

CITY AND COUNTY OF SWANSEA

MINUTES OF THE PLANNING COMMITTEE

**HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA ON
TUESDAY, 20 JANUARY 2015 AT 2.00 PM**

PRESENT:

Councillor(s)

J C Bayliss
A C S Colburn
D W Cole
A M Cook

Councillor(s)

M H Jones
E T Kirchner
P Lloyd
C L Philpott

Councillor(s)

I M Richard
D W W Thomas
T M White

Also Present (Local Ward Members)

Councillors U C Clay, J P Curtice, R D Lewis, C E Lloyd & C M R W D Thomas.

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

RESOLVED that Councillor P Lloyd be elected Chair of the Committee for the remainder of the Municipal Year 2014-2015.

Councillor P Lloyd (Chair) presided.

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

RESOLVED that Councillor JC Bayliss be elected Vice Chair of the Committee for the remainder of the Municipal Year 2014-2015.

3 APOLOGIES FOR ABSENCE.

An apology for absence was received from Councillor AS Lewis,

4 DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.

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

Committee Members

Councillors JC Bayliss – Personal - Planning Application No.2014/1119(Item 2) – I know the objector.

Councillors DW Cole – Personal - Planning Application No.2014/1678(Item 5) – I know the applicant and Planning Application No.2014/0761(Item 19) – I know both the farmer and objectors.

Councillors P Lloyd – Personal - Planning Application No.2014/1119(Item 2) – I know the objector.

Councillors DWW Thomas – Personal - Planning Application No.2014/0026(Item 6) – I have been a customer at the premises

Local Ward Members

Councillors JP Curtice – Personal - Planning Application No.2014/0773(Item 18) – I have relatives living in the area and I own a piece of land.

Councillor CMRWD Thomas – Personal - Planning Application No.2014/0026(Item 6) – Friend of the applicant.

5 **MINUTES.**

RESOLVED that the minutes of the following meetings be approved as a correct record:-

- 1) Development Management & Control Committee held on 4 December 2014.
- 2) Area 1 Development Control Committee held on 9 December 2014.
- 3) Area 2 Development Control Committee held on 16 December 2014.

6 **ITEMS FOR DEFERRAL / WITHDRAWAL.**

RESOLVED that the following item be deferred for a site visit for the reason outlined below:

(Item 4) Planning Application No. 2014/1729 - Construction of drive through retail coffee house (Class A3) at Land South of Fabian Way, Swansea.

Condition 10 amended to read:

10. The total noise emissions from plant serving the subject premises when measured at a position one metre from the nearest affected window of the nearest noise affected residential premises should be controlled to a level 5 dBA below the lowest measured background noise level (LA90, 15min). All plant must not have a noise characteristic which will attract attention to itself.

Reason

To fully assess the impact of the proposal on the surrounding environment.

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

The Head of Economic Regeneration and Planning submitted a series of Planning Applications.

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

RESOLVED that:

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

#(Item 1) Planning Application No.2014/1656 - Two storey side/rear extension at 11 Troed Y Rhiw, Llansamlet, Swansea.

Mr Cahill (agent) addressed the committee.

Councillor UC Clay (Local Ward Member) addressed the committee on the application.

Report updated as follows:

Page 21, paragraph 2 : add at the end of the paragraph "...and places to live ; A Residential Design Guide' 2014."

Late petition of support reported.

A site visit to the location had been undertaken by Members of the Committee prior to the meeting.

Application approved contrary to Officer recommendation for the following reason and subject to the conditions outlined below:

Reason

It was not considered the proposed extension would have an unacceptable overbearing impact on adjoining residents.

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.

3. The ground floor window in the side elevation, as indicated on Plan No: A.02.1 Revision A 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

#(Item 2) Planning Application No.2014/1119 - First floor terraced area and fenestration alterations to Victoria Road elevation at 1st floor 1 York Street, Swansea.

Mrs D Checkland(objector) addressed the committee.

Report updated as follows:

Amended Plans received correcting discrepancy in steps/doors. Plans on Page 28 amended to read:

'Site location and block plan, 002 existing floor plan, 004 existing elevations, 006 exterior photos, dated 4th August, 2014. Amended Plans - 003 proposed first floor plan, 005 proposed elevations, 007 sections dated 16th January 2015.'

A site visit to the location had been undertaken by Members of the Committee prior to the meeting.

(Item 3) Planning Application No.2014/1319 - Retention of front hardstanding at 1A/B Calvert Terrace Swansea

#(Item 6) Planning Application No.2014/0026 - Construction of new decked terrace on land to the south of the coastal path opposite Langlands Brasserie at Land in front of Langlands Brasserie Ltd, Brynfield Road, Langland, Swansea.

