

CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a Meeting of the

PLANNING COMMITTEE

At: Council Chamber, Civic Centre, Swansea.

On: Tuesday, 17 February 2015

Time: 2.00 pm

Members are asked to contact Ryan Thomas (Development, Conservation and Design Manager) on 635731 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

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1 Apologies for Absence.	
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3 Minutes. To approve as a correct record the minutes of the Planning Committee held on 20 January 2015.	3-13
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5 Determination of Planning Applications under the Town and Country Planning Act 1990.	14-130
6 Planning Application No. 2013/1745 - Detached (Rural Enterprise) Dwelling in association with Saw Mill (Outline) at Cilibion Saw Mills, Cilibion, Gower.	131-152



Patrick Arran
Head of Legal, Democratic Services & Procurement
Tuesday, 10 February 2015

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).

PLANNING COMMITTEE (12)

Labour Councillors: 8

John C Bayliss	Andrea S Lewis
David W Cole	Paul Lloyd (Chair)
Ann M Cook	Des WW Thomas
Erika T Kirchner	T Mike White

Liberal Democrat Councillors: 2

Mary H Jones	Cheryl L Philpott
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Independent Councillors: 1

Ioan M Richard	
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Conservative Councillor: 1

Anthony C S Colburn	
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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 PLANNING COMMITTEE

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

PRESENT:

Councillor(s)	Councillor(s)	Councillor(s)
J C Bayliss	M H Jones	I M Richard
A C S Colburn	E T Kirchner	D W W Thomas
D W Cole	P Lloyd	T M White
A M Cook	C L Philpott	

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

Agenda Item 5

CITY AND COUNTY OF SWANSEA
DINAS A SIR ABERTAWE

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

DATE: 17TH FEBRUARY 2015

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

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



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	2014/1729	Land South of Fabian Way, Swansea, SA1 8LD Construction of drive through retail coffee house (Class A3)	APPROVE
2	2014/1397	Clydach Hospital Quarr Road Clydach Swansea SA6 5DT Demolition of former hospital buildings with exception of main frontage building and construction of 10 dwellings and conversion of main frontage building for 4 apartments with associated access road, lighting, boundary treatments and landscaping.	APPROVE
3	2013/1254	Former Clayton Works Site, Station Road, Pontarddulais, Swansea, SA4 8TJ Construction of up to 53 residential units including public open space, public car parking (13 spaces), pedestrian access to Water Street, new vehicular access from Station Road and secondary emergency vehicle access onto High Street (outline)	REFUSE
4	2014/0720	Clydach Market, Players Industrial Estate, Clydach, Swansea, SA6 5BQ Change of use from market (Class A1) to offices, storage, distribution and maintenance yard (Class Sui Generis), single storey modular extension, gate house, external alterations, 2.4 metre boundary fence and associated works including demolition of single storey buildings to north east elevation - variation or removal of conditions 2, 5, 6, 7, 8, 10, 12 and 13 of planning permission 2013/0851 granted on 23rd December 2013 to allow the commencement of works and occupation prior to submitting the information required by the above conditions.	APPROVE
5	2014/0885	Ocean Living 734 Mumbles Road Mumbles Swansea SA3 4EL 2 x second floor rear extensions to form 3 additional bedrooms, rear raised terrace, external staircase and alterations to the existing flue	APPROVE

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
6	2014/1618	Coglan's Forge, Fairy Hill, Reynoldston, Gower, Swansea, SA3 1HN Conversion of barn into residential dwelling, increase in ridge height, single storey side extension and external alterations	REFUSE
7	2014/1824	Land adjacent to Hill Top Oxwich, Swansea, SA3 1LU Removal of conditions 11, 12 and 13 relating to Code 3 of planning permission 2013/0491 granted 29th January 2014	APPROVE
8	2014/1946	Mumbles pier, foreshore and coastal strip Mumbles Road Mumbles Swansea Application under Section 73 to vary conditions 2 (phasing), 5 (submission of reserved matters), 6 (commencement) and 24 (ecological CMS) and the removal of conditions 31 (Code 3) and 32 (BREEAM) of outline planning permission 2010/1451 granted 20th December 2011 relating to the comprehensive redevelopment of land at Mumbles Head and Foreshore	APPROVE

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 1

APPLICATION NO.

2014/1729

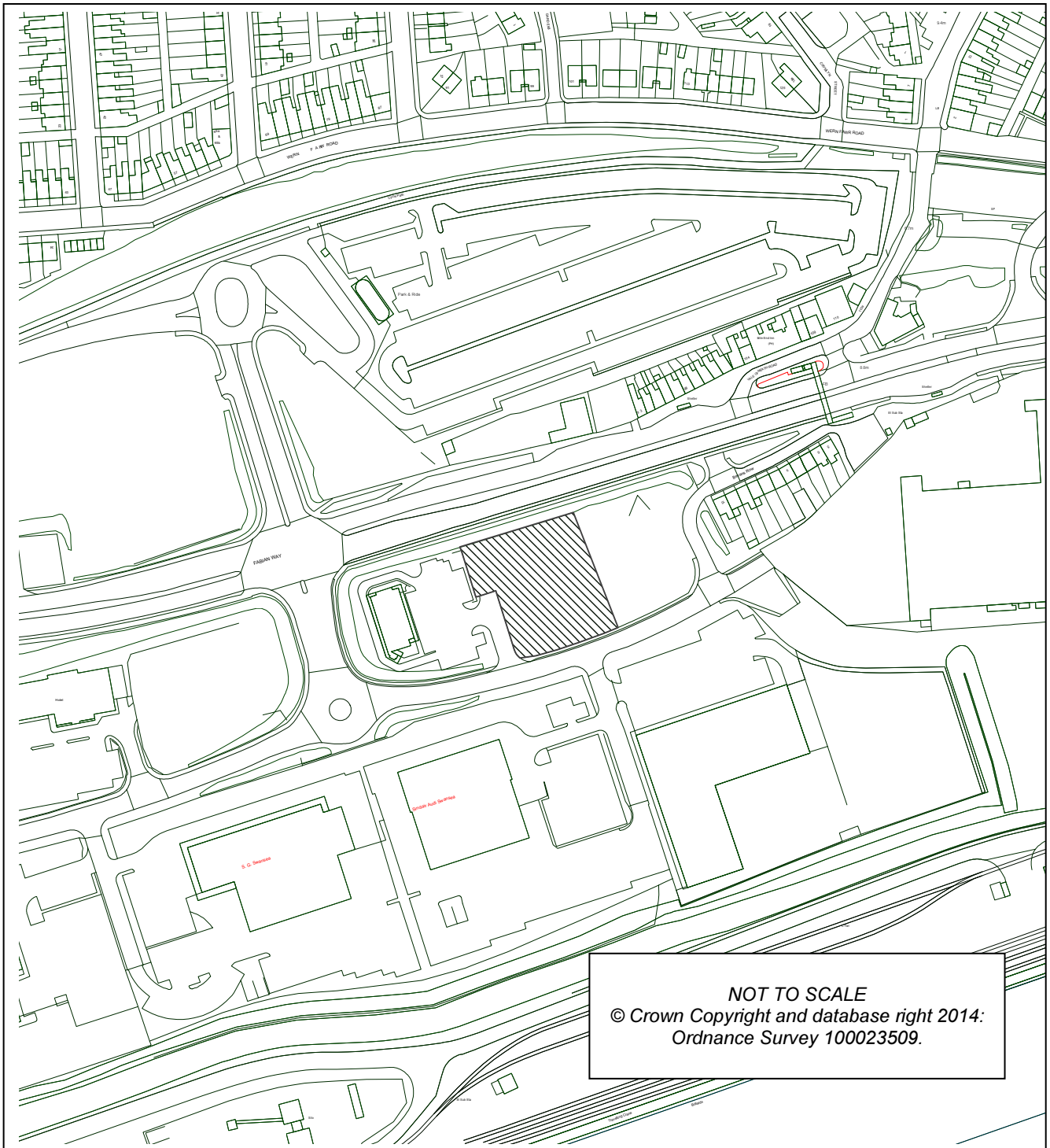
WARD:

St Thomas

Location: Land South of Fabian Way, Swansea, SA1 8LD

Proposal: Construction of drive through retail coffee house (Class A3)

Applicant: Commercial Development Projects Ltd



BACKGROUND INFORMATION

POLICIES

Policy Policy Description

National Planning Guidance

Planning Policy Wales (PPW) Edition 7 July 2014

Swansea Unitary Development Plan

Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EC4	All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EC5	Development within designated district centres will be encouraged where it is of a type and scale that maintains or improves the range and quality of shopping facilities and meets other specified criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EC6	The provision of appropriate small-scale local shopping and neighbourhood facilities will be encouraged within local shopping centres and areas of acknowledged deficiency in order to meet local need. (City & County of Swansea Unitary Development Plan 2008)
Policy EC9	Retail development at out of centre locations will be restricted. (City & County of Swansea Unitary Development Plan 2008)
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 1 (CONT'D)

APPLICATION NO.

2014/1729

SITE HISTORY

App No.	Proposal
99/1627	ERECTION OF A PUBLIC HOUSE (CLASS A3) (OUTLINE) - (AMENDED PROPOSAL) Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 08/05/2000
A01/0113	ERECTION OF 997 SQUARE METRE SINGLE STOREY FOOD RETAIL STORE (CLASS A1), FORMATION OF 73 SPACE CAR PARK TOGETHER WITH ASSOCIATED LANDSCAPING Decision: *HRP - REFUSE PERMISSION Decision Date: 06/03/2001
2005/1528	Construction of single storey foodstore with associated car parking and landscaping Decision: Refuse Decision Date: 31/01/2006
2006/1710	Construction of single storey foodstore with associated car parking and landscaping Decision: Refuse Decision Date: 23/11/2006 <ol style="list-style-type: none"><i>The applicants have failed to demonstrate a clear need for the scale and type of store proposed on the application site. As such the proposal is considered to be contrary to National and Local Retail Planning Policy strategies and objectives for the promotion of established shopping centres as the most appropriate locations for retail development, in particular to Policies S1 and E8 of the Swansea Local Plan Review No. 1.</i><i>As a result of the applicants' failure to convincingly demonstrate that the scale of the proposed development is justified by unmet local top-up convenience goods shopping needs in the St Thomas / Danygraig /Port Tennant area, and the absence of any real evidence to demonstrate the application of a sequential approach to site selection, the application conflicts with the requirements of Swansea Local Plan Review No.1 Policies S1 and E8.</i><i>Levels of accessibility to the site by residents within the store's primary catchment area, particularly on foot and by bus are not good, and even accessibility by car, contrary to assertions of the applicants' agents, does not appear to result in any significant reduction in overall journey lengths, contrary to Swansea Local Plan Review No.1 Policies S1 and T1 and Policy T1 of the West Glamorgan Structure Plan Review No.2.</i><i>The development by virtue of its unacceptable scale, layout, design and external appearance, fails to adequately respond to the design requirements of this prominent gateway site on Fabian Way, the principal transport corridor into the City for the east. It fails therefore to meet the design standards required by Polices BE1 and E10 of the Swansea Local Plan Review No. 1, Planning Policy Wales and Technical Advice Note 12 (Design).</i>

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 1 (CONT'D)

APPLICATION NO.

2014/1729

99/1552 ERECTION OF A RESTAURANT BUILDING (CLASS A3) WITH DRIVE THROUGH AND PARKING FACILITIES
Decision: *HGPC - GRANT PERMISSION CONDITIONAL
Decision Date: 14/03/2000

RESPONSE TO CONSULTATIONS

The application was advertised on site and the 11 residential properties in Bevans Row and 3 commercial properties were consulted individually. FOUR LETTERS OF OBJECTION (from 3 separate properties) have been received making the following points:

1. Bevans Row suffers from rubbish from the adjacent McDonalds.
2. The car park adj. to 5 Bevans Terrace is already awash with litter and there is a problem with rats. Development will make this worse.
3. Pollution and noise issues.
4. Starbucks is not needed in the area. A retail food store is required.
5. Same objections as against Lidl that was refused.

ONE LETTER OF SUPPORT from Hancock and Brown.

Highway Observations –

Proposals are for the construction of a drive through retail coffee house for Starbucks (Class A3) with associated hard and soft landscaping, customer parking and vehicular circulation space, outside dining area and drive through facility.

The site is located opposite the existing McDonalds Restaurant lying to the south of Fabian Way. Access is off Langdon Road, a service road off Fabian Way which also serves McDonalds, a builders merchants, a national car franchise along with the former AWCO site and Bevans Row. There is no vehicular access from the site to Fabian Way via Bevans Row. The access road connects to Fabian Way via a major all direction traffic light controlled junction which also provides access to the Council's Park and Ride car park located on the north side of Fabian Way. The mixed use SA1 Swansea Waterfront development is located to the west of the site and other areas are allocated for employment uses to its south and east. To the east of the site the former AWCO works is being used by a number of industrial and distribution businesses utilising parts of the old factory buildings which have been subdivided into smaller units.

With the exception of Bevans Row therefore, the character of the area is exclusively commercial.

The site is currently vacant and undeveloped and is bounded to the north by a sloping landscaped bank down to Fabian Way, an adjacent site with trees and a row of terraced dwellings lies to the east. The boundaries are unaffected by the proposal.

ITEM 1 (CONT'D)

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Proposed layout

The proposed layout shows access to the site will be via a shared unadopted access road currently serving McDonalds. The site is accessed / exited via an eastern continuation of Langdon Road using 1 access / exit point. Deliveries and servicing are made at present to the adjacent McDonalds Restaurant. The same road will be used for this application.

The drive through restaurant has a gross internal floor area of 207 sq. m and accommodates 57 covers. An external seating area is also proposed. 20 car parking spaces including 2 spaces for the mobility impaired, 2 motor cycle spaces and 2 cycle spaces will be provided set out with circulation space to accommodate drive through customers.

Highway / Traffic considerations and access

Following consultations with the officers of the highway authority a Transport Statement has been prepared and submitted. The conclusions of this statement are that the development is well served by all modes of transport and will not have an adverse impact on highway conditions. Moreover because of the nature of the use which will attract almost exclusively existing traffic using Fabian Way, the net additional traffic generation onto the Fabian Way corridor will be nil or negligible.

The development site is bound by the A483 Fabian Way to the north, industrial units to the east, Langdon Road to the south and a McDonald's drive through restaurant to the west. The proposal site is located adjacent to McDonalds and will share the existing access road which connects to Langdon Road. The site access is located approximately 150m from the Fabian Way / Langdon Road signal junction and approximately 2.5km from the centre of Swansea and benefits from a high level of accessibility via the highway network.

Regarding access by foot and cycle, the residential area of Port Tennant falls within an 800m walking catchment area. Sections of the industrial area to the south of the proposed development also fall within this catchment, consequently local employees in the area may visit the proposed development by foot. The nearest pedestrian crossing of Fabian Way in the vicinity of the development is a pedestrian bridge located approximately 200m to the east of the site linking the Port Tennant Park and Ride with the industrial area. There is also a second pedestrian bridge to the west of the Langdon Road / Fabian Way signal junction, located near Reginald Street / Port Tennant Road. National Cycle Network Route 4 runs along the northern side of the A483 Fabian Way and the north of the Park and Ride site.

The proposed site is also well served by bus with the nearest stops located on Fabian Way serving both east and westbound, located approximately 240m and 200m walk away. These stops are currently served by multiple bus routes and the walking routes contain pedestrian footpaths and a pedestrian bridge across Fabian Way.

The proposals site will be served by extending the existing vehicular access road used by the adjacent McDonalds drive through restaurant. As site access is to be shared, the visibility splays are accepted as suitable. All vehicles will undertake their manoeuvring within the site, entering and exiting via the existing vehicular access in forward gear. Pedestrian and cycle access will be provided via the existing vehicular site access.

ITEM 1 (CONT'D)

APPLICATION NO.

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Traffic data

The submitted Transport Statement provides an assessment of the proposed development trip generation and effect on local junctions with the network peak hours assumed to be Weekday 08.00 - 0.900 and 17.00 - 18.00, Saturday peak hour 12.00 - 13.00. The study network for the traffic effects of the proposal looked at site access/Langdon Road priority junction, Langdon Road roundabout and Fabian Way/Langdon Road/Park and Ride signal junction. The calculated peak trip rates indicated that the traffic effect at the site is modest during peak hours and negligible elsewhere, assuming that 90% of traffic is diverted from the nearby road network and 10% is pass-by i.e. road users who currently pass the proposal site on their journey and alter their trip to visit the proposed establishment before continuing with their journey.

Conclusion

The area is commercial in the main and the proposed site is accessible by a choice of transport modes. There is local concern with regard to environmental concerns in the main however concern with regard to possible increased traffic has been mentioned. The assessment of the peak hour proposed net traffic effect concluded that the net traffic effect would be modest to negligible. It appears highly likely that the majority of customers will be drawn from passing traffic and that which diverts from Fabian Way before returning to its usual journey. Access to the site is existing and established and parking arrangements are acceptable.

Recommendation

I recommend approval.

Addendum to original observations

Negotiations have been ongoing regarding the impact of the development in terms of new trips on Fabian Way, i.e. those that are not already on the network but make a special trip solely to the drive through.

The comprehensive Transport Study that was provided concluded that the majority if not all the trips were linked to existing trips and not new to the network. There was no concrete evidence put forward to support that assumption and in light of that a financial contribution was sought towards the joint NPTBC/CCS Fabian Way corridor study programme of works. This is based on the estimated number of new trips compared to the existing flows on Fabian Way (which are approx. 33,000 per 24 hours).

A figure of £33,750 has put forward and this is considered by the Head of Highways and Transportation to be an appropriate sum in view of the trip generation projected.

I therefore recommend that a sum of £33,750 be secured under a section 106 Agreement and that money is to be provided prior to beneficial use of the A3 use commencing.

APPRAISAL

This application was reported to Planning Committee on 20th January 2015 when it was deferred to allow Members to undertake a site visit. The application has been called to Committee by Cllr Clive Lloyd to consider the potential impact on the local community through increased traffic and the environmental impact.

ITEM 1 (CONT'D)

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The application seeks full planning permission for the construction of a freestanding drive through retail coffee house (Class A3) with associated access and car parking, on land to the north of Langdon Road, Swansea, adjacent to the existing McDonalds drive through / restaurant. The vacant application site sits on the eastern side of the McDonalds and is a relatively flat rectangular area of land, elevated above the level of Fabian Way. The site is not part of the allocated area of the strategic mixed use area of SA1 Swansea Waterfront under Policy EC2 of the Unitary Development Plan (UDP).

The development would utilise the existing McDonalds vehicular access from Langdon Road with a one way access looping around the proposed restaurant to utilise the proposed drive through facility. The restaurant building would be set back from the frontage with the car parking (20 spaces) located in front of the entrance to the building. The materials for façade are indicated to include metal cladding panels, brick and render. The restaurant area would incorporate glazing panels overlooking the car parking area and external seating / dining area. It is indicated that the coffeehouse is intended to be operated by Starbucks and would employ 20 full time and 15 part time jobs.

Main Issues

The main issues for consideration relate to the acceptability of the proposed land use when assessed against the provisions of adopted Development Plan Policy and Supplementary Planning Guidance as well as the visual impact, impact on highway safety and residential amenity. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Development Plan Policy

Planning Policy Wales indicates that when determining planning applications for retail, leisure or other complementary functions they should best be located in established town, district local and village centres. Where a need is identified for such new developments, local planning authorities should adopt a sequential approach to the selection of sites, the first preference should be to town centre locations, and if not available then consideration should be given to appropriated edge of centre sites.

Policy EC4 states that the acceptability of all retail development proposals will be assessed against the need for the development and sets out the tests for which applications will be assessed. As well as standard tests of establishing need and demonstrating sequential suitability of the site proposed, the policy requires the developer to demonstrate the unit is in a highly accessible location and that the proposed scheme is unlikely to have any material adverse impact upon the vitality or viability of established shopping centres. Policy EC5 relates to designated district centres, which clearly this is not. Whilst EC6 is relevant in respect of providing small-scale local shopping neighbourhood facilities in order to meet local need. Areas of local shopping provision deficiency include St. Thomas / Danygraig, however, it has to be recognised that the location is relatively isolated and is not easily accessible from the local community. In relation to retail policy EC9, there is a clear presumption against further out of centre shopping development within the County boundary, with the exception of retail warehouses engaged in the sale of bulky goods not normally sold on the high street. The policy emphasise that further development of Class A1 retail floorspace at out-of-centre sites will generally be resisted in the interests of sustaining and improving the vitality, viability and attractiveness of the City Centre and other established shopping centres. This echoes the overarching objective set out in UDP Strategic Policy SP6 that new retail development best located within the City Centre or district shopping centres will not be supported at out-of-centre sites.

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The form of retail development proposed would therefore need to be justified at this location and would be considered against the above policy context.

The vacant site is not allocated for any specific uses in the Swansea Unitary Development Plan (UDP) and therefore has the status of 'white land'. The site does lie adjacent to but outside of the SA1 Swansea Waterfront strategic mixed use area under Policy EC1. The land to the south of the site is allocated for employment land under Policy EC1, and has largely been developed for bulky goods sales, motor vehicle showrooms and the drive thru McDonalds.

The drive thru coffee house is a Class A3 use rather than an A1 retail use and such uses are intended to complement rather than compete with other A3 uses within the city centre or district centres. Moreover, it is argued that the layout and accessibility requirements of a drive thru facility cannot readily be provided within a traditional city or district centre and as such there are no sequentially preferable sites within or on the edge of the city centre suitable for this form of development. It is considered therefore that the construction of the drive through coffee house at this location would not unacceptably conflict with the prevailing development plan policy.

Visual impact

In considering the details of the scheme, Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design whilst Policy EV2 states that the siting of new development should give preference to the use of previously developed land over greenfield sites and should have regard to the physical character and topography of the site and surroundings by meeting specified criteria relating to siting and location.

The design and external appearance of the drive through coffee house building is contemporary with a quality, size and appearance which is considered commensurate with other buildings along this section of Langdon Road including several car dealerships. A further relevant criteria of Policy EV1 is that new development does not result in a significant detrimental impact on local amenity by reason of visual impact, loss of light or privacy, disturbance and traffic movements. At present the nearest residential properties to the site are located approximately 45 – 50m away to the east along Bevans Row. It is not considered that the proposal will adversely affect the residents of Port Tennant on the basis of the distance and intervening features such as Fabian Way. The Head of Pollution Control has raised no objections to the proposals and has recommended planning conditions to control ventilation and fume extraction and also plant and machinery in order to provide a measure of protection to residents in Bevans Row in particular. Additionally, a condition is included for a scheme of litter control to be included in the scheme.

Having regard to the foregoing, it is considered that the proposal is in accordance with the requirements of UDP Policy EV1. Furthermore, as per the provisions of Policy EV2 the site utilises previously developed land and the nature of the development is such that it would not result in conflict with the criteria forming part of that policy.

Policy EV3 of the UDP requires new development proposals 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.

In this respect the Design and Access Statement confirms that the site and building is designed to be Disability Discrimination Act compliant. It is considered therefore that the proposal would provide acceptable access facilities for a development of this nature and would accord with the provisions of UDP Policy EV3.

Transportation

The proposed layout shows access to the site will be via a shared unadopted access road currently serving McDonalds. The drive through restaurant has a gross internal floor area of 207 sq. m and would accommodate 57 covers, with an additional external seating area. The car park would accommodate 20 car parking spaces including 2 spaces for the mobility impaired, 2 motor cycle spaces and 2 cycle spaces will be provided set out with circulation space to accommodate drive through customers. This would adhere to guidelines and would be acceptable.

The application has been accompanied by a Transport Statement. The conclusions of this statement are that the development is well served by all modes of transport and will not have an adverse impact on highway conditions, and that due to the nature of the use which will attract almost exclusively existing traffic using Fabian Way, the net additional traffic generation onto the Fabian Way corridor will be nil or negligible.

The submitted Transport Statement provides an assessment of the proposed development trip generation and effect on local junctions with the network peak hours assumed to be Weekday 08.00 – 09.00 and 17.00 - 18.00, Saturday peak hour 12.00 - 13.00. The study network for the traffic effects of the proposal looked at site access/Langdon Road priority junction, Langdon Road roundabout and Fabian Way/Langdon Road/Park and Ride signal junction. The calculated peak trip rates indicated that the traffic effect at the site is modest during peak hours and negligible elsewhere, assuming that 90% of traffic is diverted from the nearby road network and 10% is pass-by i.e. road users who currently pass the proposal site on their journey and alter their trip to visit the proposed establishment before continuing with their journey. The Head of Transportation indicates that the assessment of the peak hour proposed net traffic effect concluded that the net traffic effect would be modest to negligible. It appears highly likely that the majority of customers will be drawn from passing traffic and that which diverts from Fabian Way before returning to its usual journey.

Fabian Way Corridor Transport Study

The Preferred Transport Strategy (PTS) resulting from the Fabian Way Corridor Transport Study was adopted by Council's Cabinet on 21 October 2010. The PTS was to agree transport improvements for the Fabian Way corridor, so that these can inform future bids for funding and decisions on transport improvements required for future developments. In addition to public sector funding, the approved PTS seeks to ensure that private sector developments each contribute to improve transport links on a corridor wide basis secured through planning / legal agreement.

Future developments will result in increased demand for transport and associated traffic growth. Based on the findings a scheme was prepared and costed with the intention that developments contribute to improved transport links on a corridor wide basis. The minimum scheme identified to enable future traffic growth to be accommodated provides a variety of measures in the region of £25 million. It is reasonable therefore to share this cost over developments which are going to be directly contributing to flows on Fabian Way.

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The scheme covers a series of short, medium and long term requirements involving a number of transport related objectives relating to public transport, walking and cycling route improvements, revised speed limits, transport hubs, capacity improvements, bridges, park and ride, new junctions and travel plans to name but a few of the items proposed.

As indicated the PTS makes reference to private sector investment secured through planning conditions and development agreements. To this end the Head of Transportation has requested that an appropriate financial contribution be sought in accordance with the above prior to beneficial occupation of the proposed development.

The site of this drive through coffee house is located in an area where all traffic will access off Fabian Way. Whilst the Transport Statement concluded that the majority if not all the trips were linked to existing trips and not new to the network, there was no concrete evidence put forward to support that assumption and in light of that a financial contribution was sought towards the joint NPTBC/CCS Fabian Way corridor study programme of works. This is based on the estimated number of new trips compared to the existing flows on Fabian Way (which are approx. 33,000 per 24 hours). A figure of £33,750 has been agreed with the applicants and this is considered by the Head of Highways and Transportation to be an appropriate sum in view of the trip generation projected. This will need to be secured under a Section 106 Planning Obligation.

Conclusion

In conclusion, the proposal would accord to the prevailing development plan in land use terms and in design terms the proposal is considered to complement the existing adjacent dealerships and would represent a satisfactory form of development which complies with the criteria of Policy EV1 of the Unitary Development Plan and would have an acceptable impact on the residential and visual amenities of the area. Approval is therefore recommended.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the conditions indicated below and the applicant entering into a Section 106 Planning Obligation in respect of:

- * **Payment of a financial contribution of £33,750 towards the Fabian Way Corridor Study measures to be paid prior to the beneficial occupation of the proposed development**
 - * **Section 106 Management & Monitoring fee (calculated as 2% value of the obligation i.e. 2% of £33,750 = £675**
- 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.

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ITEM 1 (CONT'D)

APPLICATION NO.

