and Engineering therefore raises no objection to the proposal.

In conclusion it is considered that the proposal respects the proportions, design and character and appearance of the existing building which in turn respects the wider countryside and AONB whilst also offering modern, flexible holiday accommodation for its occupants. The introduction of this use will also make a valuable contribution to the local economy and is considered to be of a good quality design and subject to a condition ensuring traditional materials are used in their construction and renovation the proposal will respect the visual amenities of the area

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 6 (CONT'D)

APPLICATION NO. 2014/0605

Therefore, it is considered that the development complies with the principles of Policies EV1, EV2, EV3, EV22, EV26, EC12, EC17 and EC19 of the Swansea UDP and Supplementary Planning Guidance documents 'Gower Design Guide' and the 'Conversion of Rural Buildings'. 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 The owner shall ensure that an up to date register containing details of all occupiers of the chalet together with the dates of occupancy and details of the occupiers' main home address, is maintained and submitted to the Local Planning Authority on an annual basis (the register for each calendar year shall be submitted by the 31st January in the following year unless otherwise agreed by the Local Planning Authority), and shall also be made available at all reasonable times for inspection by the Local Planning Authority.  
Reason: To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation.
- 3 The property shall be used for holiday accommodation only and shall not be occupied by any person or persons as their main or sole place of residence.  
Reason: The site is only suitable for holiday use and is unsuitable for permanent residential use.
- 4 Samples of all external finishes 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.  
Reason: In the interests of visual amenity.
- 5 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.  
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 6 (CONT'D)

APPLICATION NO.

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- 6 The applicant shall seek a European Protected Species licence from NRW under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010 before any works on site commence that may impact upon bats. Where protected species are found to be present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a license to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.

Reason: In the interest of protecting species listed under the Conservation of Habitats and Species Regulation 2010.

- 7 The works hereby approved shall be carried out in accordance with a method statement (MS) to be submitted and to and agreed with the Local Planning Authority prior to any work commencing at the site. The MS should include, but not be limited to, timing of works, measures to avoid killing & injuring bats during works, use of materials (such as timber, roofing membranes), positioning and size of entrances, size & location of roosting areas, vegetation retention/management, proposals for lighting as appropriate and should be implemented as agreed.

Reason: In the interest of protecting species listed under the Conservation of Habitats and Species Regulation 2010.

- 8 A suitable roosting resources shall be provided, appropriate for use by day roosting pipistrelle species of bats. This roosting resources could be provided in the form of, for example, behind fascia crevices, or retained cavities within the wall structure or similar, which can provide similar roosting to that available presently, details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of protecting species listed under the Conservation of Habitats and Species Regulation 2010.

- 9 A flood management plan shall be developed for the site which shall be submitted to and approved in writing by the Local Planning Authority to ensure that occupants can be safely evacuated should a flood event occur.

Reason: In the interest of managing flood risk

- 10 The design, location and orientation of any/all new lighting provision installed as a consequence of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any lighting is erected, and the scheme shall be implemented and retained in accordance with the approved details

Reason: To ensure that the development hereby approved does not result in unacceptable levels of light pollution to neighbouring premises and/or the surrounding area.

### INFORMATIVES

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

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 6 (CONT'D)

APPLICATION NO.

2014/0605

- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV3, EV22, EV26, EC12, EC17 and EC19 of the Swansea Unitary Development 2008.
- 3 As part of a sustainable drainage system the developer is advised to consider the use of sustainable drainage (SUDS) measures, such as permeable paving for the driveway access and car parking area, and rainwater or greywater harvesting from the new buildings, etc.

### PLANS

001-site location plan, 002-block plan, 003-proposed ground floor plan,004-existing elevations & sections, 005-proposed elevations & sections received 23rd April 2014

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 7

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 – 1<sup>ST</sup> JULY 2014

ITEM 7 (CONT'D)

APPLICATION NO. 2014/0295

### **BACKGROUND INFORMATION**

**This application was DEFERRED at the Area 2 Committee held on the 3<sup>rd</sup> June 2014 for further clarification on the site history which is detailed below in the appraisal.**

### **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 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)
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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)
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### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
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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
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### **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.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 7 (CONT'D)

APPLICATION NO. 2014/0295

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.

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.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 7 (CONT'D)

APPLICATION NO. 2014/0295

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 site history associated with the site includes an application for an agricultural storage building, applications for a dwelling house and one application for a dwelling house and garage. A prior-notification application for the erection of the steel framed agricultural storage building at Field 5846 (98/1089) was decided in August 1998. In this respect it was concluded that the prior approval of the Local Planning Authority for the proposed agricultural building was not required and that the details of the siting, design and external appearance of the building was as a result approved. With regard to the applications for the detached dwelling at the site, an outline application (97/1091) for one dwelling was approved in September 1997 subject to conditions, however a subsequent full application for the erection of a dwelling house (99/0221) was refused in March 1999 due to the inappropriate design of the proposals and non-compliance with Local Plan Policy. A revised full application for the erection of a detached dwelling house and garage (99/0687) was, however, approved in July 1999 subject to conditions.

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.

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.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 7 (CONT'D)

APPLICATION NO.

2014/0295

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**

### 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 – 1<sup>ST</sup> JULY 2014

ITEM 8

APPLICATION NO.

2014/0507

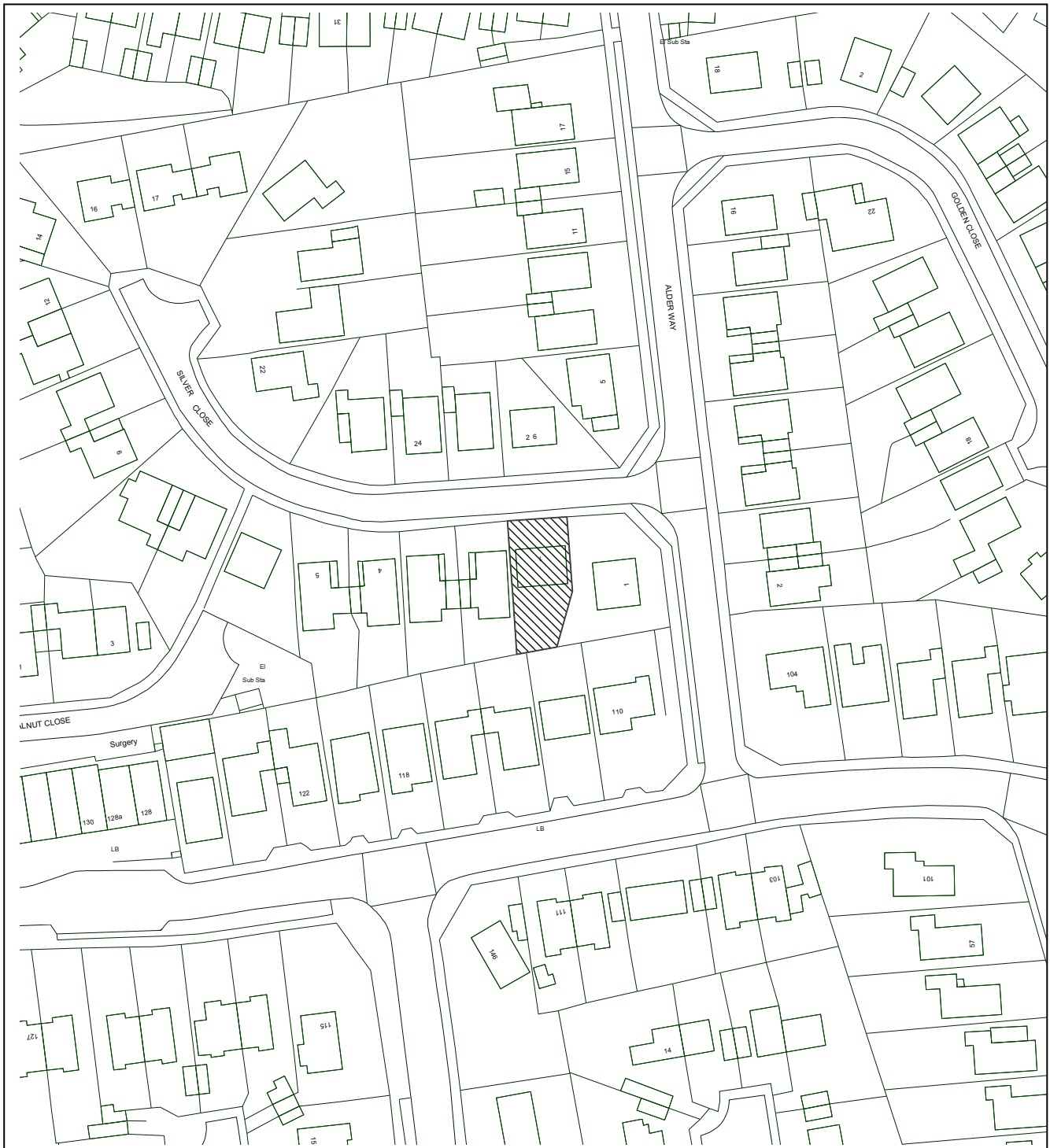
WARD:

West Cross  
Area 2

**Location:** 1 Silver Close, West Cross, Swansea, SA3 5PQ

**Proposal:** Retention of front boundary wall/fence and increased land level of rear garden by 0.4m

**Applicant:** Mr Kazim Ismail



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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 8 (CONT'D)

APPLICATION NO.