Mrs P King(objector) and Mr H Griffiths(agent) addressed the committee.

Councillor CMRWD Thomas(Local Ward Member) addressed the committee on the application.

A site visit to the location had been undertaken by Members of the Committee prior to the meeting.

Application approved subject to Condition 3 as outlined in the report being removed.

#(Item 7) Planning Application No.2014/1382 - Construction of stables at Orchard Park Farm, Llanmadoc, Swansea.

Mrs Lloyd & Mr Hoskin(applicants) addressed the committee.

Councillor RD Lewis (Local Ward Member) addressed the committee on the application.

Late letter of support from applicant reported outlining the following points:

There would be no odours from the stables

Risk of pollution to water courses is zero

A number of neighbouring properties used to retain stock themselves being used by farmers and small holders.

From a security and animal welfare point of view to construct the stables in outlying fields is not viable without an adjacent residential building and considering the status of Gower I realise that this would be unacceptable by the planning authorities. As a direct descendant of many generations of Gower farmers it is now of huge concern to me that the original farms are now being threatened by the disallowing of their continued use and without safe housing for stock what is to become of the outlying fields? Orchard Park Farm yard itself lies within approximately half an acre which is substantially larger than a garden (as claimed in previous objections) and is not in what can be considered a suburban area. For clarification purposes the footprint of the residential dwelling is 124.68sqm. The footprint of the proposed structure is 58.32sqm.

A site visit to the location had been undertaken by Members of the Committee prior to the meeting.

Application approved contrary to Officer recommendation for the reason below and subject to the conditions outlined below:

Reason

The proposed building was considered by Committee to be of a size and scale that did not adversely affect the local amenity and character of the area

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 in writing before the development is commenced.*

Reason: *In the interests of visual amenity.*

#(Item 8) Planning Application No.2014/1845 - Two storey rear extension, front porch and creation of one additional off road parking space at 165A Newton Road, Newton, Swansea.

Mr McGuinness(applicant) addressed the committee. Visuals were displayed as part of his address.

Councillor CMRWD Thomas(Local Ward Member) addressed the committee on the application.

A site visit to the location had been undertaken by Members of the Committee prior to the meeting.

Application approved contrary to Officer recommendation for the reason below and subject to the condition outlined below:

Reason

The proposed hardstanding area was considered by Committee to not be harmful to pedestrian and highway safety.

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.*

(Note: Committee adjourned at 4.00pm for a ten minute comfort break following Item 8)

#(Item 10) Planning Application No. 2014/1459 - Addition of pitched roof to existing outbuilding to form one unit of holiday accommodation with new garage/workshop (Amendment to planning permission 2010/0187 granted 3rd March 2011 at Sea Shells, Llanrhidian, Gower, Swansea.

Councillor RD Lewis (Local Ward Member) addressed the committee on the application.

(Item 11) Planning Application No. 2014/1569 - Detached dwelling house (details of access, appearance, layout and scale pursuant to application 2008/0560 granted 20th December 2013) at Land adjacent to Gors Green, Reynoldston, Swansea.

(Item 12) Planning Application No. 2014/1588 - Single storey rear extension, creation of outdoor swimming pool rear terraced areas, safety ballustrade and new rear boundary walls at Gors Green, Reynoldston, Swansea.

(Item 13) Planning Application No. 2014/1666 - Creation of seven small ponds and the construction of hibernation sites at The Dranges Nature Reserve on land to the East of Barlands Common, South & West of Broadley Farm, Bishopston, Swansea.

(Item 14) Planning Application No. 2014/1757 - Use of land for caravan rally for a maximum of 60 units from Friday 3rd July to Sunday 5th July 2015 (inclusive) at Field 8753, Weobley Castle Farm, Llanrhidian, Gower.

(Item 15) Planning Application No. 2014/1758 - Use of land for a caravan rally for a maximum of 40 units from Saturday 8th August to Saturday 22nd August 2015 (inclusive) at Field 0818, Bank Farm, Horton, Swansea.

(Item 16) Planning Application No. 2014/1759 - 2014/1759 - Use of land for a caravan rally for a maximum of 25 units from Friday 24th April to Sunday 26th April 2015 (inclusive) at Field 6729, Rosedale, Llanrhidian, Swansea.

(Item 17) Planning Application No. 2014/1782 - Extension to existing outbuilding to form a garage at Little Penmynydd Cottage, Llangennith, Swansea.

#(Item 18) Planning Application No. 2014/0773 - Construction of 25 residential dwellings and associated works including underground pumping station and surface water attenuation pond at Land south of Beauchamp Walk (off Loughor Road), Gorseinon, Swansea.