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- 2 The development shall be carried out in accordance with the following approved plans and documents: site location plan -(0-) 01, proposed site plan - (0-) 02 K, elevations - (0-) 03, Planning Statement, Design & Access Statement, Transport Statement dated 13th November, 2014.
Reason: To define the extent of the permission granted.
- 3 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.
- 4 Unless otherwise agreed in writing by the Local Planning Authority, no superstructure works shall take place without the prior written approval of the Local Planning Authority of a scheme for the hard and soft landscaping of the site, which shall include any enclosure details. The landscaping scheme shall incorporate screening to Fabian Way and be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 5 The car parking spaces shall be provided prior to the beneficial use of the development commencing, and each space shall be laid out with dimensions 4.8m length by 2.6m width and the disabled car parking spaces shall comply with the British Standard for the same. The car parking spaces shall be retained for such purposes at all times.
Reason: To prevent indiscriminate parking along the public highway and to comply with the City & County of Swansea Supplementary Planning Guidance for Parking Standards (March 2012).
- 6 If, during development, any site contamination 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval for the strategy from the local planning authority. The remediation strategy shall be implemented as approved.
Reason: 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.

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 1 (CONT'D)

APPLICATION NO.

2014/1729

- 7 Unless otherwise agreed in writing by the Local Planning Authority, no development approved by this permission shall be commenced until a detailed drainage scheme for the site showing how foul water, surface water and land drainage will be dealt with 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 reduce the risk of pollution to controlled waters and to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 8 Foul water and surface water discharges must be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public foul sewerage system. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.

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

Reason: To prevent any nuisance from fumes and/or cooking odours to the occupiers of neighbouring premises.

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

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

- 11 Prior to the commencement of development, a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The CPMP shall be implemented in accordance with the approved details.

Reason: In order to minimise the potential nuisance impacts to local residents and businesses from construction activities.

- 12 A scheme for the provision of litter bins to serve the development (which shall include a method of waste separation) shall be submitted to and approved in writing by the Local Planning Authority and the scheme as approved, shall be implemented when the use commences and shall be maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unsightly litter in the interests of visual amenity and to enable the recycling of waste materials.

ITEM 1 (CONT'D)

APPLICATION NO.

2014/1729

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: (Planning Policy Wales (PPW) Edition 7 July 2014, UDP Policies EV1, EV2, EV3, EC4, EC5, EC6, EC9, AS1 & AS2)

- 2 The Construction Pollution Management Plan shall include the following:
 - a) Demolition/Construction programme and timetable;
 - b) Detailed site plans to include indications of temporary site offices/compounds, materials storage areas, proposed compounds, delivery and parking areas etc,
 - c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
 - d) An assessment of construction traffic generation and traffic management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
 - e) Proposed working hours;
 - f) Principal Contractor details, which will include a nominated contact for complaints;
 - g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
 - h) Details of on site dust mitigation measures having regard to BPM;
 - i) Details of on site noise mitigation measures having regard to BPM;
 - j) Details of waste management arrangements (including any proposed crushing/screening operations);
 - k) Notification of whether a Control, of Pollution Act 1974 (Section 61) Notice is to be serviced by Principle Contractor on Local Authority.

PLANS

01 site location plan and block plan, 02K proposed block plan, 03 elevations dated 13th November, 2014.

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ITEM 2

APPLICATION NO.

2014/1397

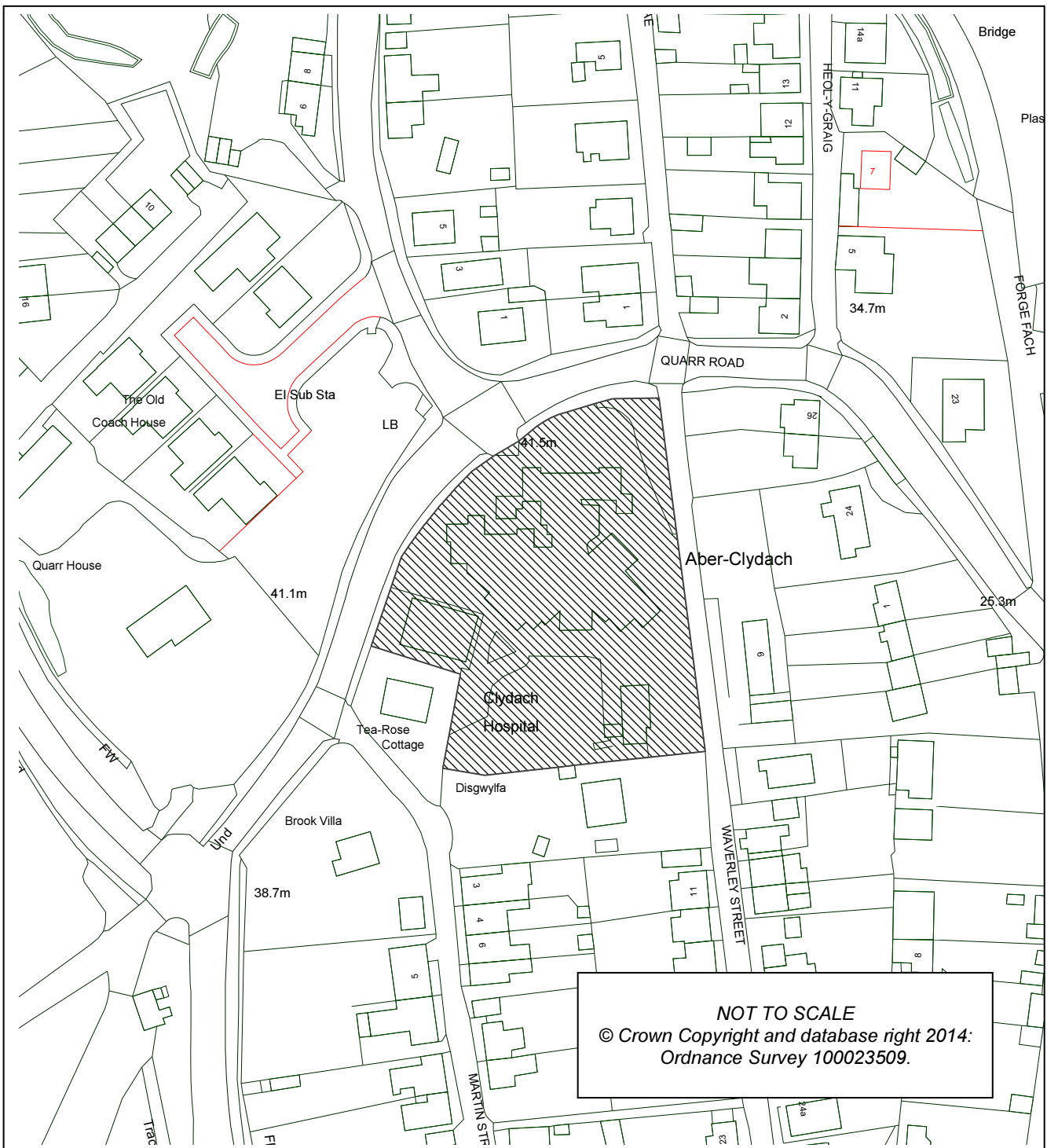
WARD:

Clydach

Location: Clydach Hospital Quarr Road Clydach Swansea SA6 5DT

Proposal: Demolition of former hospital buildings with exception of main frontage building and construction of 10 dwellings and conversion of main frontage building for 4 apartments with associated access road, lighting, boundary treatments and landscaping.

Applicant: Grwp Gwalia Cyf



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ITEM 2 (CONT'D)

APPLICATION NO.

2014/1397

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
Policy EV38	Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)
Policy HC17	The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)
Policy HC24	Provision of public open space within new residential developments. (City & County of Swansea Unitary Development Plan 2008)

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 2 (CONT'D)

APPLICATION NO.

2014/1397

SITE HISTORY

App No.	Proposal
LV/84/0500/08	OCCUPATIONAL THERAPY DEPARTMENT Decision: *HNO - NO OBJECTION Decision Date: 30/10/1984
2009/1781	Variation of condition 3 of planning permission 2009/1050 granted 2nd October 2009 in order to extend the time for the submission of the travel plan Decision: Grant Permission Conditional Decision Date: 22/01/2010
2009/1050	Redevelopment of existing soft/hard landscaped area to the rear of hospital to provide staff overflow parking Decision: Grant Permission Conditional Decision Date: 02/10/2009
2002/1375	Construction of four external escape ramps, replacement of existing fire escape stairs, additional of porch on front elevation and provision of new section of steel fencing Decision: Grant Permission Conditional Decision Date: 20/09/2002
LV/78/0225/08	CONSTRUCTION OF PHYSIOTHERAPY UNIT Decision: *HNO - NO OBJECTION Decision Date: 04/07/1978

RESPONSE TO CONSULTATIONS

The application was advertised on site, in the press and three neighbouring properties were consulted. ONE HUNDRED AND SEVENTY FOUR LETTERS OF OBJECTION have been received, which may be summarised as follows:

1. Concerns the development would devalue surrounding properties.
2. Concerns the development would result in parking and traffic problems on Bethania Road and Quarr Road.
3. Concerns the development will increase traffic dangers due to the steep hill on the approach to the site and the dangerous sharp bend on the brow of the hill.
4. Concerns the development would result in overlooking and loss of privacy to neighbouring properties.
5. Concerns the proposal is overdevelopment of the site and would be out of keeping with the character of the area.
6. Concerns the development would result in noise, disturbance and pollution as a result of the extra cars.
7. Concerns regarding noise and disruption during the construction phase.

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8. Concerns the development would have an impact on the primary care centre and local schools.
9. Concerns the sewerage system may not be able to cope with the proposed development.
10. Concerns regarding the preservation of the war memorial.

Highways Observations

- 1.1 This proposal is for the redevelopment of the former Clydach Hospital on Quarr Road. The development will be the erection of a mix of dwellings, bungalows and flats totalling 14 units. A single point of access providing a typical cul-de-sac layout to adoptable standards is indicated.
- 2 Traffic Generation
 - 2.1 A transport statement has been submitted with the application identifying the likely traffic generation from the development and comparison with the traffic that would be generated by the previous hospital use.
 - 2.2 Reference to national data indicates a likely volume of 7 to 8 vehicle movements in each peak hour. Movements throughout the rest of the day will be less and compared to the movements associated with the hospital use overall will be far less.
- 3 Layout and Parking
 - 3.1 The site currently has two accesses and it is intended to modify the better of the accesses to provide a single point of access. Visibility is acceptable and the access road will conform to adopted standards.
 - 3.2 Parking is provided for each dwelling in accordance with adopted parking standards and overall there will be fewer vehicles parked on the site than was the case with the former hospital use. This again reinforces the view that overall traffic movements will be reduced from previous levels.
- 4 Conclusion and Recommendation
 - 4.1 The proposed development will reduce the amount of traffic entering and leaving the site compared to the previous hospital use and the access alterations will improve safety. The internal layout conforms with adopted standards and parking for each unit is in accordance with adopted standards.
 - 4.2 I recommend no highway objection subject to the following;
 - i. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.

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- ii. 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].

Management and Maintenance of Estate Streets - Note

The applicant is advised that to discharge the above condition 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: The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development) , e-mails to : jim.marshall@swansea.gov.uk or the Team Leader , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091

Pollution Control Division

No objection subject to conditions to address unsuspected contamination on the site and the provision of a construction pollution management plan.

Education Department

Request a developer contribution of £20,899 plus inflation for Craigfelen Primary school for refurbishment/Education improvements.

Parks Department

Request a contribution of £25,000 to upgrade the play facilities at Forge Fach Community Resource Centre.

Dwr Cymru Welsh Water (DCWW)

No objection subject to standard conditions and advisory notes.

Dwr Cymru Welsh Water (DCWW) (Revised Comments)

Any new comments will be reported verbally at Committee.

Drainage and Coastal Engineering

A proper 'Drainage Strategy' is required for any application which should identify all and any discharge points, location of any attenuation features and if possible the various pipe runs in the form of attached drawings. The Strategy should also include all necessary calculations demonstrating how the discharge rates and attenuation volumes have been arrived at.

This application seems to suggest that all surface water arising will discharge to the local sewer however no details have been submitted to demonstrate that the sewerage undertaker (DCWW) is willing to accept this connection in principle or the rate proposed on drawing 158-03-08-14.D01.

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The applicant must seek written support from DCWW as we are unable to approve a system over which we would have no control and could not agree a connection to.

Drainage and Coastal Engineering (Revised Comments)

Following the submission of up to date Microdrainage calculations and indicative drainage plans and a subsequent discussions with the developer's consultant, we can recommend that conditions are appended to any permissions given, subject to DCWW agreeing to the proposed connection at 5l/s.

Glamorgan Gwent Archaeological Trust

It is our opinion that the Clydach War Memorial Hospital is of historic importance by virtue of its cultural significance within the area, especially in view of the recent increased interest in sites related to the Great War; therefore, a full record of the structures both by the means of a analytical, drawn and photographic record should be made, prior to any works being undertaken. We envisage this survey to be undertaken to a Level III (*English Heritage 'Understanding Historic Buildings: A Guide to Good Recording Practice' 2006*). The completed record should then be deposited in a suitable repository, such as the West Glamorgan Archives or the Historic Environment Record to enable access by future historians.

Natural Resources Wales (NRW)

In this instance, Natural Resources Wales does not object to the above application as there will not 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.
- A suitable roosting resource is retained or provided for the bats, appropriate to the species & its use of the structure.

Surface Water Drainage

We note from the information provided that it is proposed to discharge surface water from the site into an existing combined sewer, as site investigations have found that soakaways are not suitable at the site. As a result it is stated that surface water will be attenuated and discharged to the combined sewer at Greenfield rates. However, no further information has been submitted and no figures have been provided.

Ultimately the drainage system design is a matter for your Authority's Drainage Engineers and agreement will also need to be sought from DCWW, with regards to discharging into the combined sewer.

Foul Water Drainage

We note from the application form, that foul water is to be discharged to the main public sewer. This is our preferred means of foul water discharge and is considered to be the most sustainable. We would recommend that Dwr Cymru/Welsh Water (DCWW) are consulted and asked to confirm that there is sufficient hydraulic capacity within the sewer network at this location to accommodate the flows generated without causing pollution.

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Contaminated Land

This site is considered brownfield land and it is possible that historic uses may have led to contamination. Natural Resources Wales considers that the controlled waters at this site are not of highest environmental sensitivity. Therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

Pollution Prevention

We recommend that a Construction Environmental Management Plan (CEMP) is produced and submitted for the proposal.

Waste Management

Given the nature of this development, we would recommend that a site waste management plan (SWMP) for the project is produced. Completion of a SWMP will help the developer / contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money.

Planning Ecologist

The site has been subject to an ecological survey the site is generally of very low ecological value although the mixed woodland on the southern boundary has some value and should be retained.

The site has some opportunities for bird nesting an informative statement should be added to any permission we give.

In relation to bats the mitigation proposed is satisfactory, three species of bats were recorded as roosting in the hospital buildings, the mitigation includes a series of bat boxes and tubes and a loft void suitable for brown long eared bats. With the information provided I think we could determine the application. It is possible that NRW may require a bit more detail for the licence application.

We should add a condition to the permission we give which will ensure that the bat mitigation plan that has been submitted is followed and that a protected species licence is applied for.

APPRAISAL

This application has been called to Committee for decision by Councillor Paulette Smith in order to consider the impact of the development on parking and highway safety. A site visit has also been requested.

This application seeks planning permission for the conversion of part of Clydach War Memorial Hospital to four self-contained flats, the demolition of the remainder of the hospital buildings and the construction of 10 dwellings within the grounds of the former hospital. The proposed development would provide affordable housing units which would meet the definition of affordable housing specified in TAN 2: Planning and Affordable Housing.

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Clydach Hospital was founded by public subscription in 1925, the hospital specialised in front-line mining injuries from the many private mines in the Swansea Valley, but was taken over by the NHS in the late 1940s. In 2008, the nearby Clydach primary care centre opened and many of the clinical services provided at the hospital moved to the new health centre. In April 2012 the hospital closed and was subsequently sold.

The site fronts onto and is accessed from Quarr Road on the northern and western boundaries. The site is enclosed to the east by Waverley Street and to the south by residential properties. On the opposite side of Quarr Road, to the north west of the site a development of 8 detached dwellings is currently under construction (2012/ 0714 refers).

The hospital site is made up of three separate buildings; the main hospital, the physiotherapy ward and a services building. The south western part of the site has been landscaped into banks containing several mature trees and an array of semi-mature trees and shrubs. There is a landscaped border along the north eastern boundary that is mainly rough grassland containing a few semi-mature trees.

Main Issues

The main considerations with regard to the proposal are the impact of the development on the character and appearance of the area, the impacts upon the residential amenities of neighbouring occupiers and the impacts upon parking and highway safety.

The City and County of Swansea Unitary Development Plan 2008 (UDP) is the development plan for the area. The following policies are the main UDP policies that are relevant to the consideration of this planning application:

AS2 (Design and Layout), AS6 (Parking), EV1 (Design), EV2 (Siting and Layout), EV3 (Accessibility), EV35 (Surface Water Run-Off), EV38 (Contaminated Land), HC2 (Urban Infill Development), HC17 (Planning Obligations) and HC24 (Play Areas/Public Open Space).

The site is not allocated for residential development in the UDP, it is 'white land' on the UDP Proposals Map and can be considered as a 'windfall site' under Policy HC2. This policy allows infill development in the urban area provided the development does not result in:

- (i) Ribbon development or contribute to the coalescence of settlements;
- (ii) Cramped/overintensive development;
- (iii) Significant loss of residential amenity;
- (iv) Significant adverse effect on the character and appearance of the area;
- (v) The loss of urban greenspace;
- (vi) Significant harm to highway safety;
- (vii) Significant adverse effects in relation to:
 - (a) Landscape,
 - (b) Natural heritage,
 - (c) Security and personal safety,
 - (d) Infrastructure capacity,
 - (e) The overloading of available community facilities and services.

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The criteria for assessing whether the design and layout is acceptable in the context of the surrounding area is important. UDP Policies EV1 and EV2 seek to ensure that new development is appropriate, inter alia, to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, etc. and integrates into the existing settlement with no detrimental impact on local amenity or the general environment. EV2 also states that the siting of new development should give preference to the use of previously developed land over greenfield sites. AS2, AS6 and EV3 require developments to provide satisfactory access and parking arrangements. The above design policies are further expanded upon in the supplementary planning guidance (SPG) 'Places to Live - Residential Design Guide'.

Policy EV35 refers to the potential impacts of surface water run off on the environment and encourages the use of sustainable drainage systems (SUDS).

With regard to land contamination, the application has been accompanied by a site investigation report to allow consideration of this issue in accordance with policy EV38.

Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990, and these provisions should be fairly and reasonably related in scale and kind to the individual development. In this respect the Council has adopted SPG entitled 'Planning Obligations', which is relevant to the consideration of this application and has been used to consider requests for contributions in respect of education provision and outdoor play space (see also HC24).

Visual Amenity

The application site is a prominent corner site surrounded by residential development of varying architectural styles and facing materials. The hospital buildings have a distinctive hipped roof form and facing red brick. When viewing the site from the street frontage on Quarr Road the main building has a strong visual presence derived from its scale, its architectural quality and its prominent siting, which addresses the street frontage. The remaining buildings to the sides and rear of the main building form a mix of buildings that vary in scale from two storey to single storey and include more modern additions such as the physiotherapy building near the western boundary and the two storey flat roof services building near the rear (southern boundary).

The proposal is to retain and refurbish the main building to facilitate its conversion into four self-contained one bedroom flats. The war memorial is proposed to be retained and a small memorial space will be provided to allow memorials to continue to take place. This is recognised as an improvement on the existing arrangements whereby the memorial abuts a parking area. It is recommended the retention of the memorial in situ and the provision of the proposed memorial space is required by condition in order to ensure an appropriate location and setting for the memorial.

A parking area and turning area will be provided to the front of the building with enhanced landscaping near the eastern boundary with Waverley Street including the retention of the cherry tree in the north eastern corner. To the east of the building provision will be made for bike and bin stores in the form of a single storey brick structure together with a small private amenity area for the occupiers of the flats.

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To the rear of the main building all buildings are proposed to be demolished and replaced with the construction of ten dwellings comprising 6 x 2 bedroom dwellings (including two bungalows) and 4 x 3 bedroom dwellings. A new access will be provided with the new road forming a dog leg through the site. A spur road will provide vehicular access to the front of the retained main building.

The proposed dwellings will all be semi-detached pairs that provide frontage development onto the new access road. The dwellings on plots 1-4 are orientated and designed to address both Quarr Road and the new access. In particular plot 1 is designed with its principal elevation facing and providing natural surveillance to Quarr Road. Frontage parking is provided which is proposed to be broken up with landscape strips. The dwellings on plots 5-8 run parallel with the new road to the front and follow the alignment of the rear boundary onto Waverley Street. In the southernmost portion of the site a pair of bungalows will be provided fronting onto the turning head beyond which a new retaining wall will be constructed with landscaping on the boundary with the dwelling Disgwylfa located to the south.

The scale of the proposed buildings replicates the scale of built form within the immediate context surrounding the site and the scale of the existing building to be retained. The two storey dwellings will have a contemporary design which echoes the architecture of traditionally designed dwellings in the context through the simple duo pitched roof form and traditional pattern of fenestration. The design will be given a modern aesthetic through the use of oversized windows at ground floor level, contrast brick panels and contemporary facing material for the doors (coated steel) and feature canopy (aluminium). Continuity with the main building will be provided by the use of red brick for the external walls which will provide a robust and low maintenance finish. The use of man-made slates will also complement the use of traditional materials in the area. The bungalows (plots 9 and 10) are proposed to have the same materials pallet, however, a hipped roof form is proposed, which again will complement the roof form of the existing building.

In terms of the boundary treatments for the site, given the prominence of the site on several frontages, this is an importance consideration in terms of the overall visual impact of the development on the character and appearance of the area. A boundary plan has been provided which indicates that the existing stepped stone wall with railings on Quarr Road will be retained and refurbished. On the southern side of the new access the existing stone wall is proposed to be reduced in height to 0.8 metres and where it would enclose the rear garden of plot 1 the stone wall is indicated to be reduced in height to 1m with a 1.8m timber fence set behind. It is considered the full height of the stone wall should be retained in this location. This can be controlled by condition. On the Waverley Street elevation the existing stone wall is proposed to be retained and refurbished. The existing 1.8 metre high red brick retaining wall with railings will be retained above which a 2.0 metre fence will be constructed in order to provide privacy for the future occupiers. This is acceptable in this location as this part of Waverly Street is considered to have a rear lane character.

In light of the above the proposal is considered to represent a satisfactory form of development and would not amount to an overdevelopment of the site. The retention of the main building is welcomed, this will provide visual continuity in the street scene and acknowledges the historic importance of the building and war memorial. The design and layout of the remainder of the site would provide an appropriate contextual response that would accord with the principles of good design.

The development is therefore considered to be acceptable in terms of its impacts on the character and appearance of the area and would be in accordance with UDP policies EV1, EV2, HC2 and the residential design guide SPG.

Residential Amenity

In terms of residential amenity impacts, a separation distance of some 22 metres would be maintained between the front elevation of No. 6 Waverley Street and the rear elevations of plots 7-8, which contain habitable windows at first floor level. The application site is sited at a level some 1.8 metres higher than the ground floor level of No. 6, however, a 22m separation distance across the street is considered to be a satisfactory separation distance in this instance to ensure that there would be no significant overlooking, overbearing or overshadowing impacts to the occupiers of No. 6. It is also noteworthy that No. 6 has mature evergreen trees along their front boundary which will serve as a screen to the development. Similarly a separation distance of 12-14m between the rear first floor windows of plots 5 and 6 and the side garden area of No. 6 would ensure there would be no significant overlooking to the occupiers of No. 6.

Turning to the impact on Tea Rose cottage to the west, the siting of bungalows on plots 9 and 10 would ensure that there would be no significant overlooking, overbearing or overshadowing impacts to the occupiers of this property. Similarly a separation distance in excess of 10 metres would be maintained between the rear elevations of the dwellings on plots 1-3 and the side boundary of Tea Rose cottage, which is sufficient to ensure there would be no significant overlooking, overbearing or overshadowing impacts to the occupiers of this property.

In all other instances the separation distances between the development and neighbouring properties on Waverley Street, Bethania Road and Quarr Road, including those under construction to the north of the site, are considered to be satisfactory to ensure there would be no significant residential amenity impacts upon the occupiers of neighbouring properties.

Concerns have been raised in letters of objection relating to the potential for the development to result in significant noise and disturbance to the detriment of the residential amenities of neighbouring occupiers. As the proposed development is for a residential use, it is not considered that the proposals would generate any significant noise levels or other disturbance over and above that of the surrounding existing residential uses.

In terms of the residential amenities of the future occupiers of the development, the proposals would provide adequate living accommodation and amenity space in this respect.

In light of the above, in terms of residential amenity impacts the proposed development is considered to be acceptable and in accordance with UDP policies EV1, EV2, HC2 and the residential design guide SPG.

Access and Highway Safety

A transport statement has been submitted with the application identifying the likely traffic generation from the development and comparison with the traffic that would be generated by the previous hospital use.

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Reference to national data indicates a likely volume of 7 to 8 vehicle movements in each peak hour. Movements throughout the rest of the day will be less and compared to the movements associated with the hospital use overall will be far less.

The site currently has two accesses and it is intended to modify the better of the accesses to provide a single point of access. Visibility is acceptable and the access road will conform to adopted standards.

Parking is provided for each dwelling in accordance with adopted parking standards and overall there will be fewer vehicles parked on the site than was the case with the former hospital use. This again reinforces the view that overall traffic movements will be reduced from previous levels.

Concerns have been raised in letters of objection relating to the potential for increased traffic, parking and highway safety problems arising from the proposed development. However, in light of the above, only limited weight may be attributed to these concerns and in the absence of any evidence to the contrary this would not constitute a sustainable reason to refuse this planning application.

In light of the observation of the Head of Highways and Transportation, therefore, the proposed development is considered to be acceptable in terms of parking, access and highway safety and would be in accordance with UDP policies AS2, AS6 and EV3.

The Head of Highways and Transportation has recommended conditions relating to the provision of a construction traffic management plan and the provision of details for the proposed management of the new street. These requirements are considered to be necessary in the interests of good planning and highway safety.

Ecology and Trees

The planning application has been accompanied by an extended phase 1 habitat survey and a bat survey which found evidence of bat use at the buildings, as such a protected species licence will need to be obtained from NRW. This will be a requirement of any planning permission and may be secured by condition. Upon request, the applicant has provided details of a scheme of mitigation which is considered to be satisfactory and can be required to be implemented by condition.

There are several mature trees within the application site and a tree survey has been submitted to assess their health and amenity value. The majority of the trees on the site have been categorized as 'B' or 'C' trees (moderate and minor value respectively) with one 'A' category tree (high value) sited on the southern boundary potentially within the ownership of the neighbouring property Disgwylfa. The application has been accompanied by a planting plan which indicates that four of the existing trees are proposed to be retained including the category 'A' Sycamore and category 'B' Austrian Pine. Nine trees are also proposed to be planted around the development together with ornamental shrubs, native hedging to the front of plots 1-8 and grassed amenity areas. The submitted landscaping details are considered to be satisfactory. The trees to be retained will need to be protected during the course of the development and appropriate protection measures can be controlled by a planning condition.

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In particular the tree survey report identifies that the works to provide the retaining wall on the southern boundary may have a significant impact on the category 'A' Sycamore. As such it is recommended a condition is required for the submission of a method statement to ensure the impact upon this tree is minimised through the design and construction of the retaining wall.

Drainage

The application has been accompanied with a drainage plan and upon request further information has been provided in the form of a drainage strategy for the site. The strategy highlights that ground conditions are not suitable for soakaway drainage as such surface water is proposed to be discharged to the combined sewer on Quarr Road at an attenuated rate. Foul water will also be discharged separately to the combined sewer.