2014/0507

### BACKGROUND INFORMATION

#### POLICIES

Policy	Policy Description
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy 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. 2 Silver Close, No. 1 Alder Way and Nos. 112 and 114 West Cross Lane were sent letters of consultation on 9<sup>th</sup> April 2014. THREE LETTERS OF OBJECTION have been received which are summarised below:

- The rear wall has removed light from neighbouring properties
- The contractors have removed fencing and have caused damage to the original boundary wall at No. 1 Alder Way.
- The foundations of the rear are not sufficient
- The wall to the rear may be dangerous in years to come

**Mumbles Community Council** have responded with an Objection to the proposal. They have stated that No. 26 Silver Close has an identical wall without planning permission.

#### Highway Observations

The Head of Transportation and Engineering was sent a letter of consultation on 9<sup>th</sup> April 2014 and responded with the following comments:

*Parking provision is unaffected by the proposed boundary alterations. I recommend no highway objection.*

#### APPRAISAL

This application is reported to Committee for decision at the request of Councillor Des Thomas to assess the impact of the proposal on neighbouring properties

The application seeks full planning permission for the retention of a front boundary wall/fence and the increase in land level of the rear garden by 0.4 metres at No. 1 Silver Close, West Cross.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 8 (CONT'D)

APPLICATION NO.

2014/0507

The front boundary wall measures approximately 0.9 metres in height with a fence above measuring approximately 1.8 metres in total height. The pillars will measure approximately 2 metres in height.

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 and HC7 of the City and County of Swansea Unitary Development Plan 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 to the Human Rights Act.

The application property is situated on a prominent plot at the entrance to Silver Close; the wall with fencing above is therefore highly visible from public vantage points. The boundary treatments along Silver Close are characterised by low brick walls and hedges which do not rise above approximately 1 metre in height. The 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 'frontage boundary treatments should match the height, materials and type of properties on either side'.

Whilst it is noted that the property opposite, at No. 26 Silver Way, has a similar wall with fencing above; this has not been granted planning permission and does not represent the prevailing character of the area. The development is therefore considered to be unacceptable at this location and is contrary to Policies EV1 and HC7 of the Unitary Development Plan and the Design Guide for Householder Development.

The raising of the land level to the rear is not considered to have a detrimental impact on the character and appearance of the host dwelling, given the relatively minor increase.

The raising of the land level of the rear of the property is not considered to have an adverse impact on the residential amenity of any adjoining neighbour by virtue of any overlooking, overbearing or overshadowing impact. The land levels at this location are such that the application property is at a higher level than those along West Cross Lane and Alder Way. Therefore it is not considered that the raising of the rear garden by 0.4 metres has created an unacceptable level of overlooking, overbearing or overshadowing over and above that which is already experienced.

With regard to the objections received, issues relating to the design have been assessed in the report above. Issues relating to disruption and the construction of the boundary treatment are not material to the consideration of this application.

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

In conclusion it is considered that the retention of the existing front boundary wall with fencing above represents an unacceptable form of development by virtue of its impact on the appearance and character of the street scene and the surrounding area.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 8 (CONT'D)

APPLICATION NO. 2014/0507

Therefore the retention of the front wall with fencing above is contrary to Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan 2008 and the SPG 'A Design Guide for Householder Development'.

### RECOMMENDATION

#### REFUSE, for the following reason:

- 1 The wall with fence above by virtue of its siting, height and design is out of keeping with the character and appearance of existing boundary treatments in this area and detrimental to the character and appearance of the streetscene along Silver Close, contrary to Policies EV1 and HC7 of the Unitary Development Plan and the Supplementary Planning Guidance document 'A 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 and HC7

### PLANS

Site plan, block plan, side elevation, front and rear elevations dated 2nd April 2014

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 9

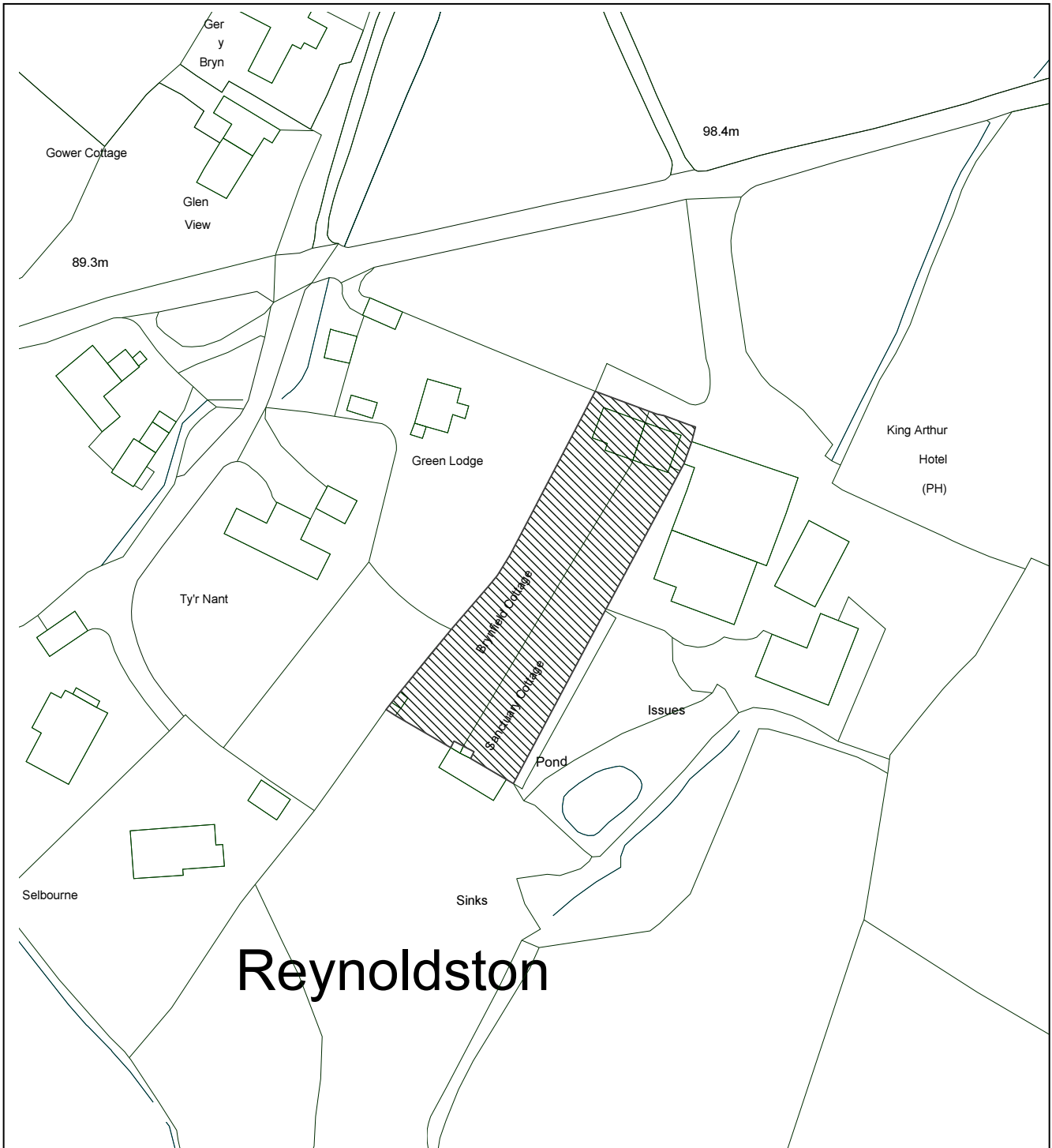
APPLICATION NO. 2014/0518

WARD: Gower  
Area 2

**Location:** Brynfield Cottage and Sanctuary Cottage Reynoldston SA3 1AD

**Proposal:** Two single storey side extensions, first floor side extension, two storey rear extension and two rear balconies to existing pair of dwellings to provide 4 no. self contained holiday lets

**Applicant:** Ms K O'Driscoll



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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 9 (CONT'D)

APPLICATION NO.