Mr M Halmkan(objector) addressed the Committee.

Report updated as follows:

Page 166 – final para – add sentence to end of para – “The applicant has submitted amended plans showing that plots 19, 20, 21, 22 and 23 have been relocate 2m forward thus allowing a 12m rear garden. This has allowed the houses to be positioned further away from the trees in order for the works to the trees to be within acceptable parameters.”

Page 167 – Highway Comments – regarding amended layout, the highway officer has commented that “The road width of 5m is below the normal requirement of 5.5m for frontage development. This may present an issue for adoption, however, as the estate is to be privately maintained therefore it is not an issue in this instance. Whilst the width is slightly below the normally accepted standard, I would not wish to raise any objections.”

Page 169 – 2nd para – Trees - add sentence to end of 3rd sentence – “The applicant has submitted amended plans showing that plots 19, 20, 21, 22 and 23 have been relocate 2m forward thus allowing a 12m rear garden. This has allowed the houses to be positioned further away from the trees in order for the works to the trees to be within acceptable parameters. The Tree officer has confirmed that she is satisfied that the trees can be adequately retained and protected on site”

Condition 2 – 2nd line – amend “C/110 Rev 2” to “C/110 Rev 4” and “replace 26th September 2014” with “20 January 2015.”

Condition 5 – 2nd line – amend “C/110 Rev 2” to “C/110 Rev 4” and “replace 26th September 2014” with “20 January 2015.”

Condition 21 – Add following words to beginning of condition – “Notwithstanding the details shown on the approved plans.”

Condition 22 - Add following words to beginning of condition – “Notwithstanding the details shown on the approved plans.”

Condition 30 – delete condition

Page 182 – Plan nos – delete and replace the following plan nos –

“LOUGH-15-04-01 Rev D” with “LOUGH-15-04-01 Rev E” dated 19 Jan 2015

“LOUGH-15-04-03 Rec C” with “LOUGH-15-04-03 Rec D” dated 19 Jan 2015

“C/110 Rev 2” with “C/110 Rev 4” dated 20 Jan 2015

“830.01 Rev E” with “830.01 Rev F” dated 20 Jan 2015

“LOUGH-15-04-02 Rev E” with “LOUGH-15-04-02 Rev E” dated 19 Jan 2015

Application approved subject to a Section 106 agreement as outlined in the report

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

(Item 5) Planning Application No. 2014/1678 - Two storey part single storey rear extension, rear dormer, and front bay window (amendment to planning permission 2013/0249 granted 23 April 2013) at 114 Castle Road, Mumbles, Swansea.

Dr M Gagen(objector) addressed the committee.

A visual presentation was given.

A site visit to the location had been undertaken by Members of the Committee prior to the meeting.

Application refused contrary to Officer recommendation for the following reason;
The proposed amendment to the originally approved application (Ref 2013/0249) would have a significant incongruous and detrimental impact on the adjoining property at No 116 Castle Road, by virtue of its siting and inadequate separation distance from the access steps to the neighbouring property, and therefore fails to comply with Policy HC7 of the City and County of Swansea Unitary Development Plan.

#(Item 19) Planning Application No. 2014/0761 - Installation of ground mounted solar array; capacity up to 3.6 megawatts; ancillary infrastructure including fencing, security cameras, inverter kiosks, construction compound and laydown areas, cabling, substation building and screening including hedge and tree planting and new bank supporting hedge and tree planting at Land at Pencefnarda Uchaf Farm, Pencefnarda Road, Gorseinon, Swansea.

Mr Seagar(objector), Mr Orme(agent) and Mr R Jenkins(land owner) addressed the committee.

Councillor JP Curtice (Local Ward Member) addressed the committee on the application.

Report updated as follows:

Amended description '*Installation of ground mounted solar array; capacity up to 3.6 megawatts; ancillary infrastructure including fencing, security cameras, inverter kiosks, construction compound and laydown areas, cabling, substation building and screening/landscaping*'

Ten additional letters of objections received in response to amended plans

Concerns raised were:

Initial objections still stand

As there is now no foliage on any trees around the area, then no amount of growth will hide this field I don't really see how you can put up a screen up to 20 foot plus high, to allow for the distance above the field our bungalow is situated

As residents of Pencefnarda Road, we are very disappointed to hear that a site meeting regarding the solar panel array at Pencefnarda Farm, seems to have gone ahead without any residents being present.

Screening is virtually impossible especially at this time of the year. It would also take years for any screening to grow, probably longer than the life of the solar panels. I would once again like to stress our disappointment that the council did not consider the importance of viewing the area in question from properties affected by this proposed development.