DCWW have raised no objection to the proposals and the Council's drainage engineer is satisfied that, in principle, the proposed drainage strategy can be achieved on the site. As such it is recommended that the provision of more detailed drainage information can be controlled by condition.

Section 106 Contribution Requests

HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations, which can enhance the quality of the development and enable proposals to go ahead which might otherwise be refused. Any proposed obligation must be: necessary, relevant to planning, directly related to the development, fair and reasonable in scale and kind to the proposed development and reasonable in all other respects.

The Parks department have requested a contribution of £25,000 to upgrade the play facilities at Forge Fach. This request is not considered to be justified on the basis that the facility is considered to be in a satisfactory condition according to the Council's Open Space Assessment.

The Education department have requested a contribution of £20,899 for refurbishment and improvements to Craigfelen Primary school, however, the request has been revised down to £17, 798 to take into account the proportion of pupils that may wish to attend the local Welsh medium primary. The request is based on the formula set out in the SPG and is made on the basis of the lack of available surplus capacity at this school.

At present there is sufficient available surplus capacity at this school to accommodate the pupils arising from the development, however, it is estimated there will be no surplus capacity in 2018, which is within the timeframe of a 5 year consent, should planning permission be granted.

Education are currently undertaking a strategic review in light of the emerging LDP housing allocations which should attempt to address areas where there are capacity issues. In this respect it is noted that the next nearest primary school to the development (some 600m walking distance away) is Clydach Primary which currently has surplus capacity and is estimated to have considerable surplus capacity in 2018 and beyond.

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The Planning Obligation Supplementary Planning Guidance states that where developer's contend that S106 requirements would render a scheme unviable, developers will be expected to submit a breakdown of development costs and anticipated profits on properly sourced evidence.

In accordance with these requirements the developer has submitted a viability appraisal for the site. The information highlights that the scheme is already being highly subsidised by the applicant. It is evident that this is a very marginally viable development proposal from the presented costings and the limited grant funding available.

The SPG highlights that any reduction in the requirement for Section 106 contributions is only likely to be justified where there is planning merit and/or public interest in developing the site. In this respect the site has been disposed of by the local health authority and without re-development will become an eyesore and a target for vandalism and anti-social behaviour. It is noteworthy that the owner has already had to secure the site to deter such behaviour. Without investment and regeneration, there is no doubt that the site will deteriorate. Thus there is considered to be clear planning merit in re-developing this prominent and vacant site and the development proposed is considered to be a good quality development that accords with UDP design policies. Moreover, the need for affordable housing is a material planning consideration and an essential element in contributing to community regeneration and social inclusion.

In the balancing exercise it is considered that the recognised need for affordable housing together with the planning merit in re-developing the site would outweigh the requirement for an Education contribution in this instance, given the viability concerns with the development. In reaching this assessment significant weight has been given to the fact that Clydach Primary, which has considerable surplus capacity, is located in relatively close proximity to the site. In reality, the numbers of pupils generated by the development (2.64 English medium places) is low and could be accommodated if not in Craigfelen Primary then certainly within the nearby Clydach Primary. In light of this and having regard to the viability information that has been submitted, it is considered the imposition of a contribution requirement that could prevent the sustainable re-development of this site would be unjustified in this instance. However, it will be necessary to ensure the scheme is brought forward as affordable housing and a condition to this effect will be needed.

In light of the above the proposed contribution requests are not considered to be necessary to make the development acceptable in planning terms.

Other Issues

The concerns raised by third parties are summarised above and have been addressed within the above appraisal. This includes reference to the impact of the development on the character and appearance of the area, the impact on the residential amenities of existing occupiers, drainage, parking and highway safety issues.

Concerns have been raised in letters of objection regarding the potential impact of the development on property values in the area. This is not a planning matter.

Concerns have been raised in letters of objection regarding the impact of construction activities on neighbouring residents in terms of noise and disturbance. Whilst it is acknowledged that there may be some disturbance in this respect, this will be limited to the duration of the build programme and any potentially significant impacts should be mitigated through good building practices and site management. A construction pollution management plan will be required by condition and any statutory nuisance would be dealt with under separate legislation.

Concerns have been raised in letters of objection regarding potential pollution problems arising from the cars associated with the development. The traffic movements generated by the development are considered to be significantly less than the former hospital use. The area surrounding the application site is not within an air quality management zone as such it is not considered the traffic associated with the development would result in any material impacts upon air quality over and above the existing lawful use.

Concerns have been raised in letters of objection regarding the future of the war memorial. This will be retained and a memorial space will be provided for visitors to pay their respects.

Concerns have been raised in letters of objection regarding the impact of the development on local schools. This issue is addressed above.

Concerns have been raised in letters of objection regarding the impact of the development on the primary care centre. The ABM Local Health Board has been unable and unwilling to provide information on the capacity of doctors surgeries through the City and County of Swansea. Any perceived deficiency in respect of health services in the area has not been evidenced.

The applicant has submitted a site investigation report which confirms no special precautions are required with respect to contamination, however, following the advice of the Council's Pollution Control division it is considered necessary to include a condition in relation to unsuspected contamination, should it be found during the construction of the development. Furthermore, in view of the scale and nature of the development it is considered necessary to require by condition the submission of a construction pollution management plan (CPMP). NRW have also requested the submission of a waste management plan in order to help the developer / contractor manage waste materials efficiently and reduce the amount of waste materials produced. Given the scale of the proposal and the amount of demolition proposed, this requirement is considered to be reasonable in the interests of sustainability and can be controlled by condition.

Glamorgan Gwent Archaeological Trust has requested the submission of a programme of building recording and analysis, in light of the architectural and cultural significance of the hospital buildings. This requirement can be controlled by condition.

Conclusion

The proposal is for the conversion of the main hospital building into four self-contained flats and the construction of 10 dwellings following the demolition of the remainder of the hospital buildings. The development would provide affordable housing and re-use previously developed land for a residential use within a pre-dominantly residential area. The retention of the main building is welcomed in street scene terms and in terms of its historic/cultural significance.

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The development is considered to provide an appropriate contextual response that would have an acceptable impact on the character and appearance of the area. Moreover, the development would not result in any significant residential amenity impacts to neighbouring properties and is considered to be acceptable in parking and highway safety terms. The proposal development would therefore accord with the above referenced UDP policies and SPG. It is not considered the provisions of the Human Rights Act would raise any further material planning considerations, and as such the application is recommended for conditional approval.

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 No development approved by this permission shall be commenced until a Site Waste Management Plan has been produced and submitted in writing for approval by the Local Planning Authority. The plan shall be implemented in accordance with the approved details.
Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.
- 3 No development including demolition works shall be undertaken until an appropriate programme of building recording and analysis has been submitted to and agreed in writing by the Local Planning Authority. The programme shall be carried out by a specialist acceptable to the Local Planning Authority and in accordance with the agreed written specification. The completed programme shall be submitted to the Local Planning Authority within 3 months of the commencement of development.
Reason: As the buildings are of architectural and cultural significance the specified records are required to mitigate the impact of the development.
- 4 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 the roads have been formally adopted by the Highway Authority.
Reason: To ensure the roads are maintained to a satisfactory standard in the interests of highway safety

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

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

- 6 Prior to any works commencing on the excavation and construction of the retaining wall on the southern boundary, a method statement shall be submitted to and approved by the Local Planning Authority detailing how the design of the retaining wall and its method of construction seek to minimise the impacts of the retaining wall on the roots of tree 11 (Sycamore). The retaining wall shall be constructed in accordance with the approved method statement.

Reason: To seek to ensure the retaining wall does not have a significant impact on tree 11.

- 7 No development shall commence until a Construction Pollution Management Plan (CPMP) has been submitted to and approved in writing by the Local Planning Authority. The CPMP is to include the following:

- a) Demolition/Construction programme and timetable
- b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
- c) Traffic management scheme (access and egress) in respect of all demolition/construction related vehicles;
- d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
- e) Proposed working hours;
- f) Principal Contractor details, which will include a nominated contact for complaints;
- g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
- h) Details of on site dust mitigation measures having regard to BPM;
- i) Details of on site noise mitigation measures having regard to BPM;
- j) Details of waste management arrangements (including any proposed crushing/screening operations); and
- k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.
- l) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.

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- 7
- m) How each of those watercourses and pathways will be protected from site run off.
 - n) How the water quality of the watercourses will be monitored and recorded.
 - o) How surface water runoff from the site will be managed 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.

The CPMP shall be implemented in accordance with the approved details.

Reason: To ensure minimal nuisance impact to surrounding occupiers from construction activities and no detriment to the environment nor highway safety.

- 8
- All trees shown "to be retained" on plan no. LP(90)001 Rev A shall be protected by strong fencing, the location and type to be submitted to and approved in writing by the Local Planning Authority before works commence. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Reason: To adequately protect existing trees on site in the interests of visual amenity and ecology.

- 9
- The landscaping works shall be carried out in accordance with the planting plan LP(90)001 Rev A during the first planting season immediately following completion of the development. The completed scheme shall be managed and maintained in accordance with the details set out in the planting plan. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In order to provide satisfactory landscaping at the site in the interests of visual amenity and ecology.

- 10
- Prior to the occupation of the development hereby approved the boundary treatments for the site shall be erected in accordance with the details indicated on plan nos. PL0005 Rev D, PL0006 Rev C and PL0007 Rev C save for the details of the boundary treatments to the front of the dwellings on plots 1-10 and save for the boundary treatment enclosing the western rear garden boundary of plot 1. The details of these boundary treatments shall be submitted to and approved by the Local Planning Authority before the development hereby approved is occupied. All boundary treatments shall be completed as approved prior to the occupation of any dwellings.

Reason: To provide satisfactory boundary treatments in the interests of visual amenity and residential amenity.

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- | ITEM 2 (CONT'D) | APPLICATION NO. | 2014/1397 |
|-----------------|---|-----------|
| 11 | <p>Prior to the beneficial occupation of the flats the cycle storage area shall be provided in accordance with the details indicated on plan no. PL0014 and shall be retained in perpetuity.</p> <p>Reason: In the interests of promoting sustainable modes of transportation.</p> | |
| 12 | <p>No development shall take place including any demolition works until a Bat Licence has been obtained from Natural Resources Wales and a copy submitted to the Local Planning Authority.</p> <p>Reason: To ensure the preservation of the protected species.</p> | |
| 13 | <p>Bat mitigation measures shall be implemented and retained in accordance with the mitigation statement dated 24th November 2014 and the mitigation plans 70099_0006 Rev A (with mitigation notes) and 70099_LP(90)001 Rev A (with mitigation notes) dated 27th January 2015.</p> <p>Reason: To ensure the preservation of the protected species.</p> | |
| 14 | <p>Prior to the beneficial occupation of the development details of a permanent lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to beneficial use of the development commencing..</p> <p>Reason: In the interests of ecology and highway safety.</p> | |
| 15 | <p>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 a remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved strategy.</p> <p>Reason: In the interests of health and safety.</p> | |
| 16 | <p>The war memorial shall remain in situ and the memorial space as indicted on plan no. PL0001 Rev I shall be laid out prior to the occupation of the flats and retained as such at all times..</p> <p>Reason: To provide a satisfactory location and setting for the war memorial.</p> | |
| 17 | <p>The dwellings hereby approved shall be occupied at all times as affordable housing in accordance with the definition of affordable housing in Annex B of TAN 2 (2006) or any future guidance that replaces it.</p> <p>Reason: To ensure the scheme is delivered is delivered affordable housing which is the justification for no S106 contributions being paid.</p> | |

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: AS2, AS6, EV1, EV2, EV3, EV35, EV38, HC3, HC17, HC24 and the supplementary planning guidance 'Places to Live: A Residential Design Guide'.

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- 2 The proposed development lies within coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.
Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com
- 3 **Management and Maintenance of Estate Streets - Note**
The applicant is advised that to discharge condition 3 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.
- 4 **Note: The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development) , e-mails to : jim.marshall@swansea.gov.uk or the Team Leader , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091**
- 5 **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.
- 6 **Smoke/ Burning of materials**
No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 7 **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.
- 8 **Lighting**
During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on site lighting.

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

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

PL0009 site location plan, PL0008 demolition plan, PL0000A existing site plan, SK0025 analysis of southern boundary, Y(90)001 landscape plant schedule, LP(90)001 Rev A proposed planting plan, 158-03-08-14 D02 preliminary foul drainage layout, , 13/392/01 tree location and constraints plan, 13/392/01 tree impact & protection plan, 0005 existing elevations and floor plans, 0006 proposed elevations and floor plans, dated 25th September 2014. PL0005 Rev D boundary treatment plan, PL0006 Rev C boundary treatments, PL0007 Rev C boundary treatments, PL0003 Rev E proposed site sections, PL0001 Rev I proposed site plan, PL(0)010 Rev D plots 3 & 4, 7 & 8, PL(0)011 Rev D plots 5 & 6, PL(0)012 Rev C plots 9 & 10, PL(0)013 Rev B plots 1 & 2, SK009 Rev B perspective from within the development, SK0010 Rev C perspective from site entrance, SK0021 Rev B proposed view of refurbished hospital, SK0023 Rev A perspective from Bethania Road, SK0027 Rev B external materials sample board, dated 23rd October 2014. PL0014 bike and refuse store elevations dated 26th November 2014. 158-03-09-14 D02 surface water drainage layout, 158-03-09-14 DO3 existing hardstanding area, 158-03-09-14 DO4 proposed hardstanding area, dated 12th January 2015.

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ITEM 3

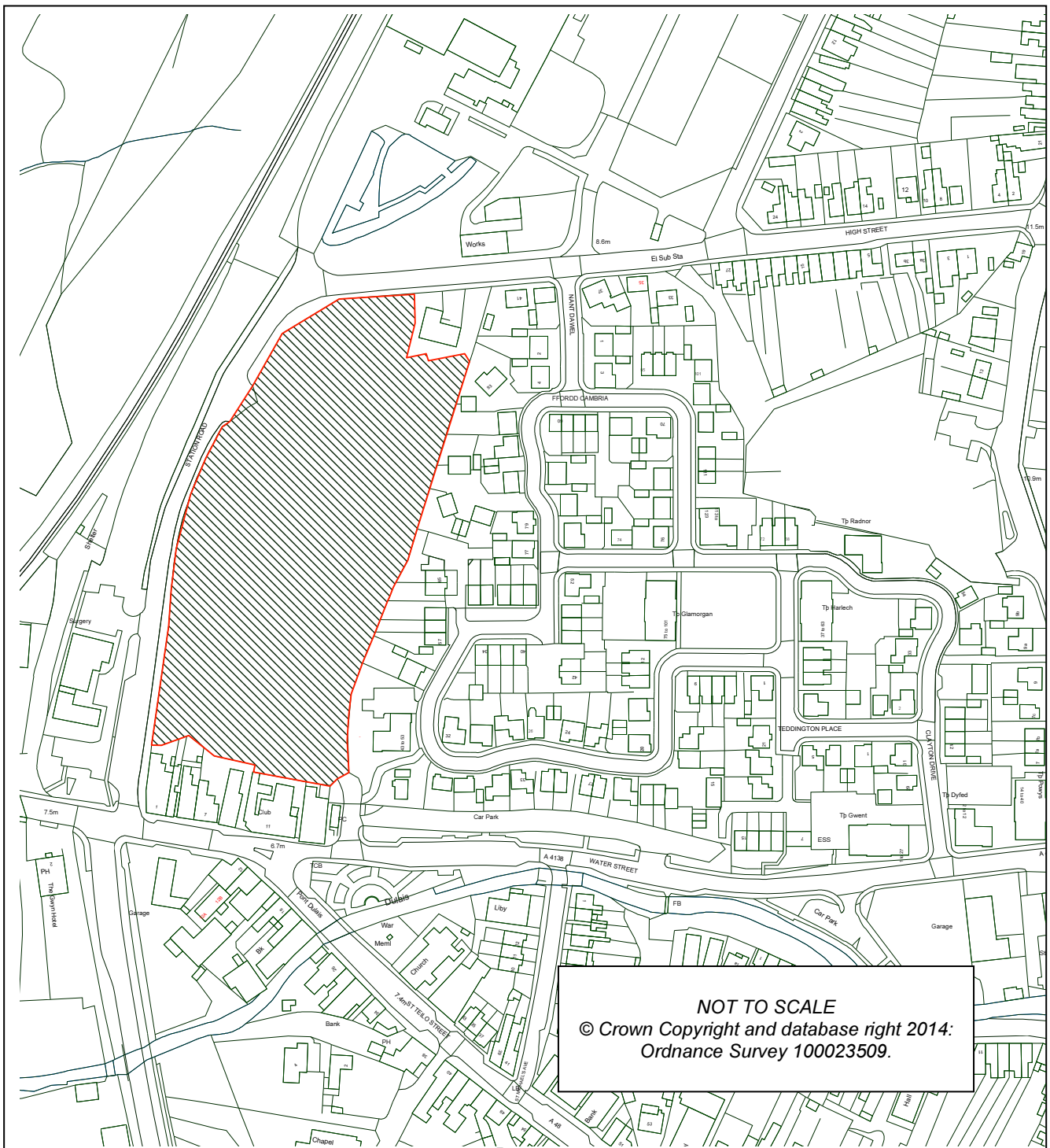
APPLICATION NO. 2013/1254

WARD: Pontarddulais

Location: Former Clayton Works Site, Station Road, Pontarddulais, Swansea, SA4 8TJ

Proposal: Construction of up to 53 residential units including public open space, public car parking (13 spaces), pedestrian access to Water Street, new vehicular access from Station Road and secondary emergency vehicle access onto High Street (outline)

Applicant: Spen Hill Developments



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 EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
Policy EV36	New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)

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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, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant 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 HC17	The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)	
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)	
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)	
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)	
Policy HC3	Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV6	Scheduled ancient monuments, their setting and other sites within the County Sites and Monuments Record will be protected, preserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV38	Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)	

RELEVANT SITE HISTORY

2005/2590	Construction of retail store (Class A1) (4,517 square metres (48,622 square foot) floor space, gross) with car parking for 325 spaces, vehicular access off Station Road (delivery access from High Street), pedestrian link from Water Street and associated landscaping works (Amended Highway Works) Decision: Refuse Decision Date: 30/07/2007
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ITEM 3 (CONT'D)

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2007/2462 Construction of retail store (Class A1) (3,527 square metres (37,966 square foot) floor space, gross) with car parking for 290 spaces, vehicular access off Station Road (with a delivery access from High Street), including off-site road works at the junction of Station Road, junction improvements at Iscoed Road/Fforest Road and junction of High Street/Tyn-y-Bonau Road, pedestrian link from Water Street and associated landscaping works

Decision: Refuse

Decision Date: 31/01/2008

RESPONSE TO CONSULTATION

The application was advertised on site and in the Press as Development that may have a substantial impact on the amenity of the area in which it is situated. FOURTY SEVEN neighbouring properties were individually consulted.

TWO LETTERS of OBJECTION were received which are summarised as follows:

- Concerns over future parking problems. There are already parking problems on the neighbouring site (Clayton Court) because it was designed with a lack of driveways for many of the dwellings. Not providing adequate driveway parking will force people to park on pavements outside their homes causing a danger for passing vehicles and pedestrians.
- A clear plan should be submitted to target the specific problem of parking on Station Road. Residents at the new site must not be allowed to park under any circumstances on Station Road or the proposed 13 space parking for the oversubscribed local doctor's surgery for their own personal use.
- The open private aspect to the rear of my house will be spoilt by the development and will result in overlooking into my garden.

TWO LETTERS OF COMMENT was received which are summarised as follows:

- My property overlooks this site and whilst I welcome its redevelopment I think much better use could be found for the site than more housing which will put greater strain on existing services.
- Access into the site is positioned close to the Doctors Surgery and nearby shops and the traffic lights leading into Water Street. Cars park on yellow lines extending down the east side of Station Road.
- After any rainfall two large surface water collection areas are seen and only diminish after many weeks. No mention is made of this.
- 53 houses on this 1.4ha site equates to approximately 38 units per hectare. Is this an appropriate number for a site on the outer edge of the village?

Pontarddulais Town Council – The Council wishes to object to this application on the following grounds:

1. Pontarddulais cannot sustain further large scale housing development e.g. the one surgery in the town is at capacity both in terms of space and clinical time; the deteriorating sewerage system is at capacity and cannot cope with any additional demand; the existing highway system and especially the one way system within the town centre is under extreme pressure from heavy goods vehicles and general traffic; the local schools are at full capacity and will not cope with any additional large scale development.

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2. Mention is made in the application's covering letter that "a residential development is viable on the site only if the proposals are not subject to any S106 contribution save provision of an area of open space and the proposed car park to serve the doctors surgery and businesses on Water Street". The Council is of the opinion that should the application be successful it should be subject to a S106 agreement.

Glamorgan Gwent Archaeological Trust – The proposals have an archaeological restraint. In 2007, in response to the proposal by Tesco to construct a supermarket on this site, we recommended that an archaeological desk-based assessment should be provided by the applicants as this was the site of the Pontarddulais Tin Plate Works that was later replaced by the later Clayton Tinplate Works. These works were an important part of the local economy in the 19th and 20th century, and any remains are likely to have regional significance. A desk-based assessment was never provided for the proposed Tesco development and therefore there is still a requirement for this information to be provided in order to ascertain the impact that the development would have on the archaeological resource.

Further comments received 18th December 2013 (following receipt of additional information)

Further to our recent recommendation we have received a copy of the Archaeological Desk-based assessment undertaken by Border Archaeology (report dated December 2013, ref: BA1339CTWP). This work meets current professional standards and gives a full history of the development of Pontarddulais and the successive phasing of tin and chemical works in the area. It details development of the site and allows an informed mitigation to be made.

The original buildings of the tinplate works are seen to have developed in northern half of the site, with expansion over a similar footprint and to the east, with a separate building to the west fronting Station Road. In considering the impact of the development, the work identifies that there are extant features visible on site that include the wall to the site as well as hard standings and foundations to the recently demolished buildings. The report concludes that there is a high potential for encountering the remains of the 19th century tin plate works, these may exist beneath the hard standing for the more modern buildings and are potentially of regional importance. We conclude that mitigation can be achieved by undertaking the groundworks under archaeological supervision, with suitable contingencies in place to ensure that sufficient time and resources for fuller archaeological investigation to be undertaken is allowed.

We therefore recommend the inclusion of the following condition on the grant of any planning permission:

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.

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South Wales Police Crime Prevention Design Officer – Express concerns in respect of the path proposed for the south of the development. Pedestrian routes must be designed to ensure that they are visually open, direct, overlooked, lit and well used. The surgery car park must be lit and the boundaries of it clearly defined ideally by railings and gates at least 1.8 metres high.

Natural Resources Wales (NRW) – 3rd October 2013

We are unable to support the application at this time as the FCA and hydraulic model have not fully assessed flood risk to the site and third party land/property as required by sections 7,9 and Appendix 1 of TAN 15.

Flood Risk

As you are aware the site is located in zone C1 on the development advice maps referred to by Welsh Government Guidance TAN15 (July 2004). As this proposal is for 'highly vulnerable' development within Zone C, we must assume that your authority is comfortable the proposal can be justified in line with Section 6 of TAN15.

The applicant has submitted a FCA and associated model (Fairhurst, ref 97638 dated August 2013) to support the proposal. In summary, our Flood Modellers advised Fairhurst in July 2013 that a proper analysis of the site would be required. This analysis would need to ensure existing site levels were represented correctly in the baseline model (i.e. with the factory demolished) and a comparison made with site levels following development. The analysis must be undertaken for a range of events up to the 0.1% (1:1000 year) event as required by TAN15. As TAN15 clearly states that there should be no increase in flood risk elsewhere, we would be likely to object to the proposal if this is not acceptably demonstrated by the revised model and FCA. **At present, the required analysis has not been carried out correctly.**

As the consultants have not considered the 0.1% (1:1000 year) event, as required by TAN15, they must review and amend the model and FCA accordingly. **Until this analysis has been done and submitted for review and comment we are unable to advise your Authority on the acceptability of the proposal in terms of flood risk.**

Foul Drainage

It is not clear from the application how it is intended to manage foul water flows. For a development of this scale we would expect all foul flows to be discharged to the main public sewer. In this area, we understand the sewer network is combined. DCWW should be contacted to ensure there is sufficient hydraulic capacity in the network to accept the flows generated without causing pollution.

Surface Water drainage

The application forms states that sustainable drainage systems (SUDS) will be used to manage surface water run-off from the site. We welcome and support this intention, but note that the FCA states SUDS will be used where possible. Ideally, a full drainage scheme should be submitted prior to determination. However, we accept this is an Outline application and as such, if our concerns regarding flood risk can be addressed, we would accept an appropriately worded condition on any permission granted.

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Any surface water management system must be designed to ensure there is no increase in surface water run-off from the site in all events up to and including the 1% (1:100 year) storm with an appropriate allowance for climate change, which we note is accepted within the FCA.

Contaminated Land

We note that contamination in the form of hydrocarbons is present at the site. We are satisfied that if our concerns regarding flood risk can be addressed, the development could continue via the inclusion of land contamination conditions.

Japanese Knotweed

We note that Japanese knotweed is present on site, the spread of which is a contravention of the Wildlife and Countryside Act 1981 (as amended). It is also a controlled waste under the Environmental Protection Act 1990 and as such must be disposed of in an appropriate manner. If our concerns regarding flood risk can be addressed, then a suitable condition should be included on any permission granted to ensure that the Japanese knotweed present on site is prevented from spreading and/or eradicated from site.

Reptiles

The Ecological Assessment report conducted by Aspect Ecology (dated July 2013) recorded a single slow worm at the site. We note and welcome the recommendation that a precautionary approach should be taken during the development works. We also welcome the recommendation that a precautionary approach should be taken during the development works. We also welcome the proposal for a detailed mitigation strategy to be produced outlining the measures to be taken to protect reptiles at the site during development. These measures should be discussed with your local authority's Ecologist and secured by condition if our concerns regarding flood risk are addressed.

Vegetation Clearance and Planting Proposals

We note there is some vegetation present on site which we presume is to be cleared for the proposal to continue. Birds may be using the surrounding vegetation for nesting and the application should be aware that all wild nesting birds are protected by The Wildlife & Countryside Act 1981 (as amended). If any vegetation clearance is needed to enable works to commence, we would ask that this is avoided during the bird breeding season (March to August inclusive). If any vegetation clearance is required during this time, then the areas to be cleared should be checked thoroughly for any evidence of breeding birds by a qualified, experienced ecologist. If any evidence is found, no works should continue and NRW should be contacted for advice. Recommendations as outlined in section 6.5.1 of the Ecological Assessment report should also be followed.

We also welcome the recommendation stated in section 6.6.3 of the above stated report that where possible, a variety of bird boxes could be incorporated into the proposed development. Furthermore, we welcome the recommendation (as stated in section 6.6.2 of the Ecological Assessment) that advises the use of native species which are local to the area for any planting proposals at the site. Again, we would look to secure this via condition if our concerns regarding flood risk can be addressed.

In summary, we would ask that determination of the application be deferred until further assessments of the flood risk to the site and third parties has been undertaken and submitted for review.

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If an amended FCA and hydraulic model is not submitted, or if an amended FCA and hydraulic model fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then the application should be refused in accordance with the requirements of TAN15.

Further Comments 6th November 2013 (following receipt of additional information)

We have received a request from Fairhurst to forgo the 1000yr event appraisal in the hydraulic modelling because of instability issues with the modelling.

In line with Welsh Government (WG) guidance Tan15, the applicants will need to assess the 1000yr (0.1%) event prior to determination. It is not in our power to amend the requirements of WG policy and we would not be able to provide your Authority will fully informed technical guidance on flood risk without such as appraisal.