2014/0518

### 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 EC19	The creation of well-designed un-serviced tourist accommodation through the conversion of existing appropriate rural buildings will be supported. (City & County of Swansea Unitary Development Plan 2008)
Policy EV16	Within the small villages identified on the Proposals Map, small-scale development will be approved only where it is appropriate to the location in terms of the defined criteria. (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 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 EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (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)

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 9 (CONT'D)

APPLICATION NO.

2014/0518

### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
85/0782/03	INTRODUCE FARM TYPE GATE AT ENTRANCE. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 25/07/1985
86/0750/03	ERECTION OF 2 NO.STORM PORCHES Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 31/07/1986

### RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press as development within a Conservation Area and two neighbouring properties consulted. ONE LETTER OF OBSERVATION received which is summarised as follows:

- We do not object to the proposal in general; however we are concerned about the west balcony. Our garden will be overlooked and we would have concerns regarding our children's' privacy when they play in the garden. It is inevitable that there will be frequent changes of guests at the property.

**The Gower Society** – make the following comments:

5. It is within the Conservation Area and it is very important that the character of the Village Green and its surroundings is maintained and not compromised in any way. It is pleasing to see that the frontal appearance of the property will be maintained and possibly improved.
6. The rear proposals will not be seen by the general public but it is important that no other residence is overlooked by the proposed balconies.
3. The Gower AONB Design Guide must be closely adhered to.
4. We note that there are no dimensions on the drawings that once again make it very difficult to compare on line.

**Glamorgan Gwent Archaeological Trust** – No Objection

**Highways** - Proposals are for two single storey side extensions, first floor side extension, two storey rear extension and two rear balconies to existing pair of dwellings to provide 4 no. self contained holiday lets. The existing accommodation consists of 2 three bedroom houses and current parking provision consists of 2 parking spaces. The applicant proposes to increase parking provision to 4 spaces; the proposed accommodation will consist of 4 self contained units, 3 one bed units and 1 two bed unit. Current parking guidelines require 1 parking space per bedroom but given that the units will be holiday lets and overspill parking, should it be required, is available at the applicant's hotel adjacent, I consider that a shortfall of one space is acceptable. There are no highway objections.

### APPRAISAL

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014**

This application is reported to Committee for determination at the request of Councillor Richard Lewis in order to assess the impact of the proposal upon the AONB.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 9 (CONT'D)

APPLICATION NO. 2014/0518

Full planning permission is sought for two single storey side extensions, first floor side extension, two storey rear extension and two rear balconies at an existing pair of dwellings to provide 4 self contained holiday lets at Brynfield Cottage and Sanctuary Cottage Reynoldston.

The main issues for consideration in this instance relate to the impact of the proposal upon the visual amenities of the area, the impact upon residential amenity and highway safety having regard to Policies, EV1, EV9, EV22, EV26 and EC17 of the Swansea Unitary Development Plan 2008. There are in this instance no additional issues to consider under the provisions of the Human Rights Act.

The application site lies within the Reynoldston Conservation Area, the character schedule for which states:

*“The settlement has developed along a maze of narrow lanes and footpaths which meet at the village green to the west of the church. This is the only part of the village where any sense of enclosure is felt. The remainder of the village depends for its character to a great extent on the lack of any determined building line. This has given rise to an interplay of receding and projecting building forms which has produced a street picture of attractive informality. The simple architectural design of the buildings which for the greater part have been built with a horizontal emphasis is an essential feature in the visual composition of the village.”*

The site also lies within the Gower AONB and as such is subject to the guidance set out in the Gower AONB Design Guide.

The settlement statement character map for Reynoldston shows that the application site lies adjacent and to west of a ‘key building’, the King Arthur pub and also fronts onto a ‘green focal space’ at the centre of the village. Adjacent to the west of the application site lies the property known as Green Lodge which contains 2 ‘visually significant trees’ which sit along the same axis as the building line of the pub and application property.

The application site itself comprises of 2 adjacent semi-detached properties known as Brynfield Cottage and Sanctuary Cottage. These dwellings are 2 storey in height and of traditional character with white rendered walls, simple pitched roofs running parallel to the road. Both properties have traditional pitched roof porches in the Gower style as well as vertically emphasised windows. A centralised chimney delineates the centre of the main roof. To the side of sanctuary Cottage (closest to the pub) lies an existing 2 storey side extension which sits at the front of the building line and has a front roof plane which is integrated into and forms a continuation of the main roof albeit with a lowered ridge height. To the side of Brynfield Cottage lies an existing single storey lean to roof. Both properties are fronted by an existing stone boundary wall with access openings.

The application site currently provides for two dwellings, one of which is let out for holiday use. The application seeks planning permission to convert and extend the existing properties to provide 4 No. self contained holiday lets. This will involve demolishing a lean to structure to the west side of Brynfield Cottage and replacing this with a taller, narrower single storey pitched roof side extension. A single storey lean to extension is also proposed to the side of Sanctuary Cottage. These extensions are intended to provide separate stair access to the first floors of each property.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 9 (CONT'D)

APPLICATION NO.

2014/0518

To the rear it is proposed to construct a two storey rear extension with a recessed balcony area of the back of Brynfield Cottage. A further first floor projecting balcony area is proposed off the rear of the main house at Sanctuary Cottage. It is also proposed to remove an existing single storey lean to roof structure to the rear of the existing side extension at Sanctuary Cottage. This will be replaced with a 2 storey pitched roof extension to match the existing in front.

The site lies in a highly prominent and sensitive location and any proposal will need to ensure that there is no detrimental impact upon any of these designations. Given the location and orientation of the application dwellings it is considered that the most sensitive elevations will be the front and side of Brynfield cottage. With this in mind the proposed side extension to Brynfield Cottage maintains a suitably balanced appearance to the front of the pair of semi-detached properties and when viewed from the side the extensions are suitably subordinate to the host dwelling and do not compete with the parent property. Given that the extensions are focussed towards the rear of the properties and the existing scale, proportions an appearance of the cottages are retained, the proposal overall is not considered to have a detrimental visual impact upon either the properties to which the proposal relate, the wider conservation area and AONB.

Furthermore the Gower AONB Design Guide SPG states that *“Generally balconies should be recessed rather than projecting in order to limit the visual impact”* (section A1.68). In this respect the balcony area to the rear of Sanctuary Cottage is tucked into the corner of the junction of the main dwelling with the adjacent rear extension and as such is considered acceptable. The proposed balcony area to the rear of Brynfield Cottage is also recessed within the two storey rear projection whereby it is concealed behind a wall to the west, with a more open aspect to the east, which limits its visual impact from oblique side views and reduces the potential for overlooking into the rear garden adjacent, and as such is considered acceptable and complies with the aims of the Gower Design Guide.

The application site is well placed for walking, cycling, horse riding and activity holidays, being within the Gower AONB and the surrounding area is served by bus routes and road networks. In this respect, it is considered that the proposed holiday let element of the scheme accords with the criteria of Policy EC17 which supports proposals for tourism and recreation developments of an appropriate scale.

In terms of residential amenity, sufficient separation is achieved between the extensions and the neighbouring residential curtilage such that any physical impact will be minimised. All the window openings are front or rear facing with the exception of a single first floor window on the western side elevation which will be replaced with two openings, whilst this is noted, the western site boundary is heavily tree lined with high dense, mature trees which will be retained and as such the secondary opening within the existing side elevation of Brynfield Cottage is not considered to result in any significant demonstrable harm in terms of overlooking or loss of privacy. Similarly, and as noted earlier in the report the rear balcony areas have been designed to be recessed so as to mitigate against unacceptable levels of overlooking. It is further noted that the proposal will result in 4 units of holiday accommodation, and whilst this is acknowledged, given the small scale of the units (3. 1 bed and 1 x 2 bed) it is not considered that the level of activity in terms of coming and goings and general disturbance would increase over and above activity normally associated with a single family dwelling or to a point of detriment to neighbouring occupiers, on this basis the proposal is considered to comply with Policy EV1 of the UDP.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 9 (CONT'D)

APPLICATION NO. 2014/0518

Turning to highway safety matters, the existing accommodation consists of 2 three bedroom houses and current parking provision consists of 2 parking spaces. The applicant proposes to increase parking provision to 4 spaces; the proposed accommodation will consist of 4 self contained units, 3 one bed units and 1 two bed unit. Current parking guidelines require 1 parking space per bedroom but given that the units will be holiday lets and overspill parking, should it be required, is available at the adjoining King Arthur Hotel which applicant owns the Head of Transportation and Engineering considers that a shortfall of one space is acceptable and no highway objection is raised.