It is also surprising that the Planning Officer published the recommendation for Approval 5 days into the 10 day site notice period for comments which still has not expired.

I also feel that the application has misled and misinformed both the Council and local residents from the outset with an unacceptably high number of errors and omissions. Gower Power claim to be a community led organisation but they have not met with local residents to discuss our concerns or objections and have constantly ignored our requests for relevant supporting information. We have never had a response to our valid request for a photomontage of the site with solar panels in situ to enable a more informed judgement of the visual impact on the surrounding estuarine green wedge landscape. We are also still waiting for the answer to what "short term" means relative to the length of the timespan of the development and still believe adequate screening is impossible. If the proposal does go ahead and after the "short term" is over and if the screening has failed or there are glint/glare issues is there any responsibility on the Applicant or the Planning Authority who passed the application to rectify the situation?

De-commissioning is also a concern for local residents as we are confused as to the actual length of this '*temporary*' development as the application states 30 years but Condition 9 in your Report states that '*Within two months of the use of the solar panels permanently ceasing*'? This is ambiguous and cannot be satisfactorily measured or controlled.

Officers had made arrangements for the Committee Members to visit the residents properties to view the site as part of the Committee Site visit prior to the Committee meeting.

Officers verbally requested that the recommendation be amended prior to the debate/discussions on this item. The required changes were as follows; Condition 17 be amended, so that the *second paragraph* of Condition 17 be deleted. The 'Reason' relating to Condition 17 also be amended, with the words "*and the proposed landscaping scheme managed*" being deleted.

That the developer/applicant enter into a Section 106 to secure the long term management of the landscaping scheme required by Condition 17.

A site visit to the location had been undertaken by Members of the Committee prior to the meeting.

Application refused contrary to the amended Officer recommendation for the following reasons;

The proposal is considered to constitute inappropriate development which would neither conserve nor enhance the character of the countryside or the openness of the green wedge and which would have an adverse visual impact when viewed from the residential properties within Pencefnarda Road, contrary to Policies EV1, EV23 and R11 of the City and County of Swansea Unitary Development Plan.

(3) the undermentioned planning application **BE REFERRED TO COUNCIL** with a recommendation that the planning application **BE APPROVED**:

#(Item 9) Planning Application No. 2014/1067 – Construction of 4.No retail units at Cross Marble and Stone Ltd, Gorseinon Road, Gorseinon, Swansea.

Reason for Referral to Council

It is considered to be a departure from UDP Policies.

8 **PLANNING APPLICATION NO. 2014/0417 - LAND OFF MONKSLAND ROAD, SCURLAGE, GOWER, SWANSEA.**

The Head of Economic Regeneration and Planning submitted a report which outlined legal issues around the Section 106 agreement agreed by the Area 2 Development Control Committee on 29 July 2014 and proposed a course of action to address the matter.

He also outlined that 3 conditions attached to the permission are no longer valid as the Code for Sustainable Homes had been withdrawn by Welsh Government in August 2014 and recommended amendments to a number of remaining conditions for clarity and consistency.

RESOLVED that

The application is approved as a Departure from the provisions of the Development Plan subject to:

- (i) the removal of proposed Condition 5;
- (ii) the removal of proposed Code for Sustainable Homes Conditions 17, 18, 19;
- (iii) the amendment of proposed Conditions 2, 8, 13, 16 and 20 for clarity and consistency;
- (iv) inclusion of the following additional Condition (to be numbered accordingly); and
- (iv) subject to the remaining Conditions set out in my report to the Area 2

Development Control Committee on 29th July 2014 attached as Appendix B:-

Condition []

'The development shall not commence until a scheme for the provision of affordable housing to contribute to the provision of local needs affordable housing in accordance with Policy EV18 of the City and County of Swansea Unitary Development Plan 2008 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% of housing units;*
- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
- (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider (if no RSL involved);*
- (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*

(v)the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the development contributes to the provision of affordable housing in accordance with policy EV18 of the City and County of Swansea Unitary Development Plan 2008.

Informative 7

Written approval of such scheme referred to at Condition [] would be secured by entering into an appropriate Section 106 Agreement.

9 **CONFIRMATION OF TREE PRESERVATION ORDER NO. P17.7.4.568 - OYSTERMOUTH COURT, SWANSEA.**

The Head of Economic Regeneration and Planning submitted a report which outlined the proposal to confirm a provisional Tree Preservation Order at Oystermouth Court, Swansea.

RESOLVED that the Tree Preservation Order at Oystermouth Court, Swansea be confirmed.

The meeting ended at 5.15 pm

CHAIR