Foul Drainage

We note that confirmation has been provided that foul flows are to discharge to the main public combined sewer (pending DCWW approval). We recommend that your Authority contact DCWW to confirm hydraulic capacity is available within the sewerage network to accommodate the flows generated by the development without causing pollution.

Surface Water Drainage

The main proposal for surface water drainage is by means of an existing surface water culvert located within the site. It appears that the final discharge will be as existing, but at a reduced rate compared to the existing situation. We note that preliminary attenuation storage estimates have been carried out, which have considered the 1:30 and 1:100 year storm event, plus an allowance for climate change. On this basis, we are therefore able to confirm that the proposed attenuated run-off from the site of 10 l/s would be acceptable.

We are pleased to note that the Drainage Strategy also considers a variety of sustainable drainage techniques (SUDS) to manage water run-off from the site. We agree with the recommendation set out in the strategy to implement a number of these SUDS techniques within the finished scheme,. This will help to avoid any discharge to the combined system, which as noted above may be hydraulically overloaded and also help to reduce any increase in flood risk and improved water quality. If our concerns regarding flood risk can be appropriately addressed then we would be satisfied that a suitably worded planning condition could be included on any permission granted.

In summary, we would recommend that determination of the application is deferred until the assessment of the flood risk to the site and third parties during the 1000yr (0.1%) event has been undertaken and submitted for review and comment.

Further Comments 5th February 2014 (following receipt of an updated Flood Consequences Assessment and associated hydraulic model)

We are pleased to note that as per the requirements of TAN15 (July 2004), the updated FCA now includes an assessment of the 0.1% (Q1000) flood event. However, no analysis of the 1% (Q100) plus climate change scenario has been carried out. This 1%cc analysis is required by the TAN15 planning guidance to support planning applications located in areas of flood risk.

ITEM 3 (CONT'D)

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The model shows that the site is currently at risk in both a 1% and 0.1% event and the model has been run using three potential development plateaus for the site: 8.0m AOD, 8.1m AOD and 8.2m AOD for both the Q100 and Q1000 events. It is not clear what site levels will be chosen for the final design. Section 6.2.1 of the FCA suggests a proposed site level of “approximately” 8.0m AOD, yet the Q1000 analysis has only been carried out for the 8.1m and 8.2m AOD plateaus.

Irrespective of which development level is chosen, the modelling shows the site to be at risk in a Q100 event and is at risk even without an assessment of the 0.1% event. This is therefore contrary to the flood free threshold required in Table A1.14 of TAN15.

The FCA suggests that any floodwaters on the site will be shallow and could be accommodated within the site road layout (Section 6.1.2). We note that approximate volumes for the three potential development plateaus have been provided. Analysis of the modelled depths and extents would suggest the estimates are too low. Furthermore, no detailed plans or calculations have been provided to corroborate the statement.

The FCA states that flood depths in the post development scenario do not alter “significantly” from the existing situation. Close analysis of the model results suggest an increase of approx. 1cm-2cm for the Q100 and 5cm-6cm in the Q1000 would be experienced in the recently constructed housing estate to the S E of the site. This is again contrary to TAN15, which states that there should be no increase in flood risk elsewhere as a result of development proposals.

Sections 6.1.2 of the FCA states that emergency access will be provided to High Street to the north of the site but no details are given. It is suggested this will be confirmed during detailed design.

Drawings SK001 and SK09 indicate an area at the southern edge of the site to remain undeveloped to act as a Flood Compensation Zone – “To be confirmed”. Again, no details have been given for this area.

It is acknowledged that Flood Defence works are currently being undertaken on the Afon Dulais and are planned for the Afon Camfrwd. However, at the time of this application these works are not operational. As such, our comments are based on the present time. It should also be noted that works are to be designed to the Q100 standard so are unlikely to alter the Q1000 flood outlines.

In summary, the proposed development, whichever plateau is chosen, will be at risk of flooding in the 1% (1:100 year) event and therefore fails to meet the requirements of TAN15. The FCA also shows there to be an increased flood risk elsewhere post development. Again this is contrary to TAN15 requirements.

Potential mitigation in the form of raising site levels has been investigated, although final detailed designs have not been submitted / quantified.

On the basis of the above we are unable to advise the local planning authority that the proposed development is acceptable. If this application is pursued but it is unable to show through a revised FCA that the consequences of flooding can be acceptably managed over the lifetime of the plan, then we recommend that the application should be refused in accordance with the requirements of TAN15.

Dwr Cymru Welsh Water (DCWW) - We would request that if you are minded to grant Planning Consent for the above development that Conditions and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Sewerage Condition

This proposed development is located in an area which has the potential to discharge into national and international designated waters. The Loughor Estuary forms part of the Carmarthen Bay & Estuaries European Marine Site which is the collective name for three European 'Natura 2000' designated areas, namely Carmarthen Bay & Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area and Burry Inlet Special Protection Area.

A key fundamental issue associated with any proposed development(s) located on both the Carmarthenshire and Swansea side of the Estuary is the potential impact of any revised or additional water discharges, either foul or surface water, will have on the local drainage systems and ultimately designated waters. DCWW is contributing towards improving the water quality in the Estuary by undertaking key infrastructure improvements at its Northumberland Avenue and Llanant Waste Water Treatment Works which are designed to improve arrangements for dealing with surface water, provide ultra violet treatment and phosphate removal . Equally developers too, can also play a significant part in mitigation measures by incorporating sustainable drainage facilities within their proposals. It is essential therefore, that as a pre-requisite of any development being considered for approval that such matters are effectively controlled through planning conditions.

Therefore, we seek your Authority's co-operation in imposing the following condition to any grant of planning.

- No development shall take place until full details of a scheme for the foul and surface water sewerage disposal (incorporating sustainable drainage principles) of the whole site has been submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details. Surface water shall not be connected to the foul sewerage system.
Reason: To ensure the integrity of the public sewerage system [and designated waters] is protected through the implementation of sustainable practices.
- Foul water and surface water discharges shall be drained separately from the site.
Reason: To protect the integrity of the public sewerage system.
- No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
- Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

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Sewage Treatment

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Water Supply

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40-41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site water mains and associated infrastructure.

Council's Drainage Division – We have reviewed the updated Drainage Strategy carried out by Fairhurst reference D/I/L/97638-02B and based on the report which we consider acceptable we would recommend that the following conditions are appended to any permission given; however we would put the caveat on that National Resources Wales should satisfy themselves that all fluvial flood risks have been resolved and an acceptable assessment carried out and agreed.

Condition 1: The site shall discharge at no greater than 10l/s per developed hectare as stated in section 2.2 (Surface Water Design Methodology) of the Drainage Strategy reference D/I/L/97638-02B.

Reason: To reduce surface water loading to the onsite watercourse and reduce surface water flood risk downstream.

Condition 2: No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with. And this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the local planning authority.

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

Condition 3: Prior to the commencement of any development, a scheme for the ownership and maintenance of the surface water system shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

Reason: To ensure the satisfactory long term operation of the surface water management scheme to prevent the increased risk of flooding to the development itself and surrounding third parties.

Council's Head of Highways and Transportation – Proposal is for the redevelopment of the Clayton Works site, Pontarddulais, for up to 53 dwellings (with access being considered as part of this outline application). A Transport Assessment has been submitted where the traffic and transport implication of the site has been considered.

Vehicular access is proposed from a new access junction off Station Road sited between the existing access and the junction with Water Street. A further new pedestrian access is proposed off Station Road. All existing accesses will be closed off and made good.

Visibility at the access points is acceptable and within the recommended guidelines. An indicative layout has been supplied and whilst not forming part of the consent it does demonstrate that in principle the site can accommodate a conventional estate road layout with standard carriageway width and footways on both sides.

There is a parking area for 13 cars included to serve the existing Doctors surgery which currently park on road but would impede the visibility at the proposed access were it to continue.

Traffic Generation

Standard methodology has been used to assess the traffic generation of the development and the effect of this additional traffic on the surrounding highway network. Reference has also been made to the existing use of the site as industrial premises and the level of traffic that would have been generated when the site was fully operational.

The predicted traffic generation for the 53 units amounts to 9 movements in and 21 movements out during the am (0900 to 0900) peak, making 309 in total. There will be predicted 19 movements in and 11 movements out during the pm (1900 to 1800) peak. The Saturday afternoon peak (1200 to 1300) has also been looked at providing 7 arrivals with 12 departures. This is not considered a high volume of additional traffic movements particularly when compared to the potential for the previous industrial use.

Junction Assessment

The effect of development traffic on 5 local junctions has been assessed. The junctions assessed include

- Site access/Station Road (priority junction)
- Tesco access/Station Road./Water Street (signals)
- A48 Forest Road/A4138 Iscoed Road (mini r/a)
- St Teilo Street/Dulais Road (priority)
- St Teilo Street/St Michaels Avenue (priority)

This encompasses most of the junctions on the one-way system through that part of Pontarddulais. All non-signalised junctions and roundabouts tested indicate that there will be no adverse effect on the ability of the junctions to accommodate the additional traffic movements and all junctions in the test will operate satisfactorily.

The development will cause a decrease in junction performance at the signalised junction at Tesco/Station Road/Water Street but only by a maximum of 6%. This is on the Water Street east arm (coming from Pontarddulais). This is worse when all stages run including filling station and pedestrian stages, and predominately down to background growth and the fact that the arms in question are already over 90% saturated (over a saturation of around 85%, queues and congestion tend to increase exponentially). Junction configuration could alleviate pressure on the junction by allowing vehicles from the Loughor Bridge to turn right in gaps in oncoming traffic; this would be a relatively low cost alteration (estimated £2000) for a new configuration, head modifications and some slot cutting. It is reasonable to request this amount of money to allow the improvements to be undertaken and minimize the impact of the development on the junction.

Accessibility

The application site is suitably located for access by all modes. There are bus stops within a short distance of the site to an adequate bus service and footways are present for pedestrian access. The site is located near to the train station and within easy walking distance of the local shops. No local cycle lane provision is in place, however as traffic movements are relatively light, cycling can take place on existing highways shared with other users.

The bus frequency in the locality is acceptable, and improvements to facilities at and on the approach to the adjacent bus terminus have been recently undertaken.

Conclusion and Recommendation:

The development proposal has been accompanied by a formal Transport Assessment that has been undertaken in accordance with national guidance. No major capacity or safety issues have been identified by the assessment (apart from the minor works required as referred to above) and it is concluded that there will be no adverse impact on local highway conditions. I recommend no highway objection subject to the following:

- i) All access, reinstatements and internal road layout works being undertaken to Highway Authority specification and in accordance with details to be submitted and approved under a section 38/278 Agreement.
- ii) The developer shall pay to the City and County of Swansea a contribution towards improvements at the signalised junction. The value of the contribution to be £2000
- iii) Prior to occupation of the site, a Travel Plan shall be submitted to and approved in writing by the local planning authority.
- iv) The scheme shall include an element of parking for the doctor's surgery on Station Road in accordance with details to be submitted for approval under the reserved matters application.
- v) The parking provision shall be provided in accordance with the CCS Adopted parking standards.

Council's Planning Ecologist – The ecological survey showed that a small number of reptiles were present. A Mitigation Method Statement should be submitted for our approval. This may be done by condition. This Statement should also include some wildlife friendly landscape planting areas to compensate for the loss of some habitats on the site. A standard Bird informative should be included on the grant of any planning permission.

Council's Environment Officer – There are several large areas of Japanese Knotweed mainly along the boundary and some smaller stands throughout. Recommend the inclusion of a standard Japanese Knotweed condition on the grant of any planning permission.

Council's Housing Service – The Housing Service would be seeking 30% provision of affordable housing on site. The scheme should include a range of house types and mix of affordable housing to include social rent (DQR compliant) and intermediate rent and sale such as low cost home ownership. The design and specification should be of equivalent quality to those used in Open Market units.

Council's Education Service – The catchment area for this development is Pontarddulais and the catchment schools are:
English Medium Primary: Pontarddulais Primary

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English Medium Secondary: Pontarddulais Comprehensive
Welsh Medium Primary: YGG Bryniago
Welsh Medium Secondary: YGG Gwyr

The development will generate, in accordance with the provisions of the SPG, the following pupils with the associated cost:

Primary 16.43 (£170,412) Secondary 11.66 (£184,788)

Rationale:

Primary

Pontarddulais Primary is nearly to capacity, as is YGG Bryniago. Highway accesses to both schools are a major concern.

In January 2013 the unfilled pupil capacity figure stood at 41 at YG Bryniago and 59 at Pontarddulais Primary. There is no capacity for growth in the Welsh Medium Primary Schools, namely YGG Bryniago in this instance.

In order to accommodate any pupils from this development, the Welsh Primary School will require a developer's contribution for enhancements and the full figure generated for primary schools (**i.e £170,412**) to be shared between YGG Bryniago and Pontarddulais Primary in this instance.

Projected Surplus Capacity (Based on January 2013 Projections)

School	January 2013	September 2019
YGG Bryniago	41	1
Pontarddulais Primary	59	5

Secondary

Whilst the development will generate 11.66 secondary pupils there will be a request for a specific contribution towards secondary provision as there will not be sufficient capacity within neither the English nor the Welsh medium catchment schools.

In January 2013 Pontarddulais Comprehensive had an unfilled pupil capacity of nil spaces and is at capacity.

Although the Welsh medium secondary school YGG Gwyr had, in January 2013 an unfilled pupil capacity of 199 the projection figures for September 2019 being 168 over capacity. It must be remembered that this site has a number of temporary demountable buildings and if these are removed for purpose of calculations this would put YGG Gwyr even more over capacity (-239).

The Welsh medium secondary school element will require a developer's contribution and this would mean claiming the full figure generated for secondary schools (**i.e. £184,788**) and this amount would also be shared between YGG Gwyr and Pontarddulais Comprehensive in this instance.

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Projected Surplus Capacity (Based on January 2013 Projections)

School	January 2013	September 2019
Y Gwyr	199	-168
Y Gwyr (with demountables removed from calculation)	128	-239
Pontarddulais Comprehensive	0	68

Council's Parks Division – The Parks Division wish the following observations to be taken into consideration:

- A 20 year commuted sum will be required from the developer for any future maintenance of trees and Public Open Space by The Parks Service; this will be calculated upon provision of a scaled drawing indicating the extent of the open space and positioning of any trees and shrub areas within it.
- The provision of an appropriate planting schedule which will list the proposed species of trees and shrubs to be planted prior to approval where we can determine any maintenance or safety implications involved.
- Areas of Public Open Space to be in an acceptable and maintainable condition prior to adoption for future maintenance and to be accepted only upon completion of the development and not in phasing.
- Provision of a copy of an up to date Tree Survey of any existing trees which are to be retained and which will be included on any areas of Public Open Space within the development prior to any adoption for future maintenance.
- The future responsibility of any existing trees on the development which have been identified as being retained.
- If any existing trees have TPO's on them will they be included in the private gardens of the development or will the individual garden fence lines be erected to exclude the trees? If any of these trees remain outside of the private gardens will there still be access to the trees for inspections or to carry out work depending on the ownership of the land on which they will remain?
- Confirmation required for the future maintenance liability and responsibilities of any boundary walls and fences adjoining Public Open Space.
- The Parks Service would not be in a position to adopt any areas of Public Open Space if the roads were to remain in private ownership and only upon adoption by the highway authority.

APPRAISAL

This application seeks outline planning permission for residential development of the former Clayton Works site, Station Road, Pontarddulais. All matters except access are reserved for future consideration.

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An indicative layout has been prepared illustrating the capability of the site to accommodate up to 53 dwellings. The indicated scheme includes the provision of a car park comprising 13 spaces. The car park is proposed to address the parking needs of people visiting the neighbouring doctor's surgery and the businesses on Water Street. Included within the illustrative scheme will be a new area of public open space, pedestrian access to Water Street, a new vehicular access from Station Road and a secondary emergency vehicle access onto High Street.

Prior to the submission of the application, the proposal was subject to a screening opinion under the Town and County Planning (Environmental Impact Assessment (EIA) (England and Wales) Regulations 1999 to assess the requirement for an EIA to accompany the application. However, it was concluded that an EIA was not required on the basis that the site is not considered to be located within an environmentally sensitive area and that the nature of the development would not be more of local significance or would be unusually complex or potentially hazardous.

The planning application is accompanied by a Design and Access Statement, Flood Consequences Assessment, Transport Assessment, Ecological Assessment, and Phase I and II Environmental Assessment. During the course of processing the planning application the Flood Consequences Assessment has been updated and a Flood Risk Briefing Note has also been submitted.

Site and Surroundings

The application site is the former Clayton Works site located on Station Road in Pontarddulais. The application site is located on the edge of the town centre and extends to approximately 1.7hecares. It is located to the east and south of Station Road and to the north of the properties located along Water Street. To the east of the site is the Clayton Court residential development which was completed several years ago by Charles Church Homes Ltd. The adjacent scheme was constructed on two tin plate works similar to that which occupied this current application site (outline planning application refs 2004/2030 and 2004/2035 refer).

The site was formerly a tinsplate works operated by David Matthews Ltd. The site ceased operating a number of years ago and the buildings which occupied the site have been cleared. All that remains on the site is vacant hard standing together with the physical remnants of former buildings. An existing high stone boundary wall running along Station Road and onto High Street forms the site's strongest remaining feature.

The site benefits from direct pedestrian/cycle access on to Water Street in the south east corner of the site. It is located 10metres east of Talybont Doctors Surgery, located on Station Road and some 50metres east of Pontarddulais Train Station. The site is located 1.4km from Pontarddulais Primary School, which is located on Upper James Street and 0.9km from Pontarddulais Comprehensive School, which is located on Caecerrig Road.

To the north west of the application site is the former Corus Works site. This site (in conjunction with a much larger greenfield site to the north of Pontarddulais) has been submitted for inclusion as a strategic residential site within the forthcoming Local Development Plan (LDP).

Site History

There have been several planning applications for a retail store at the site the most recent of which was refused in January 2008 for the following reason:

- 1 *The application fails to adequately demonstrate the need for the size and type of store proposed at this location and that the development would not have an unacceptable adverse impact upon the Pontarddulais Shopping Centre as a whole and the potential for enhanced shopping facilities within the broader catchment area, and that a sequentially preferable site is not available. As such the development fails to accord with Structure Plan Policies S2 and S4, Southern Lliw Valley Local Plan Policies S1, S3 and S9, Draft Unitary Plan Policies SP6, EC4 and EC5.*

A Tesco retail store was subsequently built on land to the west of the town centre (planning ref 2008/1960 refers).

The application site has remained derelict for a number of years and it is understood it is been marketed throughout this time and the only interest that has been expressed is for residential development.

Main Issues

The main issues for consideration with regard to this application relate to the acceptability of the proposed residential redevelopment of this site having regard to prevailing Unitary Development Plan Policies listed on preceding pages, the impact upon the residential amenities of existing and future occupiers, the transport and highway safety impacts of the proposal, and the impact of the proposal on the development constraints within the site having regard to flood risk, and environmental interests within the site. The SPG – Places to Live: Residential Design Guide is also relevant to this proposal. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

Development Plan Policy and Land Use

National Planning Policy

In line with Planning Policy Wales (Edition 7, July 2014), the redevelopment of the former industrial site would fall to be considered as a brownfield' site, that is a vacant site within the established urban area located in close proximity to Pontarddulais town centre and that has been previously developed and is now available for redevelopment.

In principle, national planning policy guidance actively encourages proposals for the redevelopment on such sites because their re-use can promote sustainability objectives including sites such as this application site which are located in and around existing settlements. However, it also recognises that not all previously development land is suitable for development for a number of reasons including location.

As a brownfield site in a sustainable location, its redevelopment for residential purposes would be in accordance with the objectives of Planning Policy Wales. PPW promotes resource efficient settlement patterns that minimise land take, with an expressed preference for the re-use of previously developed land and buildings. It also encourages development of sites that minimise the demand for travel, especially by car.

Unitary Development Plan

The site is not allocated under a specific land use allocation policy and is therefore deemed 'white land'. Policy HC2 indicates 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 provided the proposed development does not result in cramped / overintensive development; significant loss of residential amenity; significant adverse effect on the character and appearance of the area or significant harm to highway safety. The amplification to this policy indicates that this policy offers guidance on the determination of proposals for residential development on unallocated sites, or white land. It seeks to maximise the use of previously developed (brownfield) land and buildings, with higher density encouraged on easily accessible sites within or adjacent to the Central Area. Infill development is defined as the development of land within an existing settlement and within this context, the proposal falls to be considered against the above criteria for urban infill housing and other relevant UDP Policies in particular those relating to flooding given the site's location within Zone C1 of the development advice maps referred to under TAN15 Development and Flood Risk.

Hydrology and Flood Risk

UDP Policy EV2(ix) requires that the siting of new development should give preference to the use of previously developed land and must have regard to the physical character and topography of the site and its surroundings by determining whether the proposal would be at risk from flooding, increase flood risk off-site, or create additional water run off. Further to this, Policy EV36 states that new development, where considered appropriate within flood risk areas, will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable.

On this matter NRW have advised that the application site lies within Zone C1 as defined by the Development advice maps referred to by Welsh Government guidance TAN16 (July 2004). Zone C1 is defined as areas of the floodplain which are developed and served by significant infrastructure, including flood defences. TAN 15 states that development should only be permitted within Zones C1 and C2 if determined by the planning authority to be justified in that location. Development will only be justified if it can be demonstrated that:

- I. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; **or**,
- II. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

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- III. It concurs with the aims of Planning Policy Wales (PPW) and meets the definition of previously developed land; and,
- IV. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in within the TAN, found to be acceptable.

In consideration of the above, the application site is not identified as a housing site in the current UDP nor has it been submitted for consideration as a candidate site in the forthcoming Local Development Plan.

It is however recognised that the redevelopment of this vacant brownfield site would accord in principle, with the objectives of PPW which actively promotes resource efficient settlement patterns that minimise land-take, with an expressed preference for the re-use of previously developed land and buildings. It also encourages development of sites that minimise the demand for travel, especially by car.

Balanced against this however, must be the consideration of the potential flood risks to the site and whether the consequences of flooding are acceptable.

Even though the site does meet PPW's definition of previously developed land, the final criteria requires the potential consequences of a flooding event to have been considered, and in terms of the criteria contained within TAN15, found to be acceptable.

In this respect, in terms of assessing flood consequences, TAN 15 states that if a development proposal in Zone C1 or C2 is defined as being of low vulnerability (which this development is not; residential use is defined as highly vulnerable development), meets the tests outlined above (which this development does not) the justification will be in the knowledge that the development will flood and will need to be planned accordingly. It is further stated that whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed including its effects on existing development.

Where development is justified the assessment can be used to establish whether suitable mitigation measures can be incorporated within the design to ensure that development is as safe as possible, and there is minimal risk to life, minimal potential damage to property and minimal impact of the proposed development on flood risk generally.

NRW, in their consultation response have advised that the proposed development will be at risk of flooding in both the 1% (1:100 year) and 0.1% (1:1000 year) event and therefore fails to meet the requirements of TAN15. The submitted FCA also shows there to be an increased flood risk elsewhere post development which again is contrary to TAN 15 requirements. NRW acknowledge that flood alleviation works are being undertaken on the Afon Dulais and Afon Camfrwd but these were not operational at the time of the application (and so could not be included in the hydraulic modelling undertaken). It should also be noted that the flood alleviation works are designed to the 1:100 year standard and so are unlikely to alter the 1:1000 year flood outlines.

NRW have therefore indicated that they are unable to advise the local planning authority that the proposed development is acceptable. NRW have concluded that if this application is pursued but it is unable to show through a revised FCA that the consequences of flooding can be acceptably managed over the lifetime of the plan, then they have recommended that the application should be refused in accordance with the requirements of TAN15.

Notwithstanding that the site meets the definition of previously developed land; this highly vulnerable development cannot be justified against the specified criteria of TAN15 for a Zone C1 location. Furthermore, the professional advice of NRW is that the site is at risk of flooding and there is an increase of flood risk elsewhere post development. Accordingly the proposal is considered to be contrary to UDP Policies EV2 (ix) and EV36 and national planning policy as set out in TAN 15.

In this instance therefore it is not considered the redevelopment of this brownfield site outweigh issues of flood risk and the associated potential risk to life and aforementioned policy conflict.

Update to TAN 15 and Development Advice Maps

The Welsh Government has recently issued updated Development Advice Maps (20th January 2015) to be used alongside TAN15. The whole application site continues to remain in Zone C1. They have also revised the justification criteria for highly vulnerable development (houses) to be considered acceptable. The criteria include (at point 4)

- that a Flood Consequences Assessment has been produced to demonstrate that the potential consequences of a flood event up to the extreme flood event (1 in1000) chance of occurring in any year) have been considered and meet specified acceptability criteria).

NRW have reconfirmed their previous position that in the absence of a revised FCA the site is at risk of flooding and there is an increase of flood risk elsewhere post development and therefore is contrary to TAN 15 guidance.

Visual Amenity

In terms of the proposed land use and its surrounding context, it is considered the indicative layout submitted demonstrates that the site can accommodate up to the number of dwellings specified in the site in a style and form (two storey detached and semi-detached properties facing onto a simple road layout) that reflects the historic layout and character of Pontarddulais.

The existing high stone wall along Station Road, which is considered to be the site's strongest remaining feature, will be retained and will form an appropriate boundary to the new housing development. It is also envisaged that any detailed layout will include acoustic screening along the north eastern corner of the site to separate the proposed development from the building which is currently occupied by Pontarddulais town band.

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However, it is noted that the application is in outline form only and as such full consideration to the design of the proposed dwellings and their impact upon the street scene, including the design of the pedestrian route through to the town will be considered when the layout, scale appearance and landscaping details are submitted as part of the reserved matters application.

Having regard to the above, on the basis of the details provided with this outline planning application it is considered that the proposed development is satisfactory in terms of its impacts on the visual amenities of the area, in accordance with the provisions of UDP Policies EV1, EV2 and HC2.

Residential Amenity

With regard to the amenity of existing residents, the nature of the application site is such that those properties which have boundaries to the site are those on Water Street (No's 1-13) to the south of the site and those properties within the neighbouring Clayton Court development to the east of the site whose rear boundaries back onto the site. The indicative layout submitted indicates that the area to the immediate rear of the properties at 1-13 Water Street will be left as an area of open space. As such the proposal is unlikely to have any overbearing or overlooking impact on these properties. Turning to those dwellings on the eastern boundary of the site, as the proposed development indicated is to be two storeys in height the layout submitted also demonstrates that satisfactory separation distances can be achieved to the boundaries of properties on the east of the site.

Notwithstanding this full consideration of the impacts of the development on the residential amenities of the occupiers of neighbouring dwellings would be given at the reserved matters stage.

Having regard to the above, on the basis of the details provided with this outline planning application it is considered that the proposed development is satisfactory in terms of its impacts on the residential amenities of the occupiers of neighbouring dwellings, in accordance with the provisions of UDP Policies EV1 and HC2.

Access and Highway Safety

Vehicular access is proposed from a new access junction off Station Road sited between the existing access and the junction with Water Street. A further new pedestrian access is proposed off Station Road. All existing accesses will be closed off and made good.

Visibility at the access points is considered acceptable and within the recommended guidelines. An indicative layout has been supplied and whilst not forming part of the permission it does demonstrate that in principle the site can accommodate a conventional estate road layout with standard carriageway width and footways on both sides.

There is a parking area for 13 cars included to serve the existing Doctors surgery which currently park on road but would impede the visibility at the proposed access were it to continue.

The application is accompanied by a Transport Assessment and the Head of Highways and Transportation is satisfied that no major capacity or safety issues have been identified as detailed in the Highway Observations section of this report. One area of minor works is however required to alleviate pressure on the signalised junction by allowing vehicles from the Loughor Bridge to turn right into gaps in oncoming traffic. This new configuration is estimated to cost approximately £2000 and it is considered reasonable to request these monies to allow the improvements to be undertaken and minimize the impact of the development on the junction. Subject to this developer contribution and the parking for the doctors surgery on Station Road the Head of Highways and Transportation and Engineering has raised no highway objection to the scheme.