In conclusion, and having regard to all of the above it is considered that the proposal respects the proportions, design and character and appearance of the existing building which in turn respects the wider conservation area and countryside whilst also offering modern, flexible holiday accommodation for its occupants. The introduction of this use will also make a valuable contribution to the local economy and is considered to be of a good quality design and subject to a condition ensuring matching materials are used the proposal will respect the visual amenities of the area. the proposal will not a detrimental impact upon the residential amenities of neighbouring occupiers and will not prejudice or compromise current highway safety standards, therefore, it is considered that the development complies with the principles of Policies EV1, EV9, EV16, EV22, EV26, HC7, EC17 and EC19 of the Swansea UDP and Supplementary Planning Guidance contained within the 'Gower AONB Design Guide'. 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 The materials used in the development hereby approved shall match those of the existing building.  
Reason: In the interests of visual 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: Policies EV1, EV9, EV16, EV22, EV26, EC17, EC19 and HC7 of the Swansea Unitary Development Plan 2008.
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 9 (CONT'D)

APPLICATION NO.

2014/0518

- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.
- 4 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

### PLANS

BBA 620.P.02 site location and block plan, BBA 620.P.01 existing plans, BBA 620.P.03 proposed ground floor plan, BBA 620.P.04 proposed first floor plan, BBA 620.P.05 proposed elevations dated 8th April 2014

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 10

APPLICATION NO.

2014/0541

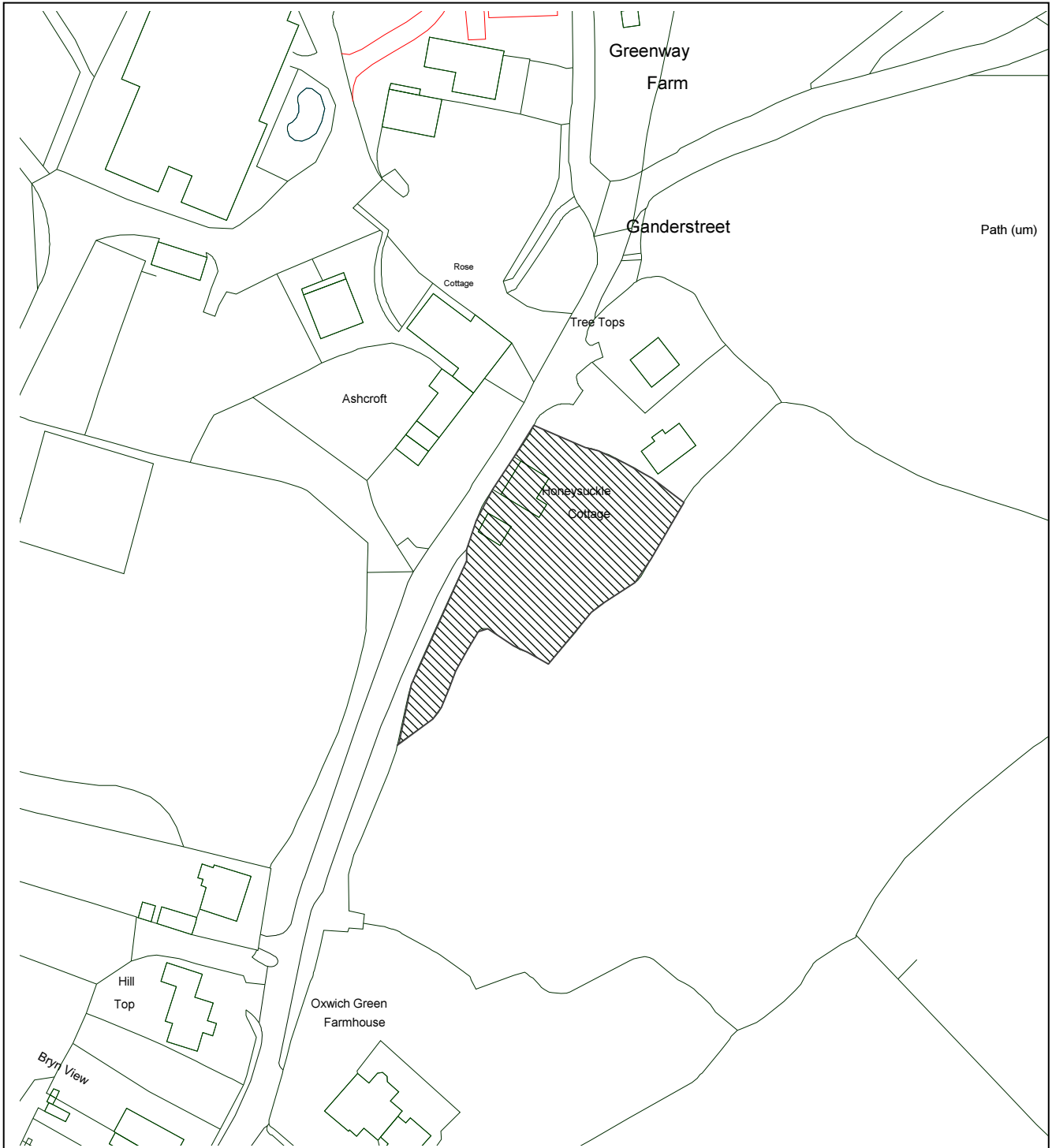
WARD:

Gower  
Area 2

**Location:** Honeysuckle Cottage, Oxwich, Swansea, SA3 1LU

**Proposal:** Front porch, detached garage and two rear gable features

**Applicant:** Mr Eddie Mahony



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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 10 (CONT'D)

APPLICATION NO.

2014/0541

### **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 EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (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**

<b>App No.</b>	<b>Proposal</b>
2011/0346	Replacement dwelling with detached garage Decision: Refuse Decision Date: 23/06/2011
2012/0696	Demolition of front boundary wall (application for Conservation Area Consent) Decision: Grant Cons Area Consent Conditional Decision Date: 20/09/2012
2003/0330	Addition of first floor to existing bungalow to create a one and a half storey dwelling Decision: Grant Permission Conditional Decision Date: 15/07/2003
2011/0351	Demolition of existing dwelling (application for Conservation Area Consent) Decision: Refuse Decision Date: 23/06/2011

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 10 (CONT'D) APPLICATION NO. 2014/0541

2012/0681 Single storey rear extension, front porch, new chimney, fenestration alterations, front boundary wall and detached garage  
Decision: Grant Permission Conditional  
Decision Date: 20/09/2012

### RESPONSE TO CONSULTATIONS

The neighbouring occupant at Ganderstreet Cottage was sent a letter of consultation on 14<sup>th</sup> May 2014. A site notice was posted and a notice in the press was published on 19<sup>th</sup> May 2014. TWO LETTERS OF OBJECTION from one neighbour were received which are summarised below:

- The 21 day time limit for response should be extended as I do not live at Ganderstreet Cottage permanently
- The large garage could become a separate residential property

ONE LETTER OF COMMENT has been received from the **Gower Society** which is summarised below:

- The Design Guide should be strictly followed
- The garage is large and approaches the footprint size of the cottage
- If permitted the garage should have a clause preventing changes in future for domestic occupancy

The **Glamorgan Gwent Archaeological Trust** has commented on the application with the following information:

*The Historic Environmental Record shows that Honeysuckle Cottage is a property that may date from the late 18<sup>th</sup> Century, built in a traditional style of Welsh Houses of the post-medieval period. It is shown on the 1830 First Series OS Map and the 1879 First Edition OS Map, within the hamlet of Ganderstreet. The house appears to have undergone alteration and extension, although it is likely that the essential structure remains, and the footprint of the house remains the same as that on the first edition OS map. It is unlikely that the house is earlier than post-medieval origin, and appears to reflect the development of the settlement pattern in the immediate area. Taking this into consideration, the proposed works are unlikely to adversely affect the property and we therefore do not request archaeological mitigation.*

*The record is not definitive, however, and unrecorded or unknown archaeological features or finds still may be located during the development. Should this occur please contact this Division of this Trust in this event for the site to be assessed. Nevertheless, as the archaeological advisors to your Members, we have no objection to the determination of this application.*

### Highway Observations

The Head of Transportation and Engineering was sent a letter of consultation on 14<sup>th</sup> May 2014 and responded with the following comments:

*'There is no adverse effect on parking. I recommend no highway objection.'*

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 10 (CONT'D)

APPLICATION NO.