Archaeological Issues

Policy EV6 requires developments to have regard to potential archaeological interests.

The application site was the site of the former Pontarddulais Tin Plate Works that was later replaced by the later Clayton Tinplate Works. These works were an important part of the local economy in the 19th and 20th century, and any remains are likely to have regional significance. Glamorgan Gwent Archaeological Trust have reviewed the Archaeological Desk based assessment which concludes that there is a high potential for encountering the remains of the 19th century tin plate works, these may exist beneath the hard standing for the more modern buildings and are potentially of regional importance. It is considered that mitigation can be achieved by undertaking the groundworks under archaeological supervision, with suitable contingencies in place to ensure that sufficient time and resources for fuller archaeological investigation to be undertaken is allowed. Subject to the inclusion of a condition requiring the submission of a Witten scheme of investigation Glamorgan Gwent Archaeological Trust have offered no objection to the proposal.

Ecological Issues

The application site has been subject to an ecological survey. This survey identified that a small number of reptiles were present. The Council's Planning Ecologist has requested the submission of a reptile mitigation method statement which should also include some wildlife friendly landscape planting areas to compensate for the loss of some habitats on the site. This may be secured by condition.

Japanese Knotweed

There are known areas of Japanese knotweed within the site, particularly on the boundary of the site. Should planning permission be granted then it is proposed to include a condition to ensure that it is treated prior to the commencement of development on the site.

Viability / S106 Issues

Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations, which can enhance the quality of the development and enable proposals to go ahead which might otherwise be refused. Any planning obligation must be: necessary, relevant to planning, directly related to the development, fair and reasonable in scale and kind to the proposed development and reasonable in all other respects.

ITEM 3 (CONT'D)

APPLICATION NO.

2013/1254

A development of the scale proposed would trigger a requirement for planning obligations. The following provides a summary of requests for Section 106 contributions from consultees:

Affordable Housing

The need for affordable housing is a material planning consideration and an essential element in contributing to community regeneration and social inclusion. The provision of affordable housing is a key priority for the Welsh Government and National Planning Policy in the form of Planning Policy Wales (Edition 6 – Feb. 2014) and Technical Advice Note 2: Planning and Affordable Housing (June 2006) provides the policy guidance.

UDP Policy HC3 states that 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. The general threshold is on new housing developments more than 25 units in the urban area are viewed as appropriate for consideration to be given to the inclusion of affordable housing. The requirement to provide affordable housing will depend upon factors such as the site size, suitability and development costs and whether it would prejudice the realisation of other planning objectives. The Local Housing Market Needs Assessment (LHMNA) assessed the dynamics of the housing market in and around Swansea and underpins the Council's Local Housing Strategy and has been adopted as Council policy. The Council's adopted SPG on Planning Obligations establishes an affordable housing target of 25 - 30% of all new developments.

The Head of Housing has confirmed that the proposed development should seek to secure the 30% on-site affordable housing contribution in line with Council's policy.

Education

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

Primary: Pontarddulais Primary (English) and YGG Bryniago (Welsh)

Secondary: Pontarddulais Comprehensive (English) and YGG Gwyr (Welsh)

There are projected capacity issues for the schools within the catchment area of the application site and the Education Department have therefore requested contributions to be shared equally between the schools which would equate to: 170,412 for primary and £184,788 for secondary: Total £355,000.

Highways

As described above the Head of Highways and Transportation has requested a contribution to allow reconfiguration of the signalised junction on Water Street/Station Road to alleviate pressure on the junction. This alteration, which would help minimise the impact of the development at this junction could be undertaken at a cost of approximately £2000

Public Open Space

The Parks division has requested a 20 year commuted sum for any future maintenance of trees and POS carried out by the Parks Service, this is to be calculated upon provision of a scaled drawing indicating the extent of the open space and positioning of any trees and shrub areas within it.

Viability Appraisal

The planning application was submitted without the offer of any financial contributions and no provision for affordable housing has been made within the development. The applicant has proposed the provision of a car park comprising 13 spaces to address the parking needs of people visiting the neighbouring doctor's surgery and the businesses on Water Street.

The Planning Obligations SPG notes that where developers contend that Section 106 requirements would render scheme unviable, developers will be expected to submit a breakdown of development costs and anticipated profits on properly sourced evidence.

The applicant has submitted a viability assessment indicating that there are a number of abnormal development costs which impacts upon the schemes overall cost including the removal of Japanese knotweed, the remediation of ground contamination, and the developable area being constrained by flooding. The applicant has therefore indicated that residential development is only viable on the site provided no S106 contributions are sought.

The information submitted has been assessed by the Council's Surveyor and it is considered that at the current time the development cannot support any of the above Section 106 contribution requests.

The SPG highlights that any reduction in the requirement for Section 106 contributions is only likely to be justified where there is planning merit and/or public interest in developing the site. In this respect, the site is not an allocated housing site, does not benefit from any previous residential planning permission and has not been submitted for inclusion within the forthcoming LDP. In principle however, other than the key issue with regards flooding it is considered the site represents an opportunity for the redevelopment of a brownfield site within in a sustainable location in accordance with national and local policy.

The question therefore is whether, in the absence of the above contributions, the development would be acceptable in planning terms. In this respect the UDP and associated SPG clearly make provision for development where abnormal costs would challenge the viability of a development and the applicant has provided satisfactory information to demonstrate that the site cannot bear any financial contributions in this respect. However, the flooding issue at the site is a material planning consideration and it is this key issue that renders the development unacceptable in planning terms.

Water Quality Issues

This application is located within the area where ongoing concerns raised by Europe and Welsh Government regarding the water quality of the Loughor Estuary which is part of the following European protected sites: Carmarthen Bay and Estuaries Special Area of Conservation; Carmarthen Bay Special Protection Area; and Carmarthen Bay RAMSAR (CBEEMs). The City and County of Swansea as Local Planning Authority has followed the precautionary approach advised by its statutory advisor CCW towards all development that drains into CBEEMs, and carried out the following Habitat Regulations Assessment

Burry Inlet Habitat Regulations Assessment

Introduction

The City and County of Swansea, as the competent authority, is required under Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010 (known as the 'Habitat Regulations') to undertake a Habitat Regulations Assessment of any project likely to have an effect on a European Site, or candidate/proposed European Site, either alone or in combination with other plans or projects, that is not necessary to the management of the site for management of the site for nature conservation.

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMS), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and RAMSAR site.

Before deciding to give permission we must therefore first consider whether this development is likely to have a significant effect on the CBEEMS either alone or in combination with other plans or projects in the same catchment area.

Following an investigation of likely significant effects on the CBEEMS features water quality was identified as the only factor that might have an effect this is discussed below.

Water Quality

With regard to the water quality issues in the Burry inlet and Loughor Estuary, the City and County of Swansea has followed the advice of their statutory advisor, and has commissioned a preliminary assessment under the above Regulations which is limited to the assessment of potential wastewater effects only.

This assessment notes that as part of their review of consents (RoC) under regulation 63 the Environment Agency (EA) undertook a detailed Habitats Regulations assessment in relation to the effects of their consented activities. Consent modifications were identified to enable the Environment Agency to conclude no adverse effect on the integrity of the CBEEMS in respect of their consents operating at their maximum consented limits.

As the consents in question have already been subject to a full assessment (alone and in-combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits.

ITEM 3 (CONT'D)

APPLICATION NO.

2013/1254

It is the opinion of the authority that this development can be accommodated within the post RoC discharge consent limits, and will not be likely to have a significant effect either alone or in-combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet SPA and RAMSAR. Such effects can be excluded on the basis of the objective information available through the Environment Agency review.

Other Possible Effects on CBEEMS features

In addition, it is considered that there are no other potential adverse effects from this development proposal, either alone or in combination with other plans or projects on the above protected European sites.

On this basis there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with regulation 61(1).

The LPA has therefore satisfied its obligations as the 'competent authority' under the Habitats Directive and associated Habitat Regulations. This is in line with the requirements of National Policy Guidance and Policy EV25 of the Unitary Development Plan

Drainage Issues

The application has been accompanied by a Drainage Strategy which confirms that the surface water from the site would be discharged at an attenuated rate is by an existing surface water culvert located within the site. Foul flows are to discharge to the main combined sewer.

The Drainage Strategy has been assessed by NRW and the Council's Drainage Engineers who are satisfied with the Drainage Strategy, subject to conditions to: restrict the discharge rate; provide details of a comprehensive foul, surface and land drainage scheme for the site; and confirm a scheme of ownership and maintenance for the surface water system. Dwr Cymru Welsh Water has not raised any objection to the scheme.

In view of the above the drainage proposals are considered to be satisfactory and in accordance with UDP Policies EV33, EV34 and EV35.

Land Contamination Issues

The application is accompanied by a ground investigation report, which has shown that hydrocarbon contamination is present. A mitigation strategy for dealing with this issue has been submitted as part of the application. The provision of satisfactory information to address any land contamination issues may be secured by conditions. . In addition, in view of the scale of the proposal and the proximity to existing residents, it will be necessary for the developer to submit a Construction Pollution Management Plan, which may be secured by condition.

NRW have welcomed the submission of the site investigation reports and have also recommended the inclusion of standard land contamination conditions should the overriding flooding issue be addressed.

Emergent Local Development Plan (LDP)

Pontarddulais lies within the Greater North West Swansea Strategic Housing Zone (SHPZ). The LDP preferred Strategy (published July 2014) states that the LDP will need to provide for about 17,100 new homes and 14,000 new jobs during the plan period 2010-2025, with around 5,800 new homes proposed within the Greater North West Swansea SHPZ.

The application site has not been submitted as a candidate site for inclusion within the (LDP). It is however noted that land to the north of the application site, i.e. the former Corus Works site, has (in conjunction with a much larger greenfield site to the north of Pontarddulais) been submitted for inclusion as a strategic residential site. Paragraph 6.32 of the LDP Preferred Strategy specifically identifies the strategic development opportunity presented at North Pontarddulais in meeting the housing needs of Swansea over the plan period stating *“In Pontarddulais there is an opportunity to capitalise on Brownfield redevelopment opportunities on sites to the north west of the town centre which, in tandem with adjoining Greenfields areas, could provide new education provision and improved access around the town and to the north”*. A draft vision and master plan has been produced highlighting the mix of uses facilities and infrastructure being promoted.

This site (i.e. the former Corus Works site) is similar to the current application site in that it is also at risk of flooding according to the Development Advice Maps which accompany TAN 15 and should residential development of this site be proposed evidence in the form of a Flood Consequences Assessment will need to be submitted demonstrating that the consequences of flooding can be acceptably managed over the lifetime of the development. No assumptions have been made by the Local Planning Authority on the overall acceptability of this proposal until all supporting evidence has been considered and the LDP has been placed on Deposit (anticipated to be later in 2015).

Response to Consultations

The concerns raised by third parties are summarised above and have been addressed within the above appraisal. This includes reference to UDP Policy considerations, impacts upon schools and local services, S106 requirements.

The highway access and impacts upon parking concerns are considered in the Highways section above. The design and layout considerations would be further considered and assessed on receipt of a reserved matters application to ensure that the design and layout would be acceptable. The impact on local wildlife and ecology has been assessed by NRW and the Council's Planning Ecologist and subject to conditions is considered to be satisfactory in this respect.

Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, NRW have advised that the application site is at risk of flooding and will also result in an increase flood risk elsewhere post development. The applicant has therefore failed to demonstrate through the submission of a revised Flood Consequences Assessment that the consequences of flooding can be acceptably managed over the lifetime of the plan.

ITEM 3 (CONT'D)

APPLICATION NO.

2013/1254

Accordingly the proposal is considered to be contrary to UDP Policies EV2(ix) and EV36, which set out the Council's position in respect of development and flood risk, as well as national planning policy as set out in TAN 15. Moreover, it is not considered that the previously developed nature of the site outweigh issues of flood risk and the aforementioned policy conflict.

RECOMMENDATION

REFUSE, for the following reason;

- 1 The application site is located in Zone C1 of the development advice maps identified in Welsh Government Technical Advice Note (TAN) 15 : Development and Flood Risk, and having regard to the highly vulnerable nature of the development, its lack of justification against the criteria of TAN15 and that it will result in an increase flood risk elsewhere post development, the proposal amounts to unacceptable development that is contrary to national planning policy and Policies EV2 and EV36 of the City and County of Swansea Unitary Development Plan (2008).

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (EV1, EV2, EV3, EV6, EV33, EV34, EV35, EV36, EV38, HC2, HC3, HC17, AS1, AS2, AS6).

PLANS

(90) 100 site location plan, SK 009 Indicative site layout plan, design & access statement received 29th August 2013

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 4

APPLICATION NO.

2014/0720

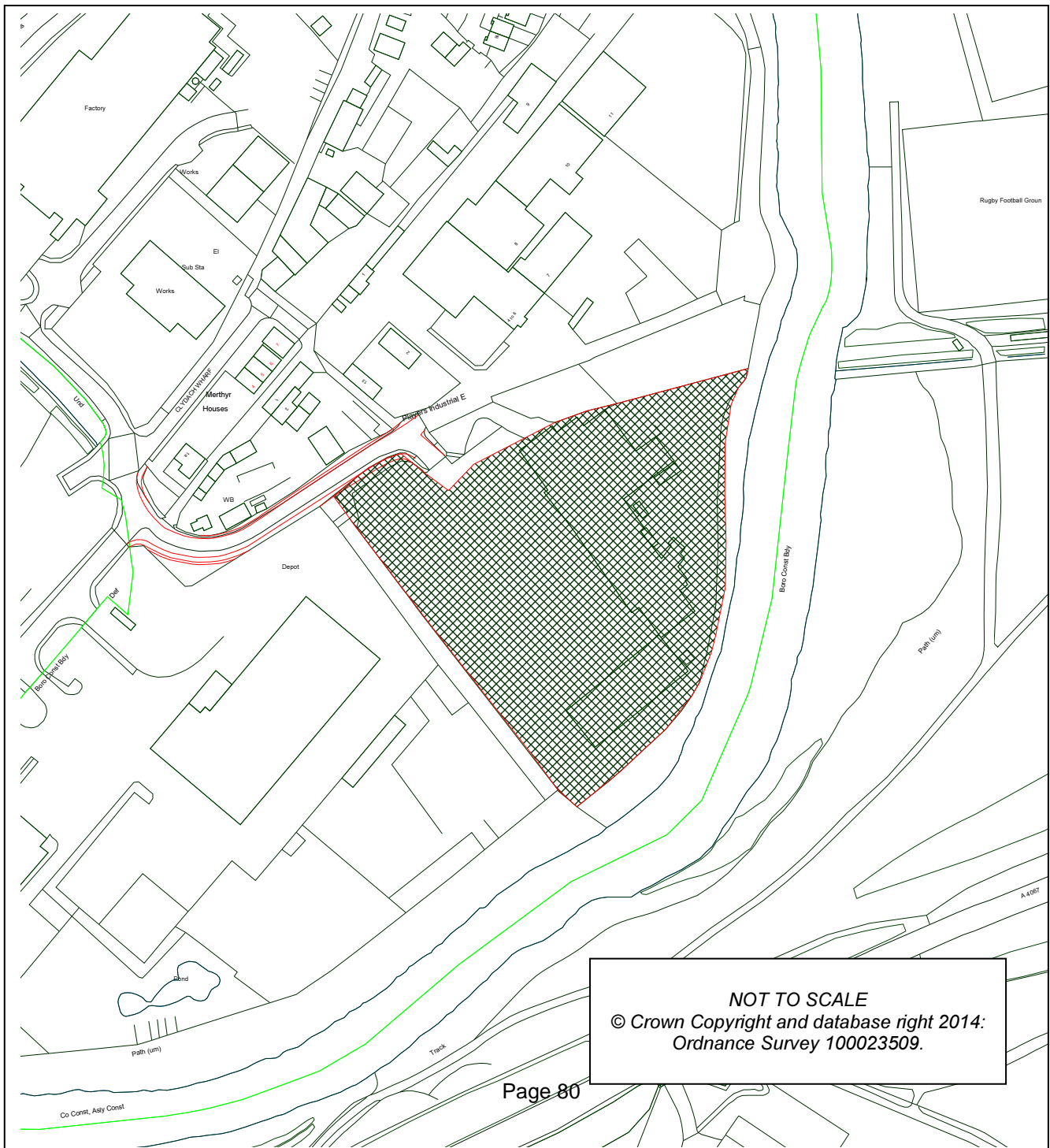
WARD:

Clydach

Location: Clydach Market, Players Industrial Estate, Clydach, Swansea, SA6 5BQ

Proposal: Change of use from market (Class A1) to offices, storage, distribution and maintenance yard (Class Sui Generis), single storey modular extension, gate house, external alterations, 2.4 metre boundary fence and associated works including demolition of single storey buildings to north east elevation - variation or removal of conditions 2, 5, 6, 7, 8, 10, 12 and 13 of planning permission 2013/0851 granted on 23rd December 2013 to allow the commencement of works and occupation prior to submitting the information required by the above conditions.

Applicant: Dawnus Construction Ltd



PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0720

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EC3	Improvement and enhancement of the established industrial and commercial areas will be encouraged where appropriate through building enhancement, environmental improvement, infrastructure works, development opportunities and targeted business support. (City & County of Swansea Unitary Development Plan 2008)
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 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 EV36	New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
2013/0851	<p>Change of use from market (Class A1) to offices, storage, distribution and maintenance yard (Class Sui Generis), single storey modular extension, gate house, external alterations, 2.4 metre boundary fence and associated works including demolition of single storey buildings to north east elevation.</p> <p>Decision: Grant Permission Conditional</p> <p>Decision Date: 23/12/2013</p>

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 4 (CONT'D)	APPLICATION NO.	2014/0720
A00/0683	RETENTION OF 3 NO. PORTACABINS FOR ARCHIVE STORAGE Decision: *HGPCU - GRANT PERMISSION UNCONDITIONAL Decision Date: 27/06/2000	
2002/1116	Four non illuminated freestanding entrance signs Decision: Withdrawn Decision Date: 16/07/2002	
98/1480	ERECTION OF A SINGLE STOREY DEPOT AND WORKSHOPS WITH ANCILLARY STORAGE AND OFFICE ACCOMMODATION Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 21/12/1998	
2003/0545	Construction of new roads and sewers (Council Development Regulation 4) Decision: Grant Permission Conditional Decision Date: 20/06/2003	
98/0313	REPLACEMENT OF EXTERNAL WALL AND ROOF CLADDING AND INSTALLATION OF STORM DRAINAGE SYSTEM Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 20/04/1998	
2008/0963	Additional use for indoor sporting and musical events and exhibitions (Class D2) Decision: Withdrawn Decision Date: 07/06/2010	
98/6017	ERECTION OF NON-ILLUMINATED FASCIA SIGN AND 6 NO. FLAGPOLES 9 METRES HIGH ADJACENT TO MAIN ENTRANCE Decision: *HGCC - GRANT CONSENT WITH CONDITIONS Decision Date: 24/04/1998	

RESPONSES TO CONSULTATIONS

The application was advertised on site and in the press. No responses have been received.

The following responses summarised below are a mix of responses previously received in relation to the discharge of conditions of planning permission 2013/0851 and responses to the current planning application:

Planning Ecologist

There is no need for any further condition in respect of bats. The NRW licence is sufficient.

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0720

Natural Resources Wales

Various correspondences received (see details of responses to each relevant condition detailed in the appraisal below).

Glamorgan Gwent Archaeological Trust

We have received a copy of the archaeological report prepared by Glamorgan Gwent Archaeological Trust (report number: 2014/044)

Recommend no further archaeological work is required. The submitted report has been deposited in the Historic Environment Record for the City and County of Swansea.

We can therefore recommend that the archaeological condition attached to the planning consents should be discharged.

Dwr Cymru Welsh water

We are able to confirm that we find the proposed drainage arrangement is acceptable in principle.

Highways Observations

The submitted cycle storage details are fine to discharge.

Drainage Officer

As there are no changes to the impermeable areas or the surface water network on site we are happy to recommend that Condition 10 be discharged.

APPRAISAL

This planning application is made under Section 73 of the Town and Country Planning Act in order to regularise the occupation and works that have taken place at the former Clydach Market site in breach of conditions 2, 5, 6, 7, 8, 10, 12 and 13 of planning permission 2013/0851 which has the following description of development:

'Change of use from market (Class A1) to offices, storage, distribution and maintenance yard (Class Sui Generis), single storey modular extension, gate house, external alterations, 2.4 metre boundary fence and associated works including demolition of single storey buildings to north east elevation'.

The physical works associated with the planning permission have been substantially completed on site in breach of several pre-commencement and pre-occupation conditions. The premises are now occupied by Dawnus Construction. The proposal seeks to vary the above condition to allow for the lawful occupation and use of the site.

The application has been screened as the site exceeds the 0.5 hectare threshold described in Schedule 2 to the 1999 Environmental Impact Assessment Regulations. However, it is not considered that the development would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0720

Therefore a screening opinion has been issued confirming the development would not require an EIA.

Main Issues

The following City and County of Swansea Unitary Development Plan (UDP) policies are relevant to the consideration of this development: EC3 (Established Industrial and Commercial Areas), EV1 (Design), EV2 (Siting and Location), EV36 (Development and Flood Risk), EV40 (Air, Noise and Light Pollution), AS2 (Design and Layout) and AS6 (Parking).

The above policies seek to encourage good design in all developments and to ensure that developments are appropriate to their local context having regard to the character of the site and surrounding area. Development must provide for satisfactory access and parking arrangements. The consequences of flooding at the site were previously assessed and were found to be acceptable, in this respect there have been no material changes in circumstances since planning permission was granted.

Clearly the principle of the development has been established by the granting of planning permission on the site, subject to various conditions. The main issue for consideration therefore is whether planning permission should now be granted subject to conditions differing from those subject to which the previous permission was granted, or whether it should be granted unconditionally. If it is considered that planning permission should be granted with the same conditions then planning permission should be refused.

Taking each condition in turn:

Condition 2 (Archaeological watching brief)

This condition requires the submission of an archaeological watching brief to be submitted within two months of the fieldwork being completed by the appointed archaeologist.

In order to address the requirements of this condition an archaeological watching brief report has been produced. GGAT have confirmed that the report is satisfactory as such there is no longer a requirement to impose this condition.

Condition 5 (Bat licence)

This condition requires the submission of a bat licence prior to the commencement of any demolition works, for approval by the LPA. This condition was included with the original permission as a bat survey identified a bat roost at the site. Whilst demolition works took place prior to the bat licence being submitted, the developer, in consultation with their consultant ecologist, did not undertake any demolition works to the area where bats had previously been identified. A mitigation method statement (produced by Rob Colley dated November 2013) was subsequently submitted and approved by the Council's planning ecologist and a bat licence was issued by NRW. The planning ecologist has subsequently confirmed that now the NRW licence has been issued there is no further requirement for planning conditions in respect of the protection of bats at the site.

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0720

Condition 6 (Bat mitigation strategy)

As referred to above a mitigation method statement has previously been approved and an NRW licence has been issued. As such there is no further requirement for planning conditions in respect of the protection of bats at the site.

Condition 7 (Preliminary risk assessment/site investigation/verification plan) and Condition 8 (Verification report)

The applicant has previously submitted a preliminary risk assessment and site investigation report which has been considered by NRW. After several letters from NRW confirming that conditions 7 and 8 could not be discharged due to the requirement for further information, NRW subsequently confirmed by letter on 14th November 2014 that:

'NRW are able to consider that Conditions 7 and 8 may be disproportionate to the works proposed on site. This assessment is valid subject to confirmation that the buildings proposed on site as part of the re-development are temporary buildings founded above ground level'.

The applicant subsequently confirmed the buildings are modular and rest upon cast small concrete pads on top of the existing tarmac surface. NRW further confirmed on 10th December 2014:

'We would only require further investigation and assessments if any proposals for the development change the conceptual site model, or if any new SUDS are proposed to be installed. As long as this does not occur then we have no additional comments to make'.

The revised drainage strategy does not include the provision of any new SUDS, therefore, it is not considered necessary for any further conditions to be imposed in relation to the submission of site investigation reports nor verification reports.

Condition 10 (Foul and surface water)

This condition required the submission and approval of a scheme for the disposal of foul water and surface water.

DCWW have previously confirmed in writing dated 25th February 2014 that the foul water drainage arrangements are acceptable.

The applicant had previously submitted a Drainage Strategy Report produced by CB3 Consult C0236 dated March 2014 which was approved by the Council's drainage engineer. However, following concerns from NRW regarding the use of infiltration drainage and the potential risk to controlled waters from contamination within the ground, the drainage strategy has been revised to keep the existing system. The designated car parking area is enclosed by concrete kerbing, thus trapping the surface water and encouraging ponding. A new gully is to be installed at the low point and connected into the existing system. As such the drainage strategy is considered to be satisfactory and this has been confirmed by the Council's drainage engineer.

In light of the above, if approved, it is considered necessary to impose a condition requiring the surface water drainage to be retained in accordance with the approved drainage strategy.

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0720

Condition 12 (Pollution prevention measures)

This condition requires the submission of a method statement detailing pollution prevention measures for the construction phase of the development. The developer has previously provided an Environmental Method Statement and Site Environmental Plan produced by Dawnus dated 13th October 2013. NRW previously confirmed on 7th April 2014 that the submitted information contained appropriate measures to manage the risk to controlled waters. Therefore, if approved, it is not considered necessary for any additional conditions in respect of pollution prevention measures.

Condition 13 (Storage of hazardous wastes)

This condition requires the submission of a method statement for the storage of hazardous wastes and material at the site. The developer has previously submitted a method statement entitled Storage of Hazardous Wastes & Materials produced by Dawnus Construction dated 13th June 2014. NRW have confirmed by letter dated 3rd July 2014 that the contents of the method statement are satisfactory. As such it is considered necessary, if approved, for a condition to be imposed requiring that all hazardous wastes and materials are stored in accordance with the approved method statement.

Other Issues

In addition to the above conditions, details have also previously been submitted in respect of condition 3 (Cycle storage provision). The Head of Highways and Transportation has previously confirmed that the proposed cycle storage provision is satisfactory. As such the provision and retention of the cycle storage facilities can be controlled by condition.

There have been no other material changes in circumstances since planning permission was granted that would indicate that the development should not be approved subject to amended conditions as described above.

Conclusion

Having regard to the foregoing, whilst the development has been substantially completed and occupied without complying with a number of the conditions of the original planning permission, satisfactory information has now been provided to address the requirements of the above referenced conditions. Therefore, the development is considered to be acceptable having regard to the above referenced UDP policies. It is not considered the provisions of the Human Rights Act would raise any further material planning considerations as such the application is recommended for conditional approval.

RECOMMENDATION

APPROVE, subject to the following conditions:

- 1 Cycle parking shall be provided in accordance with plan no. HG.13.10.BS within 3 months of the date of this planning permission and shall be retained as approved for the duration of the use.

Reason: In order to encourage non-car modes of travel, in the interests of sustainability.

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0720

- 2 The parking area shall be laid out in accordance with plan no. HG.13.10.BP Rev. B (approved under 2013/0851, save for the disabled parking bays which shall be laid out in accordance with the current British Standard for disabled parking provision) within 3 months of the date of this planning permission and shall be retained for the duration of the use.
Reason: In order to provide satisfactory off street parking in the interests of highway safety.
- 3 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.
Reason: To ensure a satisfactory means of surface water drainage and to prevent pollution of controlled waters.
- 4 All hazardous wastes and materials shall be stored in accordance with the method statement entitled 'Storage of Hazardous Wastes and Materials' dated 13th June 2014.
Reason: In the interests of public health, safety and the environment.
- 5 The surface water drainage strategy shall be implemented in accordance with plan no. C-SK003 Rev C within 3 months of the date of this planning permission and shall be retained as approved.
Reason: In the interests of public health and to protect the environment.

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: AS2, AS6, EV1, EV2, EV36, EV40 and EC3.

PLANS

HG.13.10.LP Rev A dated 13th May 2014, C-SK003 REV C dated 18th November 2014 and HG.13.10.BS dated 21st January 2014.

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 5

APPLICATION NO.

2014/0885

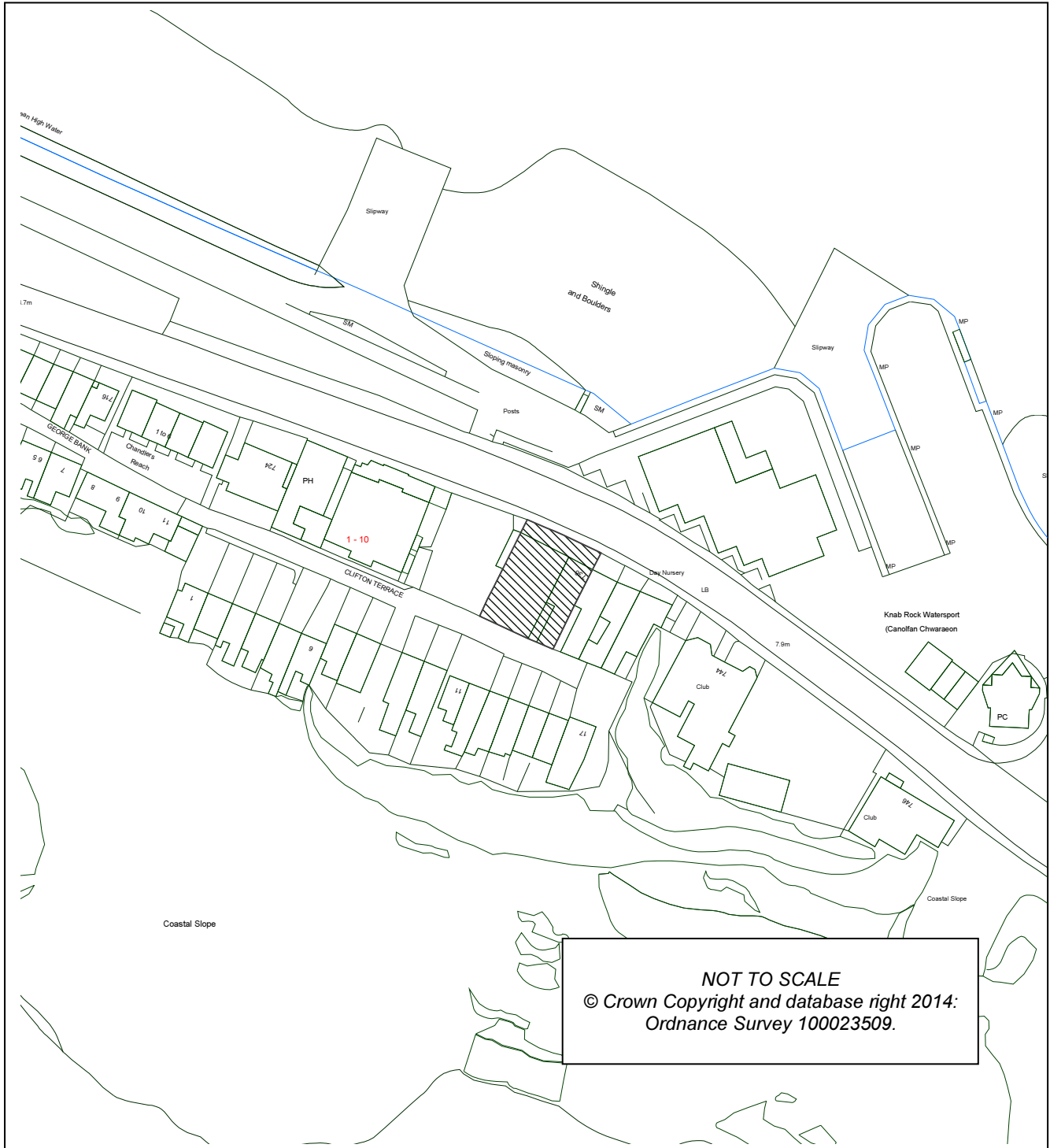
WARD:

Oystermouth

Location: Ocean Living 734 Mumbles Road Mumbles Swansea SA3 4EL

Proposal: 2 x second floor rear extensions to form 3 additional bedrooms, rear raised terrace, external staircase and alterations to the existing flue

Applicant: Ms J Thorburn



PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0885

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 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 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)

SITE HISTORY

App No.	Proposal
2008/2214	Change of use of 734 Mumbles Road from hotel and restaurant (Classes C1 and A3) and 736 Mumbles Road from three self contained flats (Class C3) to one residential care home (Class C2), rear lift shaft, fire escape and front access ramp Decision: Grant Permission Conditional Decision Date: 11/02/2009
2003/1082	Change of use of existing hotel (Class C1) to 6 self contained flats (Class C3) with part three storey part two storey rear extension, addition of bay window to first floor front elevation and external alterations to front elevation Decision: Perm Subj to S106 Agree Decision Date: 24/09/2004
2007/0190	First floor side extension, 2 No. front decked areas at ground floor level and associated alterations Decision: Grant Permission Conditional Decision Date: 25/05/2007

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0885

2007/0871 Externally illuminated individual letters sign and projecting sign
Decision: Grant Advertisement Consent (C)
Decision Date: 06/06/2007

INTRODUCTION

This application was originally presented to the Area 2 Development Control Committee on the 16th December 2014, with a recommendation of conditional approval. However, Members of that Committee raised concerns to the proposal, as they considered it would adversely affect the living conditions of the neighbouring occupiers. Rather than determine the application, Committee instead resolved to defer the application in order to allow Officers an opportunity to negotiate an amended scheme with the applicant/agent.

The applicant/agent has indicated that they are not willing to amend the scheme (even though Officers did explain the concerns of the now dissolved Area 2 Committee), but have requested that the application be determined as submitted.

This application report is therefore re-presented to Committee for consideration, with the original recommendation.

RESPONSE TO CONSULTATIONS

ORIGINAL SCHEME

The application was advertised on site and in the press as a development within the Mumbles Conservation Area and two individual properties were consulted. TWO LETTERS OF OBJECTION have been received, which are summarised as follows:

1. We may be late with this objection as no letters were posted in our street, the Council should have acted properly in this where the application is the building of an extension.
2. How would the building materials get to the site as Clifton Terrace is a very narrow road with access only for resident's cars?
3. I note that the windows would overlook Clifton Terrace and as it is a very narrow road, I do not want people staring into my living room or bedroom.

Mumbles Community Council – No objection

AMENDED SCHEME

The application was advertised on site and five individual properties were consulted. No response.

Council's **Head of Transportation and Engineering** - This proposal is for the provision of 3 additional bedrooms at the property which is a residential care home. Adopted parking standards recommends that one visitor space be provided for every 4 bedrooms therefore the scheme would require one additional space to comply with the standards. The site does not currently have any dedicated off street parking, with visitors having to use any available spaces on street or rely on public parking facilities which are available in the vicinity.

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0885

It is unlikely that the demand for one additional parking space will result in any significant impact on parking issues in the area and on balance therefore I recommend that no highway objections are raised.

APPRAISAL

The application was originally presented to the Area 2 Planning Committee (as explained in the 'Introduction' section of this report) at the request of Councillor Anthony Colburn, in order to assess the impact on neighbouring properties and concerns of over intensification. A Committee site visit was also previously undertaken.

Full planning permission is requested for 2 second floor rear extensions to form 3 additional bedrooms, a rear raised terrace, an external staircase and alterations to the existing flue at Ocean Living Nursing Home, 734 -736 Mumbles Road, Mumbles. The extension would provide three additional en suite bedrooms which would be split over two halves of the rear elevation. The design of the originally submitted extension was not considered acceptable in visual terms and due to its impact upon the neighbouring property. An amended scheme was subsequently put forward which reflected discussions that had taken place.

The proposed extension adjacent to the empty plot at 730 Mumbles Road would measure approximately 9m in width, between 5.4m and 8.5m in depth with a maximum variable roof height of 5m. The extension adjoining no. 738 Mumbles Road would measure approximately 4.3m in width, be approximately 7m in depth, have an eaves height of 3.6m and an overall height of 4.1m. As the extension would be at second floor level the overall height of the extension from ground level would be approximately 9.4m. The extension would be finished in smooth painted render, with a slate tiled roof and UPVC windows and doors to match the existing building. The external staircase would be constructed out of galvanised steel as would the metal railings that would surround the external terrace area.

The main issues to be considered are the impact of the extension and alterations on the residential and visual amenities of the area and highway safety having regard to the relevant policies of the City and County of Swansea's Unitary Development Plan 2008.

Policies EV1, EV2, EV9 and EV26 would be the most relevant to the consideration of this planning application. Policy EV1 refers to developments complying with good design criteria, Policy EV2 refers to development being preferred on previously developed land that does not unduly impact upon visual or residential amenity or highway safety. Policy EV26 states that within the Gower AONB the primary objective is the conservation and enhancement of the area's natural beauty. Policy EV9 is particularly relevant as it states that developments 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.

In terms of highway safety, the Head of Transportation and Engineering raises no highway objection. On balance it is considered that although the one additional space required could not be accommodated on-site, as the nursing home has no dedicated off-street car parking at present, the non-provision of one on-street car parking space would not significantly impact upon parking conditions in the area.

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0885

The siting, scale and amended design of the proposed extension is considered to relate well to the overall appearance of the existing building as the roof design now follows the existing roof line. It is considered therefore that the extension would not appear as a discordant and incongruous feature within the rear highway at Clifton Terrace, albeit it is acknowledged that the other properties in the terrace have not been extended at second floor level previously. However, members will recall that planning permission has been granted for two new dwellings on the currently vacant land at 728 and 730 Mumbles Road. Both of these properties have rear wings which project beyond the existing rear elevation of Ocean View by approximately 5.4m. It is considered therefore, that the extension would preserve the character and appearance of this part of the Mumbles Conservation Area, thus complying with the overall requirements of Policy EV9.

Turning to residential amenity, the extension adjacent to 738 Mumbles Road would be within 1m of the nearest 2nd floor habitable room window of this neighbouring property. It is acknowledged that the proposed extension is 7m long and is sited hard on the common boundary between the application site and this neighbouring property. However, whilst long, the roof of the proposed extension has been specifically designed to mitigate the impact of the extension on this neighbouring window. Thus, whilst it is accepted that the depth of the extension could have the propensity to cause overbearance and loss of light to this window, its impact is mitigated to an acceptable degree by virtue of the sympathetic design of its roof.

It is also acknowledged that No. 738 lies to the east of the application site and on balance, it is not considered that the proposed extension would result in an unacceptable physical overbearance for the occupiers of no.738. It is acknowledged that the existing rear wing would already impact upon the ground and first floor windows of no.738, and it is considered that the additional structure would not further significantly compromise an already difficult situation on site.

It is not considered that the proposed development will give rise to any unacceptable overlooking problems onto neighbouring land.

In conclusion and having regard to all material considerations, on balance, the proposal is considered to be an acceptable form of development at this location. It is considered that it would not unduly impact upon the visual amenities of the Mumbles Conservation Area or the residential amenities of the occupiers of the existing neighbouring property (No.738) and the occupiers of the new dwelling yet to be built at no.730 Mumbles Road. The scheme is therefore considered to comply with the requirements of Policies EV1, EV2, EV26 and EV9 of the City and County of Swansea's Unitary Development Plan 2008 and approval is recommended.

RECOMMENDATION

APPROVE, subject to the following conditions:

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

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0885

- 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.

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, EV26, EV9
- 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.
- 4 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

PLANS

01 existing site and location plans, 02 existing ground and first floor plans, 03 existing second floor and roof plan, 04 existing elevations, 05 proposed site and location plans, 06 proposed ground floor plan, 07 proposed first floor plan dated 18th June, 2014, 08B proposed second floor plan, 09B proposed roof plan, 10B proposed elevations dated 28th October 2014.

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 6

APPLICATION NO.

2014/1618

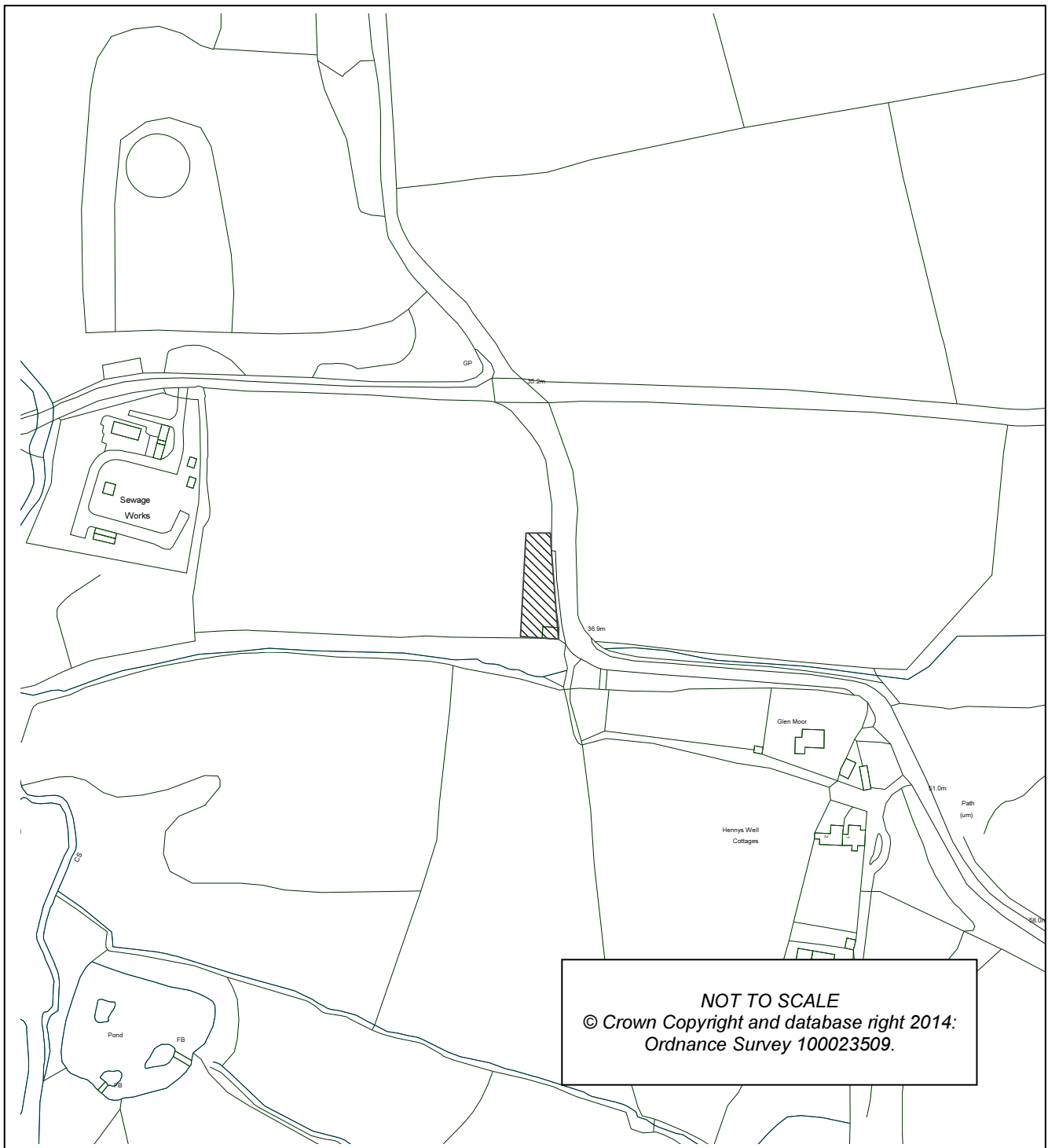
WARD:

Gower

Location: Coglan's Forge, Fairy Hill, Reynoldston, Gower, Swansea, SA3 1HN

Proposal: Conversion of barn into residential dwelling, increase in ridge height, single storey side extension and external alterations

Applicant: Mr David Evans



PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1618

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

SITE HISTORY

App No.	Proposal
2008/1553	Installation of a 9 metre high telegraph pole (application for the Prior Approval of the Local Planning Authority) Decision: Prior Approval be given unconditional Decision Date: 13/10/2008

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 6 (CONT'D)	APPLICATION NO.	2014/1618
2013/1490	Single storey side extension and external alterations to allow for the conversion of outbuilding to holiday let (amendment to Planning Permission 2011/0648 granted on 4th May 2012) Decision: Grant Permission Conditional Decision Date: 19/11/2013	
2011/0648	Single storey side extension and external alterations to allow for the conversion of outbuilding to holiday let. Decision: Grant Permission Conditional Decision Date: 04/05/2012	

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press as development not in accordance with the development plan. No responses have been received to this publicity exercise from local residents.

The Gower Society – OBJECT

1. A previous application 2013/1490 for a conversion to a holiday cottage was approved.
2. This small vernacular building is in a highly conspicuous location and deserves some respect. By keeping strictly to the Design Guide this can hopefully be ensured.
3. This latest application does not respect the original form of the vernacular building and in fact proposes to replace it by an urban looking bungalow of larger footprint and greater height **for full time** occupation. This is not in accord with the UDP for conversion of redundant buildings and does not comply with the Design Guide.

We have no alternative but to strongly object to this proposal.

Dwr Cymru/Welsh Water - As the applicant intends utilising a cesspit facility we would advise that the applicant seeks the appropriate advice from the Building Regulations Authority or an Approved Inspector. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application.

Natural Resource Wales –

Foul Water Disposal

We note that the proposed method of foul sewage disposal is to a cesspool. The use of private systems within sewered areas is generally not considered to be environmentally acceptable because of the greater risk of failures leading to pollution of the water environment. The potential for environmental, amenity and public health problems to arise from the inadequate operation and maintenance of cesspools is significant. Furthermore, we would refer you to Welsh Office Circular 10/99, which stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having taken into account the cost and/or practicability it can be shown that connection to a public sewer is not feasible should a non-mains drainage system be considered.

We note that The 'Forge' is located approximately 75m from the public gravity foul sewer. Whilst distance can make connection to the public sewer unreasonably costly, should the land between the property and the sewer be under the ownership of the applicant then the possibility of connecting to the mains sewer should be investigated further.

Also, it appears that an additional potential connection point is located lower than the 'Forge' which would facilitate gravity flows. Should connection to the public foul sewer not be possible then we would advise the applicant seek alternative private drainage solutions, other than the use of a sealed cesspit.

Protected Species

We welcome the submission of the bat report entitled; 'Bat Survey at Coglan's Forge'.

We note from the report that the surveys showed soprano pipistrelle, brown long-eared, natterer's and lesser horseshoe bats roosting in the barn.

Legislation and Policy

As you are aware, all species of bats are European Protected Species, protected by The Conservation of Habitats and Species Regulations 2010. Where a European Protected Species is present and a development proposal is likely to contravene the protection afforded to bats, development may only proceed under a licence issued by Natural Resources Wales (NRW), having satisfied three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range.'

These requirements are translated into planning policy through Planning Policy Wales (PPW) November 2012, sections 5.5.11 and 5.5.12, and Technical Advice Note (TAN) 5, Nature Conservation and Planning September 2009. The planning authority should take them into account when considering development proposals where a European protected species is present.

NRW advice on the application

The submitted surveys identified evidence of the use of the barn by brown long-eared, natterer's, lesser horseshoe and soprano pipistrelle bats. These surveys included an internal and external building inspection as well as a dusk emergence and dawn re-entry survey, undertaken in May 2011.

We advise that these bat surveys which are now 3 years old, are updated to establish the current bat use of the barn and inform an assessment of the impacts of the scheme. Surveys should be carried out in accordance with published best practice guidelines and the results used to inform, as appropriate mitigation proposals for bats to be submitted in support of the application.

Any mitigation proposals should demonstrate how any adverse effects on bats will be avoided and include details of alternative roosting provisions, appropriate to each of the species concerned and proportionate to the impact of the works. Proposals should include architectural drawings and a block plan showing the proposed bat mitigation. In order for your Authority and NRW to be able to assess whether there is a detriment to the maintenance of the favourable conservation status of bats, we advise that the above information is provided prior to determination.

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1618

The applicant should also be aware that breathable membrane roofing felt will not be acceptable for use in conjunction with bat roosts and that any timber treatment should follow recommended guidelines.

In consideration of the above we would ask that determination of the application is deferred until confirmation of the method for disposal of foul water is received, along with addition information in relation to EPS.

Council's **Head of Transportation and Engineering** - This proposal is for the conversion of a barn to a residential dwelling. A new access is proposed in the form of the accepted 'Gower Access' which includes for a set-back and visibility improvements at the access point. The drive will lead to on-site parking for at least 3 cars and turning facilities are included.

Whilst the highways in the area are rural in standard and nature, the amount of additional traffic generated by one dwelling will not be excessive and on balance therefore I recommend that no highway objections are raised.

APPRAISAL

This application is reported to committee for determination at the request of Councillor Richard Lewis.

Full planning permission is sought for the conversion of a barn into a residential dwelling, including an increase in ridge height, single storey side extension and single storey front extensions at Coglan's Forge, Fairy Hill, Reynoldston.

In terms of planning history, the principle of the conversion of this barn for tourism purposes has been established with the previous consents (Ref: 2011/0648 and 2013/1490). The main issues to be considered are whether the proposal is in accord with prevailing policies of the Development Plan relating to development within the open countryside, and development within the Gower Area of Outstanding Natural Beauty, having regard to the primary objectives which seek to protect the open countryside from inappropriate urban encroachment, and conserve the natural beauty of the AONB having regard for the provisions of Policies EV1, EV2, EV3, EV22, EV26, EC12 and EC17 of the City and County of Swansea UDP and the Supplementary Planning Guidance documents entitled 'A Gower Design Guide' and the 'Conversion of Rural Buildings'.

Within AONBs, the primary objective of this designation is the preservation of the natural beauty of this area, whilst having regard to the social and economic wellbeing of the area. Policy EV26 and EV22 primarily seek to protect the landscape of the Gower AONB for its own sake and to preserve it for future generations, with particular emphasis on preserving its natural beauty.

Policy EC12 refers to conversion of existing buildings in the countryside and extensions thereto that contribute to the local economy. This Policy specifically refers to the use of buildings for holiday accommodation and states that the conversion of such buildings will be permitted where the building is largely intact and structurally sound, can provide safe access and any works associated with the conversion will not unacceptably effect the rural character of the locality.

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1618

It also states that residential use of such buildings, other than for purposes solely for the provision of holiday accommodation, will not be supported unless evidence is provided that the premises have actively been marketed without success for appropriate business use or that the resultant residential use is ancillary to a business re-use of the premises or that the resulting residential use will contribute to an identified local need for housing or affordable housing in the location concerned.

In terms of compliance with Policy EC12, a structural survey has been submitted which indicated that the building is structurally suitable for conversion. The building is also considered a suitably rural building that would be capable of conversion as indicated in the Section 8.1 of the Conversion of Rural Buildings SPG. It is largely intact, but the details of the conversion and the proposed extensions would prejudice the rural character of the building and the location, although safe access could be provided for pedestrians and vehicles. In addition, as the proposed use would not contribute to the local economy and is for residential use, no evidence has been provided that shows that the property has been actively marketed for a business use without success or that the residential use is ancillary to a business re-use of the premises. It is not considered therefore that the proposal would comply with the overall requirements of Policy EC12.

To this end, therefore Policy EV20 would be relevant to the consideration of this development which refers to the provision of new residential dwellings within the open countryside. This Policy restricts new dwellings to those required for full time agricultural or forestry workers. It therefore allows exceptions to the policy framework that restricts residential new build.

The applicant has failed to demonstrate that there is a proven agriculture need for the proposal or that it is required for affordable housing or an identified local need in order to comply with the requirements of Policy EC12 or Policy EV20 of the Unitary Development Plan 2008. No other evidence is submitted that would outweigh the overriding planning policy objections.

Whilst the submitted scheme is considered to conflict in principle with the overall requirements of Policies EC12 and EV20, the design of the proposal is also considered unacceptable. As referred to above, the adopted SPGs entitled Gower Design Guide (D1.8) and Conversion of Rural Buildings (8.1) refer to the need for buildings to be capable of conversion without prejudicing the original character of the building or the rural character of the locality. The advice states that a building should remain largely intact, retain its form and its design should be in keeping with its surroundings. The scale and massing of the existing building should also be respected and external alterations kept to a minimum.

Having reference to these criteria, it is considered that the scale and design of the changes and extensions result in a structure which has very little resemblance to the original character of the existing barn. The original character and appearance of the barn is completely lost and the proposal would have an external appearance akin to an urban bungalow rather than a building of character in the open countryside. Similarly, the proposed garden and parking area appears as a domestic residential curtilage more suited to a suburban location than as part of a larger field in a rural setting contrary to paragraphs D1.14)a) of the AONB Design Guide.

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1618

Overall the proposals seek to impose an urban residential character onto an existing small scale barn, to such a degree that the overall form, character and appearance of this original rural outbuilding would be lost and in effect replaced with a bungalow within an arbitrary and artificially created domestic curtilage, with suburban character yet situated within a rural field setting. It is therefore considered an urbanising form of development which at this location is wholly contrary to the requirements of Policy EC12 and the above SPG's.

The proposal is also considered to be contrary to the requirements of Policies EV1, EV22 and EV26 which seek to restrict development in the countryside, thus protecting the character, appearance, landscape and ecological features of remaining countryside from new urbanising development.

In addition, it is considered that the approval of this application would set an undesirable precedent for the consideration of other proposals of a similar nature, contrary to Development Plan Policy, the cumulative effect of which would have a seriously harmful effect on the natural beauty and character of this part of the Gower AONB.

Turning to issues of highway safety, the Head of Transportation and Engineering raises no highway objection to the scheme, as it is not considered that the traffic movements generated by this proposed barn conversion will result in a significant increase in traffic movements.

Finally, NRW have expressed concern over the proposed non-mains drainage solution proposed, as well as reservations over the submitted bat surveys which are now 3 years old and in need of updating. No further survey work or drainage investigation has been required given the overwhelming policy objection to the proposal. This does not however negate the need for these matters to be addressed in the event that planning permission were to be given.

In conclusion, the proposal for the conversion of and extension to an existing barn, is considered to constitute a new dwelling in the open countryside for which there is no satisfactory rural justification or need, and which would appear as a new visually prominent form of development detracting from the rural character, appearance and natural beauty of this part of the Gower AONB, contrary to the provisions of Policies EV1, EV20, EV22, EV26 and EC12 of the Unitary Development Plan 2008. Furthermore, approval of this application would set an undesirable precedent for the consideration of other proposals of a similar nature, the cumulative effect of which would be the incremental erosion of the natural beauty and character of the Gower Area of Outstanding Natural Beauty.

RECOMMENDATION:

REFUSE, for the following reasons:

- 1 The proposal constitutes a new dwelling in the open countryside for which there is no satisfactory rural justification or need, and which would appear as a new visually prominent form of development which would detract from the rural character, appearance and natural beauty of the area and this part of the Gower AONB, contrary to Policies EV1, EV20, EV22, EV26, and EC12 of the City and County of Swansea Unitary Development Plan 2008.