2014/0541

### APPRAISAL

The application is reported to Committee for decision by Councillor Richard Lewis in order to assess the impact on the AONB and Conservation Area.

The application site comprises a two storey detached dwelling, known as Honeysuckle Cottage which is situated in Oxwich and the local ward of Gower. The application site is located within the Gower Area of Outstanding Natural Beauty (AONB) and the Oxwich Green Conservation Area. The site benefits from off road parking and a large curtilage.

The site itself comprises of the existing property and associated garden space known as Honeysuckle Cottage. Honeysuckle Cottage lies to the north of the Oxwich Green Conservation Area. The Conservation Area statement for this settlement states that the village “comprises mainly of small traditional cottages and houses and extends some short distance in an east and west direction from Gander Street to Sealands Farm”.

A previous application at this site (2012/0681) granted consent for a single storey rear extension, front porch, new chimney, fenestration alterations, front boundary wall and detached garage. To date this consent has not been implemented.

The application seeks full planning permission to construct a front porch, a detached garage and two rear gable features. The front porch will measure approximately 2 metres wide and approximately 1.4 metres deep. It will comprise of a pitched roof measuring approximately 1.8 metres to the eaves and approximately 2.7 metres to the ridge. The detached garage will measure approximately 6.5 metres wide and approximately 6.5 metres deep. It will comprise of a pitched roof measuring approximately 2 metres to the eaves and approximately 4.1 metres to the eaves.

The application also proposes a single storey side extension. This element of the proposal has been assessed and it has been determined that the proposed single storey side extension falls within the parameters of permitted development; therefore this does not require express planning consent and will not form part of this application.

The primary issues in the consideration of this application relate to the impact of the proposed development on residential and visual amenity and the character and appearance of the Gower AONB and Conservation Area, having regard to Policies EV1, EV9, 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 will be built on the front and rear elevations of the property, elements of the proposal would therefore be highly visible from public vantage points.

The front porch will be of a traditional style which is considered in keeping with the character and appearance of the host dwelling and the surrounding street scene. The 2012/0681 application saw the approval of a front porch, similar in scale to that currently proposed. The porch is considered to be of an acceptable scale and design will include a pitched roof with a separate door from the main house which are consistent features of a traditional Gower porch.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 10 (CONT'D)

APPLICATION NO. 2014/0541

The proposed rear gable features do not adversely affect the character and appearance of the host dwelling, given they will incorporate the existing windows to the first floor level.

The proposed detached garage will be constructed to the side of the property, towards the rear of the garden. The garage will comprise of a traditional pitched roof and the materials used will match those of the dwelling. Whilst it is acknowledged that the garage occupies a fairly large footprint it is considered that the rear garden is of sufficient size to accommodate the garage without appearing as a cramped form of development.

Therefore, on balance, it is considered that the design of the proposals are sensitive to the context and setting of the host property and ensures that the form and identity of the host property remains in tact. Consequently, it is considered that the visual merit of the proposed development is acceptable and will bear no detrimental impact on the visual amenities of the surrounding street scene or the character and appearance of Gower's Heritage Coast and Area of Outstanding Natural Beauty or the Oxwich Green Conservation Area.

The property is a detached dwelling situated that shares its curtilage boundary with Ganderstreet Cottage to the north. Given the distance and relationship of neighbouring properties to the application site, there is considered to be no detrimental impact upon neighbouring residential amenity by virtue of overlooking, overshadowing or any overbearing impact. Furthermore the property will benefit from sufficient amenity space following development as the proposal is of a modest scale in relation to site coverage.

No objections are raised with regard to highway safety.

With regard to the issue of the scale of the proposed garage and the use of the Gower AONB Design Guide, this has been addressed within the main body of this report. With regard to the issue of extending the consultation period, the appropriate statutory consultations were undertaken in relation to this application.

In conclusion it is considered that the proposals represent an acceptable form of development. The proposals cause no significant adverse effect to the privacy or residential amenity of any adjoining neighbour. The proposed development also bears no detrimental impact upon the character and appearance of the host dwelling or the visual amenity of the surrounding street scene, the Oxwich Green Conservation Area or the Gower Area of Outstanding Natural Beauty. Therefore the development complies with Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan, the Design Guide for Householder Development and the Gower AONB Design Guide.

### 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.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 10 (CONT'D)

APPLICATION NO.

2014/0541

- 2 The garage shall be retained for the parking of vehicles and purposes incidental to that use and shall not be used as or converted to domestic living accommodation  
Reason: To ensure adequate on site car parking provision in the interests of highway safety and residential and visual 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, EV9, EV26 and HC7
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.

### PLANS

318\_01 site location plan, 318\_02 existing site plan, 318\_03 existing floor plans, 318\_04 existing elevations, 318\_05/B proposed site plan, 318\_6/C proposed ground & first floor plans, 318\_07/C proposed elevations, 318\_08/C proposed section A-A, 318\_09/B proposed block plan dated 13th April 2014. 318-10 proposed garage plans and elevations dated 6th May 2014

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 11

APPLICATION NO.

2014/0571

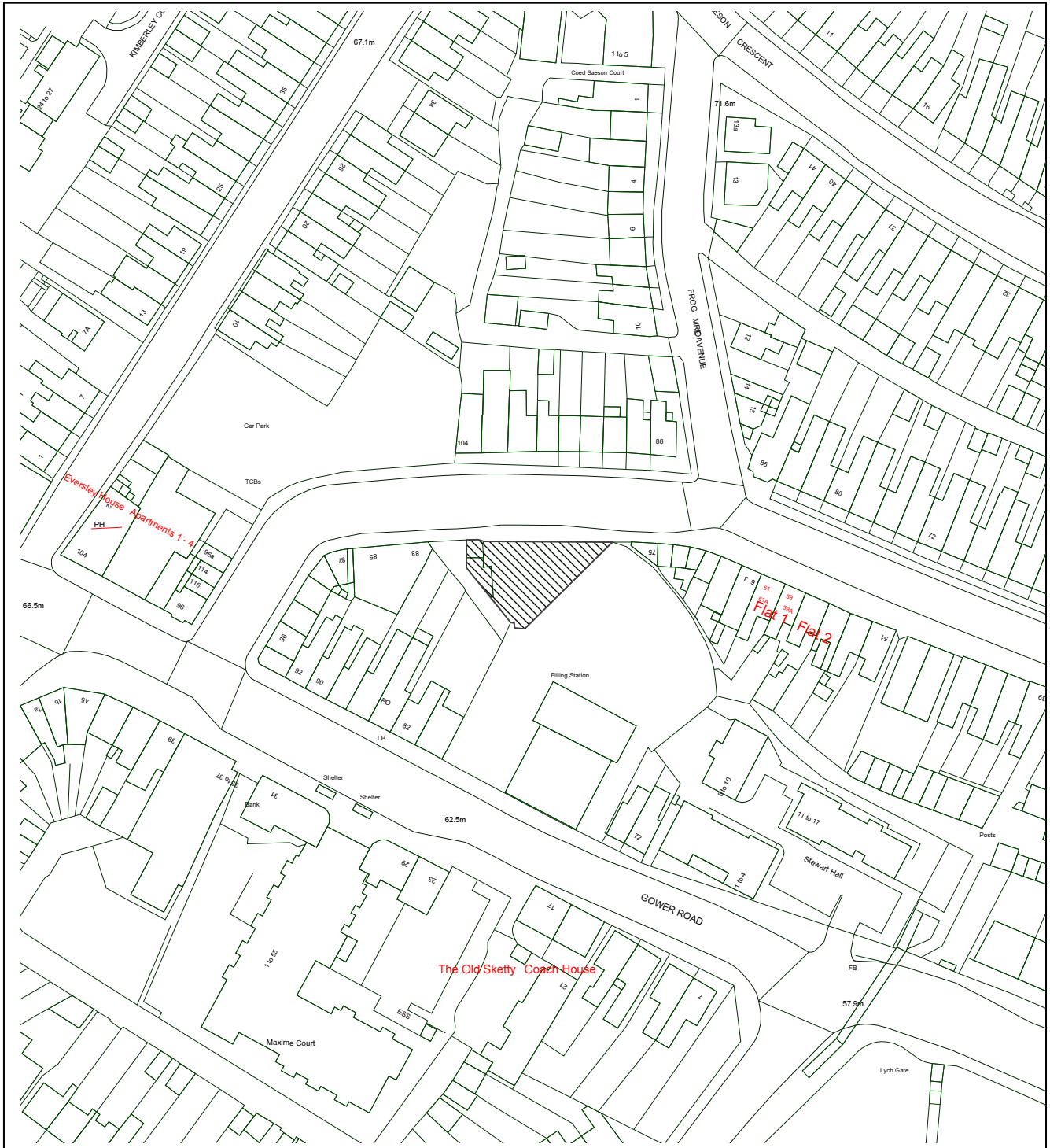
WARD:

Sketty  
Area 2

**Location:** Former petrol station, Eversley Road, Sketty, Swansea, SA2 9DF

**Proposal:** Change of use from vacant petrol filling station to a hand car wash and valet and installation of covered canopy area

**Applicant:** Mr Darbaz Rasheed Mohammed



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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 11 (CONT'D)

APPLICATION NO.