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2014/1618

- 2 Approval of this application would set an undesirable precedent for the consideration of other proposals of a similar nature, the cumulative effect of which would be the incremental erosion of the natural beauty and character of the Gower Area of Outstanding Natural Beauty contrary to Policies EV1, EV20, EV22, EV26 and EC12 of the City and County of Swansea Unitary Development Plan 2008.
- 3 The proposal, due to the inappropriate design of the works and extensions to the barn would result in a suburban form of development which would fail to either preserve or enhance the character and appearance of the Gower AONB, contrary to Policies EV1, EV20, EV22, EV26 and EC12 of the City and County of Swansea Unitary Development Plan 2008 and the Gower AONB Design Guide.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV20, EV22, EV26, EV30 and EC12 of the Swansea Unitary Development Plan 2008.

PLANS

DRG.NO.4-site location plan, NO.1-site layout plan, NO.2-floor layout plan, NO.3-elevations & section dated 24th October 2014

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 7

APPLICATION NO.

2014/1824

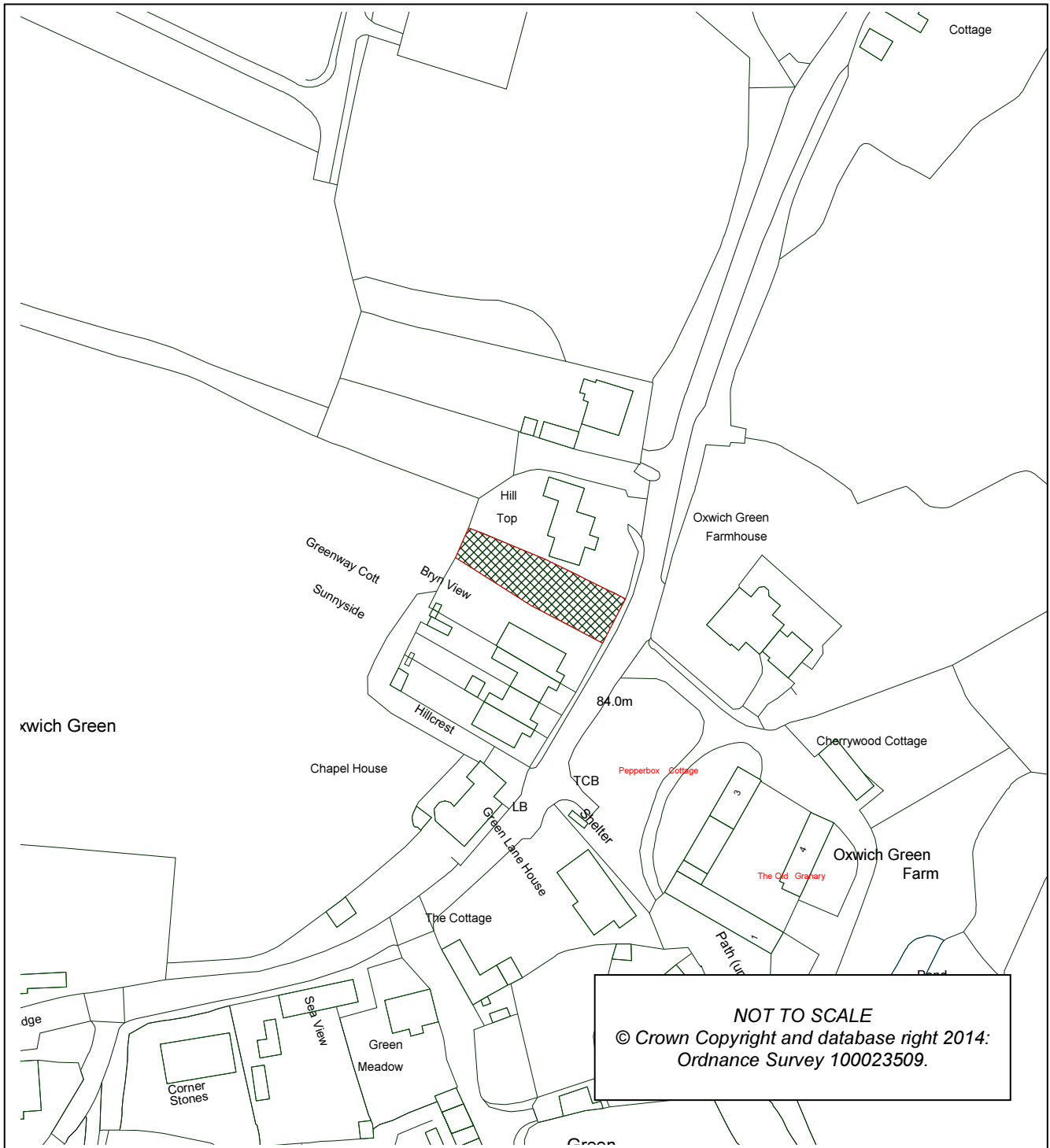
WARD:

Gower

Location: Land adjacent to Hill Top Oxwich, Swansea, SA3 1LU

Proposal: Removal of conditions 11, 12 and 13 relating to Code 3 of planning permission 2013/0491 granted 29th January 2014

Applicant: Mr Dale Hall



PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 7 (CONT'D)

APPLICATION NO.

2014/1824

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
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 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 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 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 EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
2013/0491	Detached dwelling Decision: Grant Permission Conditional Decision Date: 29/01/2014

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 7 (CONT'D)	APPLICATION NO.	2014/1824
2005/1546	Retention of two storey rear extension and side porch (amendment to planning permission 2003/0468 granted on 25th July 2003) Decision: Grant Permission Conditional Decision Date: 21/10/2005	
2007/2006	Detached dwelling (outline) Decision: Refuse Decision Date: 31/07/2008	
2004/1681	First floor side extension with front balcony Decision: Grant Permission Conditional Decision Date: 15/12/2004	
98/0395	CHANGE OF USE FROM 430 TENT CAMPING SPACES TO USE FOR THE SITING OF 70 STATIC CARAVANS Decision: Withdraw Decision Date: 23/06/1998	
2003/0468	Two storey rear extension and side porch. Decision: Grant Permission Conditional Decision Date: 25/07/2003	

RESPONSE TO CONSULTATIONS

No consultations were undertaken on the application as this application seeks permission under Section 73 of the Town and Country Planning Act for the removal of conditions no longer required under national planning policy requirements

APPRAISAL

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

The proposal is a Section 73 planning application which seeks the removal of conditions 11, 12 and 13 of planning permission 2013/0491 granted 29th January 2014, to allow the construction of the development (a detached dwelling) without the need to meet Code 3 Sustainable Homes requirements at land adjacent to Hill Top, Oxwich

As a Section 73 application, the Local Planning Authority should only consider the question of the conditions subject to which planning permission should be granted, and-

- a) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- b) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 7 (CONT'D)

APPLICATION NO.

2014/1824

Any new planning permission should include all the previous conditions (where necessary) to avoid the possibility of the new permission being interpreted as having no conditions other than those applied to vary.

Conditions 11, 12 and 13 relate to the Code for Sustainable Homes requirements which up until August 1st 2014 fell under the remit of the planning process and as such were a material planning consideration when determining planning applications. As of the 1st August the Welsh Government withdrew the national planning policy requirement for sustainable building standards and cancelled Technical Advice Note 22: Planning for Sustainable Buildings. Changes were made to Part L (relating to energy efficiency) of the Building Regulations instead to deal with the issue of securing sustainable homes.

Therefore the planning process is no longer the mechanism for securing energy efficiency through the Code for Sustainable Homes when constructing dwellings and as such it is recommended that these conditions are removed.

As stated above, any new planning permission should include all the previous conditions (where necessary) to avoid the possibility of the new permission being interpreted as having no conditions other than those applied to vary. In this instance no conditions have been formally discharged and therefore conditions 1-10 and 14-17 of the original 2013/0491 are reiterated in full.

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Classes A, B, C and F of Part 1 of Schedule 2 shall not apply.
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 3 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.
- 4 Prior to commencement of development detailed drawings shall be submitted to and approved in writing by the Local Planning Authority illustrating the masonry sub cills beneath all window openings on the front elevation with a projection of 100mm beyond the window reveals to either side. The scheme shall be implemented in accordance with the approved details.
Reason: In the interest of visual amenity and the preservation of the character of Oxwich Green Conservation Area and Gower AONB.

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ITEM 7 (CONT'D)

APPLICATION NO.

2014/1824

- 5 Prior to commencement of development detailed drawings of the window openings on the front elevation shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. .
Reason: In the interest of visual amenity and the preservation of the character of Oxwich Green Conservation Area and Gower AONB
- 6 The first floor French windows on the north west facing elevation shall be inward opening only and fitted with a flush fitting balustrade and retained as such unless otherwise agreed in writing by the Local Planning Authority.
Reason: To safeguard the privacy of the occupiers of neighbouring residential properties.
- 7 The ground floor and first floor windows in the south and north facing elevations, 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 by the Local Planning Authority
Reason: To safeguard the privacy of the occupiers of neighbouring residential properties.
- 8 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.
- 9 Unless otherwise agreed in writing by the Local Planning Authority, the proposed parking area hereby approved/illustrated on the submitted plan shall be:
(i) porous or permeable; or
(ii) constructed to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse; and
(iii) be permanently maintained so that it continues to comply with the requirements of paragraph (i) and (ii).
Reason: In the interests of sustainability
- 10 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.
- 11 Foul water and surface water discharges shall be drained separately from the site.
Reason: To protect the integrity of the Public Sewerage System.

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ITEM 7 (CONT'D)

APPLICATION NO.

2014/1824

- 12 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.
- 13 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.
- 14 Prior to commencement of development details indicating the design, materials and finish of all rain water goods shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
Reason: In the interest of visual amenity and the preservation of the character of Oxwich Green Conservation Area and Gower AONB.

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: AS6, EV1, EV2, EV9, EV26, EV16, EV33, EV30.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 Any culverting of a watercourse requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Environment Agency seeks to avoid culverting, and its consent for such works will not normally be granted except for access crossings. The Environment Agency has no knowledge of flooding in this vicinity. However, you are also advised to consult with your Engineers Department, who may hold records/additional information, prior to the granting of planning consent.
- 4 The Environment Agency and the Local Authority have permissive powers to maintain watercourses depending on the watercourse's definition as "Main River" or "Ordinary Watercourse". The responsibility for general maintenance of the river and its banks rests with the riparian owner. Any bankside trees or vegetation within 3 metres of the watercourse should be protected from development in order to promote conservation and preserve visual amenity.
- 5 Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

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- 6 Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste must be licensed waste carriers.
- 7 The activity of importing waste into the site for use as, for example hardcore, must re-registered by the Environment Agency Wales as an exempt activity under the Management Licensing Regulations 1994.
- 8 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under over or within 7 metres of the top of a main river i.e. Nant-y-Fendrod & Nant Bran.
- 9 Any culverting of a watercourse requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991.
- 10 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.
- 11 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.
- 12 Reptiles may be present. All British reptiles are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). It making it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).
- 13 The Developer is advised that a Section 185 [Water Industry Act 1990] Agreement to divert the public sewer with a reduced easement may be required. Welsh Water/Dwr Cymru stipulates that no works are to be undertaken on the existing public sewer until such time as an agreement is in place.

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ITEM 7 (CONT'D)

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PLANS

Site location plan, 1824/A/15/2 proposed ground floor plan, 1824/A/15/3 proposed first floor plan, 1824/A/15/4 proposed front elevation, 1824/A/15/5a proposed side elevation, 1824/A/15/6a proposed rear elevation, 1824/A/15/7a proposed side elevation, 1824/A/15/9 site plan dated 24th November 2014

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ITEM 8

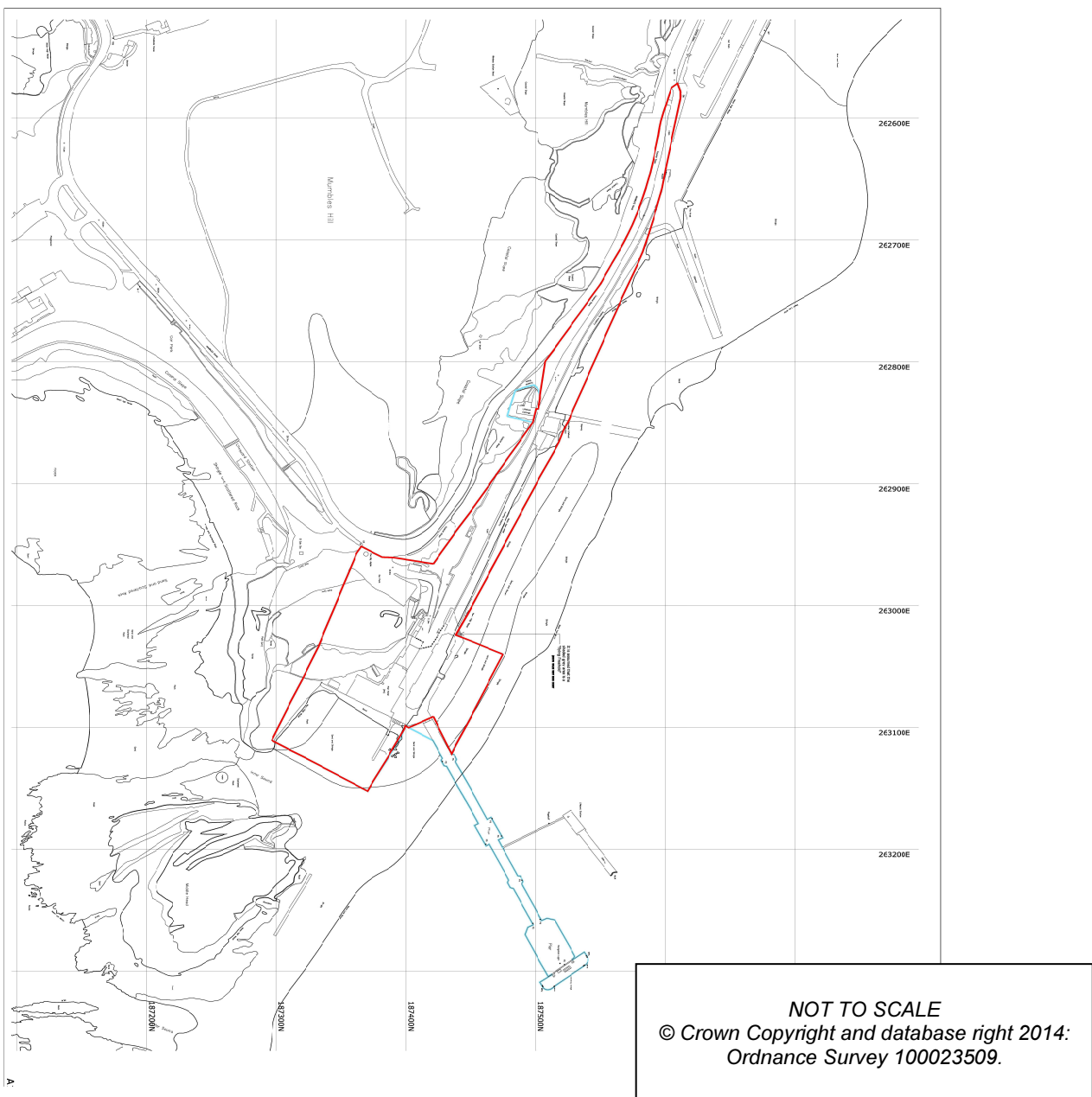
APPLICATION NO. 2014/1946

WARD: Oystermouth

Location: Mumbles pier, foreshore and coastal strip Mumbles Road Mumbles Swansea

Proposal: Application under Section 73 to vary conditions 2 (phasing), 5 (submission of reserved matters), 6 (commencement) and 24 (ecological CMS) and the removal of conditions 31 (Code 3) and 32 (BREEAM) of outline planning permission 2010/1451 granted 20th December 2011 relating to the comprehensive redevelopment of land at Mumbles Head and Foreshore

Applicant: Amusement Equipment Company Limited (AMECO)



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BACKGROUND INFORMATION

POLICIES

Policy Policy Description

- Policy EV39 Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant risk. (City & County of Swansea Unitary Development Plan 2008)
- Policy EC15 Proposals that consolidate the urban tourism resource, by improving the quality and range of attractions, destinations, accommodation and services will be supported at specific locations. (City & County of Swansea Unitary Development Plan 2008)
- Policy EC16 New or improved recreational tourism facilities at specific destinations around Swansea Bay are proposed which capitalise on the seafront aspect and contribute towards the regeneration of the Bay. Between these areas of appropriate development, the emphasis is on safeguarding and enhancing the environment of the Bay and other waterfront areas. (City & County of Swansea Unitary Development Plan 2008)
- Policy EC18 Development that improves the range and quality of serviced tourist accommodation will be permitted subject to specific criteria. (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, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant 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 HC3 Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC17 The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)

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ITEM 8 (CONT'D)	APPLICATION NO.	2014/1946
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)	
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)	
Policy AS3	Accessibility - Protection of public rights way. (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 EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).	
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).	
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV4	New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV5	The provision of public art in new developments and refurbishment schemes will be supported. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV20	In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV21	In the countryside non-residential development will only be permitted where it can be demonstrated that it is beneficial for the rural economy, or it meets overriding social or economic local needs, or it is appropriate development associated with farm diversification, sustainable tourism or nature conservation, or it provides an acceptable economic use for brown field land or existing buildings, or it is essential for communications, other utility services, minerals or renewable energy generation. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)	

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ITEM 8 (CONT'D)	APPLICATION NO.	2014/1946
Policy EV24	Within the greenspace system, consisting of wildlife reservoirs, green corridors, pocket sites and riparian corridors, the natural heritage and historic environment will be conserved and enhanced. (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 EV27	Development that significantly adversely affects the special interests of sites designated as SSSI's and NNR's will not be permitted unless the need for the development is of such significance that it outweighs the national importance of the designation. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV29	Common land will be protected from development in recognition of its importance for agriculture, natural heritage, the historic environment and as an informal recreation resource. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV31	Along the undeveloped coastline development proposals for the provision of visitor and recreation facilities and services to complement existing facilities will be permitted at specified coastal locations. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV36	New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)	

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ITEM 8 (CONT'D)

APPLICATION NO.

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Supplementary Planning Guidance

Swansea Bay Strategy – adopted by Council on 28 February, 2008 as the Council's policy for the regeneration of the Swansea Bay area

Mumbles Pier and Foreshore Development Framework (April, 2009) – adopted by Cabinet 21 May, 2009 as Supplementary Planning Guidance.

SITE HISTORY

App No.	Proposal
2007/1987	Change of use from offices (Class B1) to a restaurant (Class A3) with two storey rear and side extensions Decision: Grant Permission Conditional Decision Date: 03/01/2008
2010/1451	Demolition of existing buildings (in part) and comprehensive re-development of land at Mumbles Headland and Foreshore / Coastal Strip (extending to Knab Rock) comprising: Headland Building (up to 6 storeys) to accommodate a range of commercial / leisure / entertainment uses (Class D2) at ground floor - including Retail (Class A1); Food and Drink (Class A3); and amusement centre / arcade, with the upper floors utilised for hotel / visitor accommodation - (Class C1) (maximum of 70 rooms) and /or residential (32 apartments); Coastal Stri Building (up to 4 storeys) to accommodate 26 Residential apartments (Class C3); alterations and refurbishment works to existing pavilion (including new glazed canopy) to accommodate retail and food and drink uses; Site / Office (Class B1) within headland store; site-wide engineering and earth works, including sea defence and land reclamation works to form new sea wall and associated construction of new pedestrian boardwalk (and extension of existing public realm; landscaping and public art; highway access and site-wide service infrastructure works; headland car parking to be extended to serve hotel and / or residential with public car parking along coastal strip with private residential parking; and associated works (outline application with all matters reserved, other than strategic access) Planning Permission 20 December, 2011 following the completion of a Section 106 Planning Obligation
98/1219	ERECTION OF NEW PAVILION BUILDING TO INCLUDE AMUSEMENT CENTRE, BOWLING ALLEY (CLASS D2), CAFETERIA AND HOT-FOOD / ICE CREAM KIOSKS (CLASS A3) AND EXTENSION OF DECKING AREA Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 27/10/1998

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ITEM 8 (CONT'D)

APPLICATION NO.

2014/1946

2010/1646 Construction of new RNLI Lifeboat Station together with new supporting steel piles and slipway (removal of existing landing platform) new fishermen's platforms and refurbishment/modification of existing pier structure

Decision: Grant Permission Conditional

Decision Date: 19/04/2011

2010/1670 Construction of new RNLI Lifeboat Station together with new supporting steel piles and slipway (removal of existing landing platform) new fishermen's platforms and refurbishment/modification of existing pier structure (application for Listed Building Consent)

Decision: Grant Listed Build Consent (C)

Decision Date: 25/05/2011

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press. TWO LETTERS OF OBJECTION have been received making the following points:

Condition 2 – phasing reads prior to submission of any application for approval of reserved matters. This is a very important statement and far too important to alter any wording as it would lose its safeguards. The applicant wants to change the wording to 'prior to the commencement of development on the site'. This is far too imprecise with no safeguards.

Condition 5 – The time taken. The owner has already had three years and the pier still needs repairing. He is asking for an extra two years, this is not satisfactory, the sooner the application expires then we can get on with the real business of repairing the pier for the RNLI and saving our headland for further generations.

Condition 6 – Is much the same. The years of this time has already expired.

Condition 24 - The applicant wishes to change the requirement to submit the Ecological Construction Method Statement from prior to the submission of the approval of reserved matters to prior to commencement of development. This is far too imprecise leaving lots of wriggle room. We must stick to the original wording: it was put in for a purpose.

Conditions 31 and 32 – seem to allow the developer to fail to meet the highest building standards. This is on Mumbles headland that experiences some of the highest winds and storms often mentioned in weather forecasts. I think we are correct to worry about this latest planning application being granted.

The Evening Post recently said Ameco had applied for planning permission to bring the foreshore seawall and boardwalk elements of the scheme seaward. Moving the seawall and boardwalk should require a new planning application as it is in a new location, and look even more prominent being out from the rock face, and a different plan. Once again does Mumbles need 58 luxury apartments on such an iconic site?

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APPLICATION NO.

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Mumbles Community Council – no response to date

The Gower Society - We have looked at the revised application for the above development and we have the following comments to make:

4. This is a complex application and we have not attempted to look into all of the implications behind the proposals.
5. Our main concerns have always been the protection and enhancement of the historical and iconic features of the site. This in addition to concerns about any over development of the location that impacts upon the AONB is our main worry.
6. In addition we have been advised that the implications of the proposed Tidal Lagoon may be that there will be increased flooding risks. This must not be underestimated.

We would be obliged if you would take the above comments into consideration when arriving at your decision.

Natural Resources Wales - We would offer no objection to the above proposal, but would like to make the following comments.

In relation to the proposed variations of conditions 5 and 6 we would not object to this proposal, subject to any requirement for repeating species surveys, which may be necessary for the development. Further survey work may be necessary if the period of time between the original survey and the submission of reserved matters (i.e. Ecological Construction Method Statement (ECMS) / Ecological Management Plan (EMP)) or commencement of works, exceeds published guidance (where this exists) and best practise. We would be happy to discuss the need for further survey work, should this instance arise.

In relation to the proposed variation in condition 24, we would also offer no objection to this change providing that this proposed change does not impact on any specific sensitive ecological or landscape features which could be affected by the final design.

It should be ensured that delaying the production of the ECMS until the detailed design stage is complete does not limit the ability of the design to adapt to both minimise potential negative effects and maximise beneficial elements. We would also wish to highlight that production of the ECMS after the submission of any reserved matters could lead to potential delays, if the ECMS identifies insufficient or inappropriate mitigation and the design needs to be altered or adapted as a result.

Highway Observations – The principle of the development has already been established through outline consent. This proposal to alter time restrictions on the submission of reserved matters and minor alteration to conditions will not have any adverse affect on highway safety considerations.

As this is a new application, I include my recommendations made on the outline consent and add clarification to the condition requiring a Construction Traffic Management Plan.

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I recommend no highway objection to the development subject to the following;

- i. Prior to any work commencing on site, detailed Engineering drawings and supporting calculations of the affect that the development may have on the cliff face and adjacent highways shall be submitted for approval.
- ii. Prior to any work commencing on site, a detailed Construction Traffic Management Plan shall be submitted for approval and all works executed in accordance with the approved plan.
- iii. Prior to the development being brought into beneficial use, a car park management plan shall be submitted for approval.
- iv. No part of the development shall be brought into beneficial use until the parking facilities associated with that part of the development have been constructed and are available for use.
- v. Prior to any part of the development being brought into beneficial use, improvements to Public Transport facilities shall be undertaken in the form of bus stop enhancements at the two bus stops in the vicinity of the site and increased service provision. Details of which shall be the subject of further agreement.
- vi. Within 12 Months of consent, a Travel Plan shall be submitted for approval and the Travel Plan shall be implemented on beneficial use of the development commencing.

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

APPRAISAL

The Mumbles pier foreshore and coastal strip development was granted outline planning permission 20 December 2011 following the completion of a Section 106 Agreement, which relates to the refurbishment of the pier, local bus service enhancements, a social benefit (bricks and mortar) clause and agreed off-site affordable housing allocation (Ref:2010/1451).

The permission required the submission of the reserved matters before the expiration of 3 years from the date of the permission i.e. 20 Dec. 2014 (Condition 5); however, these have yet to be received. Additionally, Condition 33 requires a detailed design strategy to be submitted prior to the submission of any reserved matters application, and requires amongst other issues a detailed contextual analysis and design options, finalisation of precise massing, architectural and design concepts, materials palette and visual testing of the detailed design proposal. Again this has not been submitted to date.

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The outline application was accompanied by an Environmental Impact Assessment, and as such a significant amount of supporting information was submitted and approved in relation to: quantum of floorspace, range of uses, bulk and massing, layout and parking and access. This current Section 73 application is accompanied by an Environmental Statement Addendum (ESA) to re-evaluate the assessments and conclusions drawn within the original Environmental Statement to ensure that they are still valid, and that the recommendations / mitigation measures remain appropriate.

Since the outline planning permission was issued in December, 2011, the new RNLI lifeboat station with the associated renovation of the end of the pier has been completed and is now operational. Additionally, the applicants / landowners and their development partners have continued to undertake significant work in the preparation of the detailed reserved matters submission and Officers have been involved in protracted discussions over the emerging design proposals to ensure that they adhere to the details approved under the outline approval in order to deliver the Headland Building, the Foreshore Building, and the sea wall / boardwalk and public realm. The preparation of the Detailed Design Strategy, as required by condition 33 to be submitted before the submission of any reserved matter application, has also been undertaken.

Notwithstanding the significant amount of work carried out since the outline permission was issued, Condition 5 required the submission of the reserved matters to be made within three years from the date of the outline planning permission i.e. 20 December, 2014 and the applicants have indicated that this has not allowed for the reserved matters proposals to be submitted in detail. This current Section 73 application therefore seeks to extend the time in order to submit the reserved matters and subsequently the associated timescale to commence the development. The Section 73 application also seeks to revise the requirements of several of the conditions in order to facilitate the delivery of the scheme. In summary, the variation / removal of the conditions seek to:

- i) Condition 2 - enable the phasing of development to be approved after the granting of the reserved matters as opposed to being a requirement in advance of submitting any reserved matters application;
- ii) Condition 5 – enable a further two years for the submission of the reserved matters application and five years for the commencement of the development (Condition 6);
- iii) Condition 24 – to amend the time requirement to submit an Ecological Construction Method Statement (ECMS) so that it can be submitted after the approval of the reserved matters applications – as opposed to the requirement for preparation, submission and approval in advance of submitting any reserved matters applications; and
- iv) Conditions 31 and 32 – to remove the conditions which relate to Code for Sustainable Homes and BREEAM requirements respectively – which were contained within Technical Advice Note 22 (TAN22) (which was cancelled to coincide with changes to Part L, relating to energy efficiency, of the Building Regulations coming into force) and which no longer form part of the planning process.