2014/0571

### 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 EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy 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 EV40	Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)
Policy 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)
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 11 (CONT'D)

APPLICATION NO.

2014/0571

Policy AS6 Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

#### App No.

#### Proposal

2004/1169

Retention and completion of detached lock up storage garage

Decision: Grant Permission Unconditional

Decision Date: 05/08/2004

### RESPONSE TO CONSULTATIONS

**Neighbours:** The application was advertised on site in the form of a site notice and all adjoining neighbouring properties were individually consulted and 18 LETTERS OF OBJECTION and 3 LETTERS OF COMMENT were received which are summarised below:

1. Water pollution.
2. Traffic issues.
3. Lack of parking.
4. Opening hour concern.
5. Concern over empty fuel tanks below.
6. Chemical issue.
7. Proposal to use this site as a taxi rank has been rejected. Why?
8. Proposal will result in noise and air pollution.
9. Highway safety concerns.
10. Proposal will discourage shoppers.
11. Application site should be a car park.

In addition to this one letter of support was received as the re-use of this vacant site is welcomed. Furthermore the proposal will attract footfall into the District Centre.

**Trading Standards:** From our records the fuel tanks were filled with RG22 foam on 5th September 2001 rendering them safe.

**Highways:** This site is a former petrol filling station and as such could re-open for that use at any time. This aspect of the fall-back position must be taken into account as a material factor in considering the current proposal to change the use of the site to a car wash facility. As a petrol filling station the site would generate car use, with no control over the number of vehicles using the site and in situations where fuel is competitively priced, can lead to congestion on forecourts and consequent queuing back onto the highway. Petrol filling stations also attract commercial vehicles for refuelling and tankers to deliver fuel to the site.

The current proposal to provide a car wash facility is also one which attracts vehicles, although commercial vehicles are unlikely to visit the site. Every vehicle needs fuel, although not every vehicle will visit a car wash facility. Where such facilities exist, such as on Gower Road, issues can arise and in addition to water run-off from the site initially, at busy periods delay on entering the site can occur with vehicles waiting on Gower Road which causes obstruction to through traffic.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 11 (CONT'D)

APPLICATION NO.

2014/0571

The layout plan submitted as part of this proposal indicates a one-way system of entry and exit utilising the established access points. Access is intended from the eastern point and exit via the western point. This would ensure that no conflict occurs between entering and exiting vehicles. Parking on the site is indicated for 9 vehicles. Although not specific, it would appear that the layout is providing 4 car wash spaces, 2 valeting spaces and a further 3 for waiting customers or staff parking. In addition to the bays, there is a customer waiting area and store room.

The impact of a car wash facility will vary depending on location and how well the facility is run. On the main distributor road system this is more critical although issues can arise at any location. In order to object to a development, clear evidence must be available to support an objection and it is unclear in this instance as each site is unique and its impact will vary. Whilst concerns can be identified, there is no clear evidence that such concerns will materialise and to what extent. On balance therefore I consider that the way to determine the effect of this proposal would be to monitor it during use. I would therefore recommend that consent should be granted for a temporary period, with strict conditions so that any adverse impact can be minimised and in the event that any unacceptable impact does occur, this can be taken into consideration if and when renewal is applied for.

No highway objection subject to the following;

1. Consent shall be granted for a temporary period of one year.
2. The site shall not be brought into beneficial use until a detailed site management plan has been submitted and approved.
3. No more than 9 vehicles shall be present at the site at any one time.
4. Parking bays for 9 vehicles shall be marked out on site prior to beneficial use commencing.
5. The applicant shall ensure that no water from the site shall flow out on to the highway.
6. Signing shall be erected on site in accordance with details to be submitted and approved.

Signs shall include;

Entry and Exit signing

'No queuing on the Highway' sign at the access point.

**National Resource Wales:** Natural Resources Wales has no objection to this proposal providing the following issues are addressed through the implementation of appropriate planning conditions and/or obligations.

**Drainage**

With regards to drainage from the site we would recommend that the site operators obtain drainage plans to ensure that all drainage is treated appropriately. All drainage from the car wash should either be re-circulated or discharged to the foul sewer.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 11 (CONT'D)

APPLICATION NO. 2014/0571

Any trade effluent from vehicle washes or similar processes that include detergents or degreasers must connect to main foul sewer. The applicant should be made aware that an authorisation for discharge to the main public sewer will be required from Dwr Cymru/Welsh Water.

Detergents and vehicle washings, including steam cleaning, should not be allowed to discharge into the surface water drainage system as this may have outfalls to the environment and could cause pollution. Furthermore, such discharges should not be discharged via any petrol interceptors as the detergents will render the interceptor ineffective.

To ensure that all surface water is directed to the appropriate drainage system, the infrastructure of the vehicle washing area should be suitably designed, for example to include a fall to encourage effective drainage and a kerbed perimeter to prevent water escaping from the site.

### Storage of fuels/oils/detergents

Given the proposed nature of the new activity it is likely that hazardous substances such as detergents/oils etc. will be stored on site. These have the potential to cause pollution through spills or leaks. Containers (full and empty) must be stored appropriately to prevent accidental damage (for example through vehicle collisions or vandalism) and to limit loss of product in the event of a spill or leak by using a secondary containment system.

The following condition is recommended.

### Condition

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

### Reason

To prevent pollution of the water environment.

Pollution prevention guidance can be found in the following Pollution Prevention Guidelines (PPGs), which we recommend the applicant refer to:

PPG 3 - Use and Design of Oil Separators in Surface Water Drainage Systems

PPG 13 - High Pressure Water and Steam Cleaners

PPG 26 -Storage and Handling of Drums and Intermediate Bulk Containers

PPG 27 - Installation, Decommissioning and Removal of Underground Storage Tanks

Pollution Control: Can we condition the hours as follows:

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

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Monday-Friday 08.00-18.00

Saturday 08.00-17.00

Sunday 10.00-16.00

### **APPRAISAL**

This application is reported to Committee for decision at the request of Councillor Mike Day to assess the impact on the area.

#### Description

Full planning permission is sought for the change of use from the vacant petrol filling station to a hand car wash and valet and for installation of a covered canopy area at the former petrol station, Eversley Road, Sketty.

The site has been derelict for a number of years since the closure of the petrol station and the application seeks to bring this vacant plot back into economic use.

#### Main Issues

The main issues for consideration during the determination of an application such as this relates to the principle of this form of development at this location and the resultant impact of the new business upon the visual amenities of the area, the residential amenities of neighbouring properties, highway safety, drainage and any environmental implications having regard for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'District Centres, Local Centres and Community Facilities'.

#### Principle of Development

The site is situated within the urban area as identified under the provisions of the Swansea UDP Proposals Map and also falling within Sketty District Centre under the Supplementary Planning Guidance document entitled District Centres, Local Centres and Community Facilities. The proposal will replace a former non-retail use with another non-retail use. The business will operate during daytime hours and could attract additional footfall into the District Centre and have a positive impact on the vitality and viability of the centre. Given its brownfield nature the principle of a car wash at this location is considered acceptable in this instance subject to compliance with other Policies within the UDP.

#### Impact upon the character of the area

Given the limited scale of the proposal, its former garage use and the dilapidated nature of the site, it is not considered that the scheme will have an unacceptable impact upon the visual amenities of the area which could warrant the refusal of this application.

#### Residential Amenities

The proposal will not give rise to unacceptable overlooking, overbearing or overshadowing impacts. Furthermore, given the nature of the lawful use and level of activity associated with a garage it is considered that the new use would be compatible with the existing uses associated with the site and as such would have an acceptable impact upon the residential amenities of the neighbouring properties

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 11 (CONT'D)

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### Pollution Implications

Having consulted the Councils Pollution Control section there is no objection from a pollution perspective to the proposed use subject to a condition restricting hours of operation. Therefore the proposal is considered to respect the principles of Policies EV1 and EV40 of the Swansea UDP.

### Highways

Having consulted the Head of Transportation and Engineering it is acknowledged that the site is a former petrol filling station and as such could re-open for that use at any time. This aspect of the fall-back position must be taken into account as a material factor in considering the current proposal to change the use of the site to a car wash facility. As a petrol filling station the site would generate car use, with no control over the number of vehicles using the site and in situations where fuel is competitively priced, can lead to congestion on forecourts and consequent queuing back onto the highway. Petrol filling stations also attract commercial vehicles for refuelling and tankers to deliver fuel to the site.

The current proposal to provide a car wash facility is also one which attracts vehicles, although commercial vehicles are unlikely to visit the site. Every vehicle needs fuel, although not every vehicle will visit a car wash facility. Where such facilities exist, such as on Gower Road, issues can arise and in addition to water run-off from the site initially, at busy periods delay on entering the site can occur with vehicles waiting on Gower Road which causes obstruction to through traffic.

The layout plan submitted as part of this proposal indicates a one-way system of entry and exit utilising the established access points. Access is intended from the eastern point and exit via the western point. This would ensure that no conflict occurs between entering and exiting vehicles. Parking on the site is indicated for 9 vehicles. Although not specific, it would appear that the layout is providing 4 car wash spaces, 2 valeting spaces and a further 3 for waiting customers or staff parking. In addition to the bays, there is a customer waiting area and store room.

The impact of a car wash facility will vary depending on location and how well the facility is run. On the main distributor road system this is more critical although issues can arise at any location. In order to object to a development, clear evidence must be available to support an objection and it is unclear in this instance as each site is unique and its impact will vary. Whilst concerns can be identified, there is no clear evidence that such concerns will materialise and to what extent. On balance therefore I consider that the way to determine the effect of this proposal would be to monitor it during use. I would therefore recommend that consent should be granted for a temporary period, with strict conditions so that any adverse impact can be minimised and in the event that any unacceptable impact does occur, this can be taken into consideration if and when renewal is applied for.

Therefore subject to conditions the proposal will respect highway safety in accordance with the provisions of Policies EV1, EV3, AS6 and AS1 of the Swansea UDP.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

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### Drainage

Having consulted Natural Resource Wales no objection has been raised to this proposal subject to condition.

All drainage from the car wash should either be re-circulated or discharged to the foul sewer. Any trade effluent from vehicle washes or similar processes that include detergents or degreasers must connect to main foul sewer. The applicant will be made aware that an authorisation for discharge to the main public sewer will be required from Dwr Cymru/Welsh Water.

Detergents and vehicle washings, including steam cleaning, should not be allowed to discharge into the surface water drainage system as this may have outfalls to the environment and could cause pollution. Furthermore, such discharges should not be discharged via any petrol interceptors as the detergents will render the interceptor ineffective.

To ensure that all surface water is directed to the appropriate drainage system, the infrastructure of the vehicle washing area should be suitably designed, for example to include a fall to encourage effective drainage and a kerbed perimeter to prevent water escaping from the site.

Given the proposed nature of the new activity it is likely that hazardous substances such as detergents/oils etc. will be stored on site. These have the potential to cause pollution through spills or leaks. Containers (full and empty) must be stored appropriately to prevent accidental damage (for example through vehicle collisions or vandalism) and to limit loss of product in the event of a spill or leak by using a secondary containment system. Therefore subject to conditions the proposal will respect the principles of Policies EV34 and EV35 of the Swansea UDP.

### Response to Consultations

Notwithstanding the above, 21 letters of response were received which raised concerns relating to visual amenity, pollution, traffic, parking, impact on shopping centre, hours of operation, drainage and water quality,

Concern has been raised by a third party with respect the potential hazard from the disused petrol tanks, however having consulted the Authority's Trading Standards Section it has been confirmed that there are no safety issues un this respect..

Further concern has been raised that the site should be used as a car park to help the lack of provision in the area. The Council cannot impose what third party land can be used for and as such this is not a material planning consideration and could not therefore be taken into account during the determination of this application.

A third party has raised concern with respect a refusal previously on this land for its use as a taxi rank, however the Local Planning Authority have never refused an application or even considered an application on this land for its use as a taxi rank.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

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### Conclusion

In conclusion the proposed development is an acceptable form of development at this District Centre location and subject to conditions will have an acceptable impact on visual amenity, residential amenity, highway safety and drainage in compliance with the provisions of Policies EV1, EV2, EV35, EC5, EV40, EV34, ECNR, AS1, AS6 and EV3 and the Supplementary Planning Guidance document entitled 'District Centres, Local Centres and Community Facilities.

### **RECOMMENDATION**

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

- 1 Notwithstanding the provisions of Section 91 of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995, this permission is for a limited period only, expiring on 1st July 2015 when the use shall cease and any works carried out under this permission shall be removed and the land reinstated in accordance with a scheme to be agreed in writing with the Local Planning Authority.  
Reason: To safeguard the amenities of the occupiers of neighbouring properties.
- 2 The premises shall not be used by customers before 08.00 hrs nor after 18:00 hrs Monday to Friday, before 08:00hrs nor after 17:00hrs Saturday or before 10:00hrs nor after 16:00hrs on any Sunday or Bank Holiday.  
Reason: To safeguard the amenities of neighbouring residents.
- 3 The site shall not be brought into beneficial use until a detailed site management plan has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed in accordance with the approved management plan.  
Reason: In the interest of highway safety.
- 4 No more than 9 vehicles shall be present on site at any one time.  
Reason: In the interest of highway safety.
- 5 Prior to the site being brought into beneficial use parking bays for 9 vehicles shall be marked out on site.  
Reason: In the interest of highway safety.
- 6 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

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- 6 Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.  
Reason: To prevent pollution of the water environment.
- 7 Prior to the use hereby approved commencing, a signage scheme for the one way system shall be implemented in accordance with details to be submitted to and approved by the Local Planning Authority. The signage scheme as approved shall be retained at all times.  
Reason: In the interest of highway safety.
- 8 Development shall not commence until details of foul, surface and land drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved details.  
Reason: To ensure a satisfactory means of drainage.

### 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, EV35, EC5, EV40, EV34, ECNR, AS1, AS6 and EV3).

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

- 3 **Drainage**  
With regards to drainage from the site we would recommend that the site operators obtain drainage plans to ensure that all drainage is treated appropriately. All drainage from the car wash should either be re-circulated or discharged to the foul sewer.

Any trade effluent from vehicle washes or similar processes that include detergents or degreasers must connect to main foul sewer. The applicant should be made aware that an authorisation for discharge to the main public sewer will be required from Dwr Cymru/Welsh Water.

Detergents and vehicle washings, including steam cleaning, should not be allowed to discharge into the surface water drainage system as this may have outfalls to the environment and could cause pollution. Furthermore, such discharges should not be discharged via any petrol interceptors as the detergents will render the interceptor ineffective.

To ensure that all surface water is directed to the appropriate drainage system, the infrastructure of the vehicle washing area should be suitably designed, for example to include a fall to encourage effective drainage and a kerbed perimeter to prevent water escaping from the site.

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- 3 Pollution prevention guidance can be found in the following Pollution Prevention Guidelines (PPGs), which we recommend the applicant refer to:

PPG 3 - Use and Design of Oil Separators in Surface Water Drainage Systems

PPG 13 - High Pressure Water and Steam Cleaners

PPG 26 -Storage and Handling of Drums and Intermediate Bulk Containers

PPG 27 - Installation, Decommissioning and Removal of Underground Storage Tanks

**PLANS**

01-site location plan & existing site plan, 02- proposed site plan, 03-canopy plan dated 16th April 2014

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 12

APPLICATION NO.

2014/0596

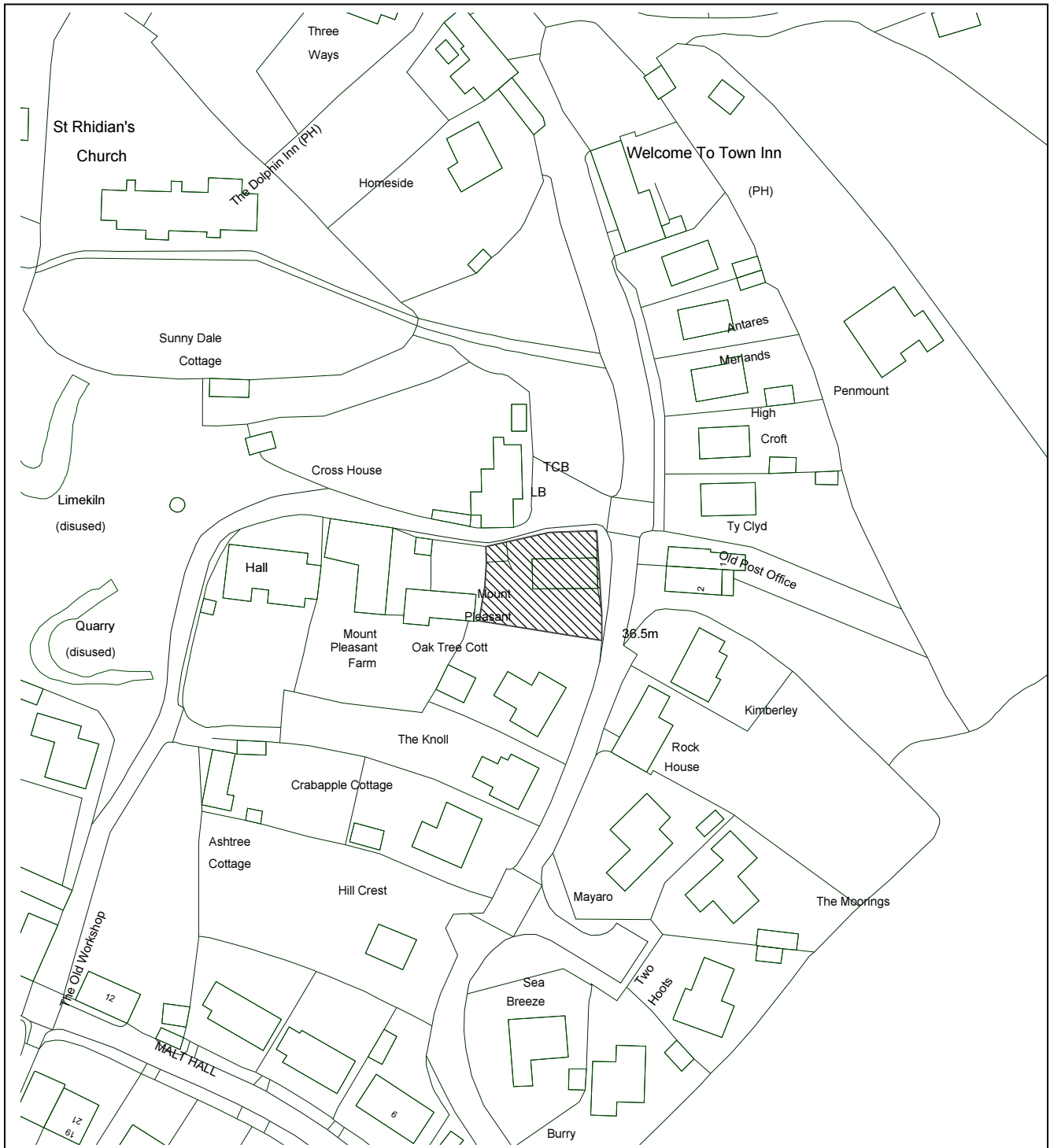
WARD:

Gower  
Area 2

**Location:** Mount Pleasant, Llanrhidian, Swansea, SA3 1EH

**Proposal:** Retention and completion of two storey side extension, retaining wall and new access

**Applicant:** Mr Gareth Watkins



NOT TO SCALE

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## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 12 (CONT'D)

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### **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 EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (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**

<b>App No.</b>	<b>Proposal</b>
99/0975	ERECTION OF A DETACHED DWELLING HOUSE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 15/11/1999

#### **RESPONSE TO CONSULTATIONS**

The neighbouring occupants at Mount Pleasant Farm and Oak Tree Cottage were sent letters of consultation on 9<sup>th</sup> May 2014. A site notice was posted and a press notice was published on 19<sup>th</sup> May 2014.

ONE LETTER OF OBJECTION has been received and is summarised below:

- No prior planning application for the excavation of tons of rock and soil for a period of over a year and a half
- This planning application is only in respect of works undertaken on site since 1<sup>st</sup> January 2014
- The new access and retaining wall were created as a result of excavations – these excavations created much noise and unacceptable tremors/vibrations to neighbours

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

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- The excavations caused the side rear wall of the side extension to come down – the rest of the original extension came down later
- The new extension is larger than the original and it is sited nearer the road
- Is the side extension intended for commercial use?

**Llanrhidian Community Council** has responded in support of the application.

### **Highways Observations**

The Head of Transportation and Engineering was consulted on 9<sup>th</sup> May 2014 and responded with the following comments

*The new access as constructed is lacking in visibility and the driveway parking area is quite narrow. However, adjacent accesses are similarly lacking in visibility and therefore this is not a unique situation in the area.*

*As the road past the site is predominantly for local traffic and the site is not located on the main road system I consider that on balance the proposal is acceptable and recommend that no highway objections are raised*

### **APPRAISAL**

This application is reported to Committee for decision at the request of Councillor Richard Lewis in order to assess the impact on the Conservation Area and the AONB.

The application site comprises a two storey detached dwelling in Llanrhidian which is situated in the local ward of Gower. The application site is located within the Llanrhidian Conservation Area and the Gower Area of Outstanding Natural Beauty.

The site lies within the Llanrhidian Conservation Area. It is located along the western side of Mill Lane and to the south of the green open space area in front of the Church of St. Illtyd and St. Rhidian which lies to the west. Development along this part of Mill Lane comprises predominantly of two storey detached and semi-detached dwellings. The majority of dwellings front onto this road and exhibit a variety of plan forms.

The site itself comprises a traditional cottage with an existing single storey rear extension and which also had a previous two storey side extension to the west.

The primary issues in the consideration of this application relate to the impact of the proposed development on visual and residential amenity as well as highway safety, having regard to Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan 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'.

The two storey extension has been partially constructed to the side elevation of the property and is therefore highly visible from public vantage points along Mill Lane. The scale of the proposed two storey side extension is, however, considered proportionate to the host dwelling and has replaced a previous two storey side extension of similar dimensions.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

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The proposed two storey side extension is considered to be in keeping with the character and appearance of the host dwelling, particularly given the use of matching materials. The two storey side extension accords with both the Design Guide for Householder Development and the Gower AONB Design Guide in that it comprises a width which is less than half that of the main dwellinghouse. It is therefore considered that the two storey side extension is a subordinate addition to the host dwelling. It is also considered that the two storey side extension will not have a detrimental impact upon the street scene, the Conservation Area or the Area of Outstanding Natural Beauty within which it lies.

Amended plans have been received in relation to the retaining wall. It is proposed that the retaining wall be faced with natural stone in order to maintain the visual coherence of the surrounding area. The railings above will be screened by planting in order to preserve the character and appearance of the Conservation Area, the details of which are to be agreed in writing by the Local Planning Authority and secured by condition.

In terms of residential amenity it is not considered that the proposed two storey side extension would have an adverse impact on the residential amenity of any adjoining neighbour by virtue of any overlooking, overbearing or overshadowing impact. The two storey side extension will not project any further towards the neighbouring property at Oak Tree Cottage than the current property and will not overbear, overshadow or overlook this property. In addition there will not be any windows facing the neighbouring property at Mount Pleasant Farm and this property is set further back into its plot than the application property. Therefore it is considered there will not be an adverse impact on the residential amenity of any neighbouring property by virtue of any overlooking, overbearing or overshadowing impact.

No objections are raised with regard to highway safety.

With regard to the issue raised in terms of using the property as a commercial premises, the application has been considered on its merits and the information provided by the applicant. The issue of previous excavations is not material in the consideration of this application.

In conclusion it is considered that the proposals represent an acceptable form of development. The two storey side extension causes no significant adverse effect to the privacy or residential amenity of any adjoining neighbour. Furthermore the proposed development bears no detrimental impact upon the character and appearance of the host dwelling. It also does not have a detrimental impact upon the Conservation Area or the AONB within which the dwelling is situated. Therefore the development complies with Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan, the Design Guide for Householder Development and the Gower AONB Design Guide.

### **RECOMMENDATION**

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

- 1 The details of the screen planting, as shown on plan nos. 002A and 003A, shall be submitted to an agreed in writing by the Local Planning Authority. The planting shall be completed in accordance with the approved details in the first planting season following the completion of the development hereby approved.

Reason: To preserve the character and appearance of the Conservation Area.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 1<sup>ST</sup> JULY 2014

ITEM 12 (CONT'D)

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- 2 Samples of the stone cladding to be used on the retaining wall shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: To preserve the character and appearance of the Conservation Area

### INFORMATIVES

- 1 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).
- 2 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.
- 3 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, EV9, EV26 and HC7

### PLANS

003A - existing & proposed floor plans & elevations & retaining wall details, dated 18th June 2014

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