Environmental Statement Addendum

The Section 73 application has been accompanied by an Environmental Statement Addendum (ESA) to reviewing the proposal in the context of

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ITEM 8 (CONT'D)

APPLICATION NO.

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- Planning Policy Context
- Need and Alternatives
- Socio- Economic and Community Effects
- Transportation
- Ecology
- Landscape / Seascape and Visual Impact Assessment
- Archaeology and Cultural Heritage
- Flood Risk and Drainage
- Ground Conditions and Water Resources
- Services and Utilities

These are considered in turn but the general conclusion of the ESA is that the project refinements will not impact upon the findings of the original ES. This conclusion is accepted.

Planning Policy Context

There have been no planning policy changes since the previous ES was undertaken, and upon the outline planning permission was granted. The application site is identified on the Local Development Plan Proposals Map as being a 'Non Strategic Housing Site Outside Settlement' and additionally, the ESA highlights that the Joint Housing Land Availability Study has been released since the outline permission was granted.

Need and Alternatives

The ESA indicates there have been no changes to the need for the development or alternatives to the development since the outline planning permission was granted and that the original conclusions within the ES are still valid. This conclusion is accepted.

Socio- Economic and Community Effects

The ESA concludes there have been any materially significant changes in socio-economic circumstances since the ES was carried out.

Transportation

The ESA indicates that the applicant has engaged with the Council's Highway Management Group who have confirmed that there have been no significant changes in traffic conditions since the original Transport Assessment was undertaken. In consultation with this current application, the Head of Transportation and Engineering has indicated that the proposed extension of the permission will not have any adverse effect on highway safety considerations.

Ecology

The ESA has reviewed the habitats and other potential ecological features within the site and concludes that there has been no significant change to the habitat composition of the site, and the conclusions drawn from the ecological assessments within the ES are still valid. This conclusion is accepted.

Landscape / Seascape and Visual Impact Assessment

The ESA indicates that the conclusions drawn from the Landscape and Visual Impact Assessment within the ES are still valid and that the recommendations / mitigation measures will remain appropriate. This current Section 73 application will not impact on the landscape and seascape assessment and therefore the conclusion is accepted.

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Archaeology and Cultural Heritage

The ESA indicates that the conclusions drawn from the Archaeology and Cultural Heritage assessment within the ES are still valid and that the recommendations / mitigation measures will remain appropriate. Accordingly, no further assessment is considered necessary to support this current Section 73 application.

Flood Risk and Drainage

The ESA indicates there have been no significant material changes in flooding or drainage issues within the vicinity of the application site and that the conclusions drawn from the FCA drainage assessment within the ES are still valid and that the recommendations / mitigation measures will remain appropriate which will need to be implemented as part of the reserved matters submissions. Accordingly, no further assessment is considered necessary to support this current Section 73 application.

Ground Conditions and Water Resources

The ESA indicates there have been no significant material changes in ground conditions or water resources and that the conclusions drawn from the FCA drainage assessment within the ES are still valid. The recommendations / mitigation measures will remain appropriate which will need to be implemented as part of the reserved matters submissions.

Services and Utilities

There have been no significant material changes to the services and utilities within the vicinity of the site.

Condition 2 (Phasing)

Condition 2 under ref:2010/1451 reads as follows:

Prior to the submission of any application for approval of reserved matters a programme for the phasing of any proposed development shall be submitted to and approved by the Local Planning Authority. The agreed Phasing Programme shall accord with the Section 106 Obligation pursuant to this planning permission. The development shall be completed in accordance with the approved Phasing Programme.

Reason: To ensure that the development is completed in accordance with the plans and scheme of phasing approved by the City and County of Swansea, and so avoid any detriment to amenity or public safety by works remaining uncompleted.

The existing condition requires a programme of phasing to be submitted for approval prior to the submission of any reserved matters applications. The applicants contend that this is unduly restrictive as the final design could potentially dictate the phasing of the scheme, and therefore seek to amend the condition to allow the phasing programme to be submitted pre-commencement of the development.

It is proposed to re-word the condition as follows:

Prior to the commencement of development on site a programme for the phasing of any proposed development shall be submitted to and approved by the Local Planning Authority. The agreed Phasing Programme shall accord with the Section 106 Obligation pursuant to this planning permission. The development shall be completed in accordance with the approved Phasing Programme.

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Reason: To ensure that the development is completed in accordance with the plans and scheme of phasing approved by the City and County of Swansea, and so avoid any detriment to amenity or public safety by works remaining uncompleted.

Condition 5 (Timescales for submission of reserved matters)

Condition 5 under ref:2010/1451 read as follows:

Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure the development is begun within a reasonable period.

The planning permission would have effectively expired on 20 Dec. 2014 and the application has therefore submitted to extend the current period for submission of the reserved matters for a further two years. As indicated, the applicants / landowners and their development partners have continued to undertake significant work in the preparation of the detailed reserved matters submission in order to deliver the development and the extension of time would allow the scheme to progress.

It is proposed to re-word the condition as follows:

Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure the development is begun within a reasonable period.

Condition 6 Timescales for the commencement of development

Condition 6 under ref:2010/1451 read as follows:

The development shall commence within 5 years of the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later unless otherwise agreed in writing with the Local Planning Authority.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.

It is only proposed to amend the wording of this condition to reflect the changes to Condition 5. There will therefore be a requirement to commence the development within 5 years or 3 years from the approval of the last reserved matter will run from the date of this current application.

Condition 24 Ecological Construction Method Statement

Condition 24 under ref:2010/1451 reads as follows:

Prior to the submission of any application for the approval of reserved matters an Ecological Construction Method Statement (ECMS) shall be submitted to and agreed in writing by the Local Planning Authority. The ECMS shall be overseen by an appointed Ecological Clerk of Works (ECW), and shall incorporate the details outlined in Section 9.142 of the Environmental Statement, unless otherwise agreed in writing with the Local Planning Authority, in order to protect the identified ecological resources during the demolition and construction phases of the development.

ITEM 8 (CONT'D)

APPLICATION NO.

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Reason: In the interests of nature and landscape conservation and to protect the ecology of the site.

The present wording of Condition 24 requires the submission of an ECMS prior to the submission of any reserved matters application. It is highlighted by the applicants that the ECMS must consider the submitted detailed design scheme of the proposal and how the development would be implemented, whilst minimising the impact upon the ecology of the site, through appropriate mitigation. It is argued that it would be more logical to produce the ECMS after the conclusion of the detailed design scheme and therefore it is proposed to require the submission of the ECMS prior to the commencement of the development as opposed to before the submission of the reserved matters.

The Council's Ecologist has indicated that the variation of the ecological condition is acceptable as the intent was to agree the method prior to commencement of the work starting and this will still be achieved. Natural Resources Wales have offered no objection to varying the timing requirements of the condition, subject to the production of the ECMS does not limit the ability of the design to adapt to both minimise potential negative effects and maximise beneficial ecological elements.

It is proposed to amend the condition to read:

Prior to the commencement of development an Ecological Construction Method Statement (ECMS) shall be submitted to and agreed in writing by the Local Planning Authority. The ECMS shall be overseen by an appointed Ecological Clerk of Works (ECW), and shall incorporate the details outlined in Section 9.142 of the Environmental Statement, unless otherwise agreed in writing with the Local Planning Authority, in order to protect the identified ecological resources during the demolition and construction phases of the development.

Reason: In the interests of nature and landscape conservation and to protect the ecology of the site.

Conditions 31 (Code 3) and 32 (BREEAM)

Conditions 31 and 32 relate to the requirements for the development to be constructed to Code for Sustainable Homes and BREEAM standards which up until 31st July, 2014 fell under the remit of the planning process and as such were a material planning consideration when determining planning applications. As of 31st July, 2014 the Welsh Government withdrew the national planning policy requirement for sustainable building standards and cancelled Technical Advice Note 22: Planning for Sustainable Buildings when the changes to Part L (relating to energy efficiency) came into force under Building Regulations. The associated Welsh Government Ministerial Announcement advised that any applications determined after the 31 July, 2014, including Section 73 applications which might seek to remove extant conditions on planning permissions including the relevant Code for Sustainable Homes / BREEAM levels to be achieved, should be assessed in accordance with the policy changes. Therefore the planning process is no longer the mechanism for securing energy efficiency through the Code for Sustainable Homes BREEAM standard and as such it is recommended that these conditions are removed.

Conclusion

As a Section 73 application, the only matter which can be considered are the conditions to which the application relates and the permission itself is not a matter for consideration. The LPA may decide that planning permission should be granted subject to conditions differing from those subject to the previous planning permission, and additionally, a Sec 73 application allows the LPA to reconsider conditions other than those which are the subject of the application to modify. The new planning permission should however refer to all the previous conditions to avoid the possibility of the new permission being interpreted as having no conditions other than those applied to vary. In this respect the conditions on the original planning permission are re-imposed, however, as recommended by the Head of Transportation and Engineering, a new condition is imposed requiring a Construction Traffic Management Plan to be implemented.

Since the outline permission was granted, there have been no material change in considerations, and it is recommended that the Section 73 application to vary Conditions 2, 5, 6 and 24 and to remove Conditions 31 and 32 under planning permission ref:2010/1451 be granted. It is not considered that the provisions of the Human Rights Act provide any other overriding considerations.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 This permission shall relate to the disposition of land uses, quantum of development, maximum building heights and massing as specified in the Parameters Schedule (Drwg. No. SW984/A(P) 16 rev. B), Design and Access Statement Addendum (May, 2011) and the Regulation 19 Environmental Statement addendum and as identified on drawing numbers SW/984/A(P06 - 13 rev B).

Reason: To ensure that the development corresponds to the description, scale and form of development contained within the application, the environmental impacts of which were assessed through the Environmental Statement which accompanied this application.

- 2 Prior to the commencement of development on site a programme for the phasing of any proposed development shall be submitted to and approved by the Local Planning Authority. The agreed Phasing Programme shall accord with the Section 106 Obligation pursuant to this planning permission. The development shall be completed in accordance with the approved Phasing Programme.

Reason: To ensure that the development is completed in accordance with the plans and scheme of phasing approved by the City and County of Swansea, and so avoid any detriment to amenity or public safety by works remaining uncompleted.

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 8 (CONT'D)

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- 3 Details of the appearance, landscaping, layout and scale of the buildings, (hereinafter called 'the reserved matters') of each phase of the development shall be submitted to and approved by the Local Planning Authority before any development of that phase commences and shall be supported by a Design and Access Statement for that phase and shall accord with the parameters schedule and related plans referred to in Condition 1 of this planning permission.

Reason: To ensure that each phase of the development corresponds to the approved development, the environmental impacts of which were assessed through the Environmental Statement which accompanied this application.

- 4 The applications for reserved matters shall be accompanied by details of the existing and proposed levels for that part of the development indicating the relationship to the adjoining land and all ground remodelling proposed.

Reason: To enable the reserved matters applications to be properly considered to ensure that the work is carried out at suitable levels in the interests of visual amenity.

- 5 Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.

- 6 The development shall commence within 5 years of the date of this permission or before the expiration of 3 years from the date of approval of the last of the reserved matters to be approved, whichever is the later unless otherwise agreed in writing with the Local Planning Authority.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.

- 7 Unless otherwise agreed in writing with the Local Planning Authority the development shall incorporate the mitigation measures identified in the Environmental Statement, details of which shall be submitted to and approved by the Local Planning Authority as part of the approval of the reserved matters or to comply with the conditions of this permission.

Reason: To ensure adequate mitigation of any identified adverse environmental impacts.

- 8 All habitable areas within the residential development should be set above a minimum level of 8.8mAOD (the predicted 1 in 100 year wave event level) with minimum levels along the road and car park areas should not be less than 7.4m AOD and all buildings should be designed to incorporate flood resilience measures.

Reason: In the interests of safety in the event of a potential flood event.

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ITEM 8 (CONT'D)

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- 9 Notwithstanding the details indicated within the submitted Design and Access Statement, details and samples of all external finishes of every aspect of the built environment shall be submitted with all reserved matters applications and approved by the Local Planning Authority prior to that part of the development commencing.
Reason: In the interests of visual amenity.
- 10 Notwithstanding the details indicated within the application, no superstructure works shall take place without the prior written approval of the Local Planning Authority of a scheme of hard and soft landscaping of the site. The landscaping scheme shall include details of all street furniture and public realm works and shall be carried out in accordance with the approved phasing programme. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 11 Prior to the beneficial use of any part of the development hereby approved, a flood management / emergency evacuation plan (for each phase of the development) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details of a flood warning system, incorporation of defined emergency evacuation routes, appropriate warning signs and making all future occupants/users aware of the approved emergency plan.
Reason: To ensure safe evacuation in the event of a potential flood event.
- 12 Prior to the commencement of development, details of the design and alignment of the pedestrian walkway (boardwalk) and associated retaining structure along the foreshore shall be submitted for the approval of the Local Planning Authority. The pedestrian walkway shall be constructed in accordance with the approved scheme, and the approved phasing programme and shall incorporated a minimum level of 7.4m AOD, unless otherwise agreed by the Local Planning Authority.
Reason: In the interests of visual amenity and in order to mitigate against the potential flood risk across the site.
- 13 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.

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ITEM 8 (CONT'D)

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- 14 The development hereby approved shall not be occupied until a scheme for the comprehensive and integrated foul water, surface water and land drainage for the site has been implemented in accordance with details to be submitted to and approved by the Local Planning Authority. Foul water and surface water discharges must be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public foul sewerage system. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public foul sewerage system.

Reason: To ensure that a satisfactory and comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system.

- 15 No development approved by this permission shall take place until details of the implementation, maintenance and management of a sustainable drainage system (SUDS) for surface water drainage has been submitted to and approved in writing 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 prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to prevent pollution of the water environment.

- 16 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 results of the site investigation and detailed risk assessment referred to in (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 the remediation strategy 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: To prevent pollution of the water environment.

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ITEM 8 (CONT'D)

APPLICATION NO.

2014/1946

- 17 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. The long-term monitoring and maintenance plan shall be implemented as approved.
Reason: To prevent pollution of the water environment.
- 18 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 prevent pollution of the water environment.
- 19 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, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.
Reason: To prevent pollution of the water environment.
- 20 The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
Reason: To prevent pollution of the water environment.
- 21 No development approved by this permission shall be commenced until a comprehensive Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This plan should identify all possible detrimental impacts from the release of contaminants to air and water arising from the site preparation and construction phases of the development. The plan should identify how these impacts will be avoided, or where this is not practicable, mitigated. All construction activities on the site shall be undertaken in accordance with the approved plan, subject to any amendments agreed in writing by the Local Planning Authority.
Reason: To prevent pollution of the water and wider environment.

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ITEM 8 (CONT'D)

APPLICATION NO.

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- 22 No development approved by this permission shall be commenced until a Waste Management Plan for the control, management, storage and disposal of demolition waste / excavated material has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure sustainability principles are adopted during development.
- 23 Unless otherwise agreed in writing with the Local Planning Authority, the detailed design measures as outlined in the Ecology Strategy within the Environmental Statement (Sections 9.139 and 9.140) shall be incorporated as part of the submission of reserved matters prior to that part of the development commencing. The agreed mitigation measures shall be implemented in accordance with the approved Phasing Programme.
Reason: In the interests of nature and landscape conservation and to protect the ecology of the site.
- 24 Prior to commencement of development an Ecological Construction Method Statement (ECMS) shall be submitted to and agreed in writing by the Local Planning Authority. The ECMS shall be overseen by an appointed Ecological Clerk of Works (ECW), and shall incorporate the details outlined in Section 9.142 of the Environmental Statement, unless otherwise agreed in writing with the Local Planning Authority, in order to protect the identified ecological resources during the demolition and construction phases of the development.
Reason: In the interests of nature and landscape conservation and to protect the ecology of the site.
- 25 Prior to the commencement of development, an Ecological Management Plan (EMP) shall be submitted for the approval of the Local Planning Authority. The EMP shall set out the long-term management measures that will be implemented, the responsibilities for implementing those managements measures and shall establish a monitoring programme. The EMP shall incorporate the details outlined in Section 9.144 of the Environmental Statement, unless otherwise agreed in writing with the Local Planning Authority, and shall thereafter be implemented in accordance with the approved details.
Reason: In the interests of nature and landscape conservation and to protect the ecology of the site.
- 26 All lighting associated with the development, both during and post construction, shall be designed in such a way as to avoid direct illumination of the sea surface. Details shall be submitted in writing for the prior approval of the Local Planning Authority.
Reason: To minimise potential disturbance to fish and other marine ecology.

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ITEM 8 (CONT'D)

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27 No demolition or construction shall take place on the application site until full engineering drawings and supporting calculations of the affect of any part of the development may have on the cliff face and adjacent highways, together with a phased programme of implementation, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for inspection of the works during the construction period and for its future maintenance which shall rest wholly with the developer or successors in title to the land. The works shall be completed in accordance with the agreed scheme.

Reason: To ensure the development does not compromise the structural integrity of adjoining land.

28 A car parking management scheme for the development shall be implemented within 12 months of the first occupation of any part of the development in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety.

29 No part of the development shall be brought into beneficial use until the parking facilities associated with that part of the development have been laid out and are available for use. The headland and foreshore car parking areas shall each incorporate a minimum of 3 BS8300 standard blue badge car parking spaces.

Reason: To ensure that parking congestion does not prejudice the free flow of traffic along the public highway and to provide an adequate level of accessible car parking.

30 No part of the development hereby approved shall be occupied / brought into beneficial use until a Travel Plan for that part of the development has been submitted to and approved by the Local Planning Authority. The Travel Plan shall be implemented prior to the occupation of any part of the development.

Reason: In the interests of sustainability and to reduce car borne traffic.

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

Reason: In order to minimise traffic impacts on the surrounding highway network.

32 Prior to the submission of any Reserved Matters Application, a Detailed Design Strategy incorporating:

Detailed contextual analysis and design options

Finalisation of precise massing

Architectural and design concepts

Materials palette and sample panels

Visual testing of the detailed design proposals

Public realm and landscape strategy

Public art strategy

PLANNING COMMITTEE – 17TH FEBRUARY 2015

ITEM 8 (CONT'D)

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- 32 Lighting strategy and mitigation
Reflectivity strategy and mitigation
Sustainability strategy
Noise attenuation/sound proofing

shall be submitted to and approved by the Local Planning Authority. This Detailed Design Strategy will be reviewed following the approval of each Reserved Matters Application to provide an up to date framework.

Reason: To ensure the development meets the design objectives of the adopted Mumbles Pier and Foreshore Development Framework for the site.

- 33 Details of all items of public art shall be approved and implemented as an integral part of the Reserved Matters approval.

Reason: To accord with the Mumbles Pier and Foreshore Development Framework and in the interests of visual amenity.

- 34 The development shall include beach safety equipment in accordance with details to be submitted to and agreed by the Local Planning Authority and installed in accordance with the programme of phasing to be agreed pursuant to Condition 02 of this permission.

Reason: In the interests of public safety.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: UDP Policies EV1, EV2, EV3, EV4, EV5, EV20, EV21, EV22, EV24, EV26, EV27, EV29, EV31, EV34, EV35, EV36, EV39, EC15, EC16, EC18, HC2, HC3, HC17, AS1, AS2, AS3, AS6.

PLANS

SW984_A(P)01 site plan received 17th December 2014

Report of the Head of Economic Regeneration and Planning

To Planning Committee

17th February 2015

**Referral of Planning Application Ref: 2013/1745
from the Area 2 Planning Committee on 3rd June 2014
and the Development and Management Control Committee
on 19th June 2014.**

Cilibion Saw Mills, Cilibion, Gower

Detached (Rural Enterprise) Dwelling in association with Saw Mill (Outline)

1.0 Background

- 1.1 This application was reported to Area 2 Development Control Committee on 3rd June 2014, with the recommendation that planning permission be refused as the proposal constituted an unjustified dwelling in the countryside and would be detrimental to the character and appearance of the Gower AONB. Members did not accept the recommendation but resolved that the application be referred to Development, Management and Control Committee (DMCC) with a recommendation that it be approved subject to a Section 106 Planning Obligation to tie the occupation of the dwelling to the sawmill, on grounds that the new dwelling was justified to serve a long standing business which makes a significant contribution to the rural economy and that the dwelling would not result in a detrimental impact upon the character and appearance of the area.
- 1.2 The DMCC on the 19th June 2014 subsequently resolved to grant planning permission subject to Conditions and to a Section 106 Agreement tying the occupancy of the dwelling to the Sawmill. A copy of the report to Area 2 Development Control Committee on 3rd June 2014 and the report to the DMCC held on the 19th June 2014 are attached as Appendix A and B respectively.

2.0 Main Issues

- 2.1 Following the receipt of further legal advice it has been confirmed that proposed Conditions 8 and 9 (the last two unnumbered Conditions set out in the report to DMCC below) do not satisfy the tests for conditions as set out in Welsh Government Circular WGC016/2014 - The Use of Planning Conditions for Development Management and Welsh Government guidance TAN 6 - Planning for Sustainable Rural Communities which offers specific guidance on the use of occupancy conditions. Therefore, it is recommended that proposed Condition 9 be removed as it is beyond the scope of an enforceable condition and should be controlled by way of the proposed Section 106 Agreement. It is also recommended that Condition 8 be reworded to reflect the standard occupancy condition set out in Welsh Government Guidance TAN 6 for this type of development (see below) and which was cited as an appropriate and acceptable control by the applicant in the application.

3.0 Recommendation

3.1 It is recommended that:

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

- (i) The applicant entering into a Section 106 Planning Obligation to tie the dwelling to the saw mill enterprise;
- (ii) The proposed Condition 8 should be replaced with the following Occupancy Condition:

Condition [8]

The occupancy of the dwelling shall be restricted to those:

- a. solely or mainly working or last working at Cilibion Sawmill or on a rural enterprise in the locality where there is/was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those;*
- b. who would be eligible for consideration for affordable housing under the local authority's housing policies: or if it can be demonstrated that there are no persons eligible for occupation under either (a) and (b);*
- c. widows, widowers or civil partners of the above and any resident dependants.*

Reason: Permission is not granted for new development in this area other than that which is genuinely required for rural enterprise or provides affordable housing.

- (iii) The removal of proposed Condition 9; and
- (iv) The remaining Conditions set out in the report to the DMCC on 19th June 2014 attached as Appendix B, (subject to any necessary minor rewording).

BACKGROUND PAPERS

Local Government Act 1972 (Section 100) (As Amended)

The following documents were used in the preparation of this report:
Application file, together with the files and documents referred to in the background information section of the appended Development Control committee report.

Contact Officer:	<i>Ryan Thomas</i>	Extension No:	<i>5731</i>
Date of	<i>9th February</i>	Document	
Production:	<i>2015</i>	Name:	<i>Cilibion Sawmill</i>

ITEM 5

APPLICATION NO.

2013/1745

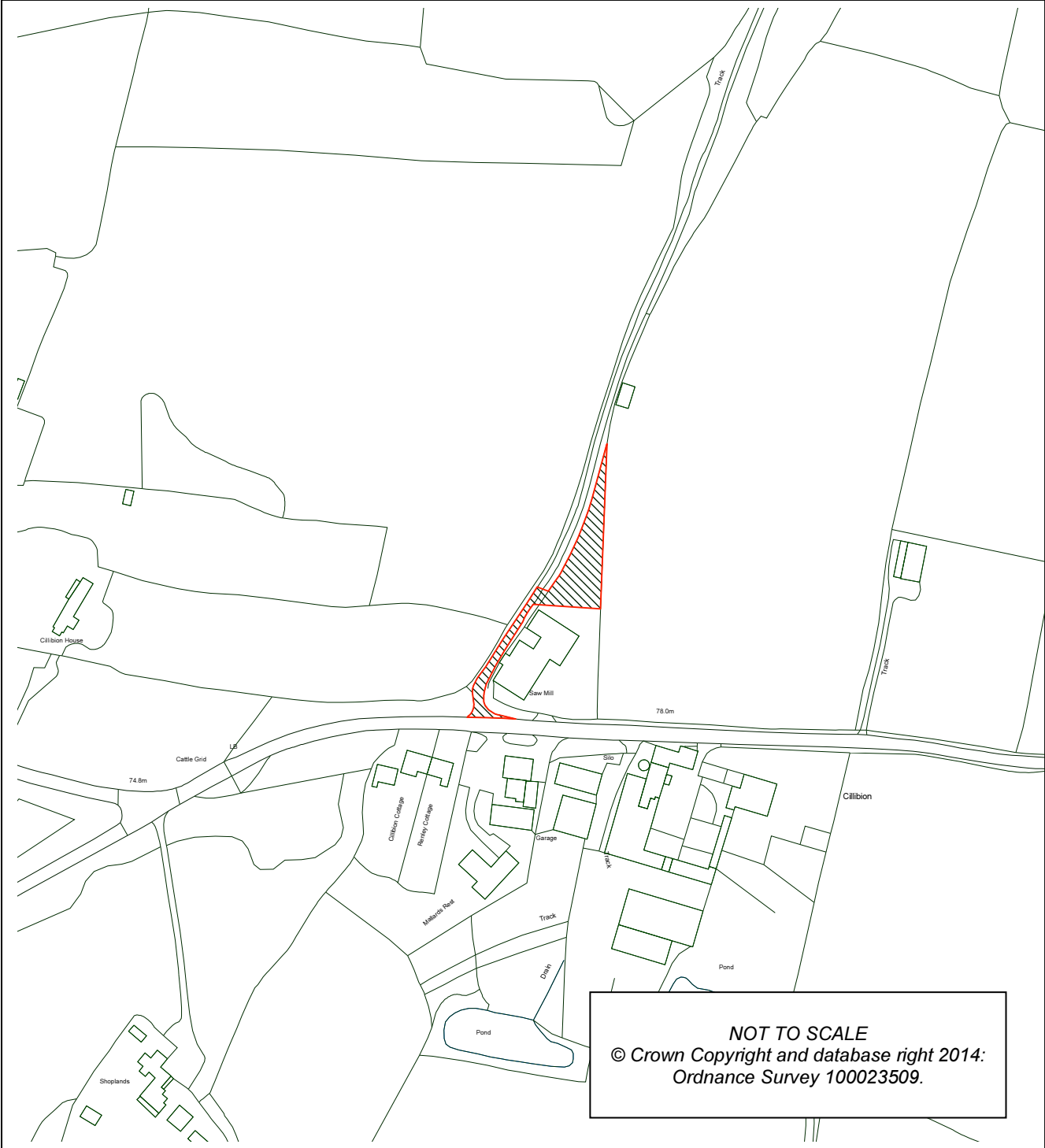
WARD:

Gower
Area 2

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

Proposal: Detached dwelling in association with sawmill (outline)

Applicant: Mr Adam Cowley



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 EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: <ul style="list-style-type: none"> i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
Policy EV20	In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

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

RESPONSE TO CONSULTATIONS

The application was advertised on site. No response.

The Gower Society - have the following comments to make:

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

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

Dwr Cymru /Welsh Water – No Objection

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

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

Supporting Statement. – Rural Enterprise Dwelling Appraisal

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

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

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

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

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

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

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

4.9.1 The Time Test has been dealt with under 4.8.1.

4.10 The Financial test.

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

4.11 Other Dwellings Test.

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

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

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

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

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

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

Response from the Agent to Mr Anstis' report on behalf of City and County of Swansea (received 23rd April 2014)

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

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

2.2.1 Not significant, states Mr. Anstis.

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

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

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

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

2.5.3 Irrelevant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPRAISAL

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

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

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

Issues

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

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

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

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

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

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

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

Background

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

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

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

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

Tenure

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

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

Buildings

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

Land

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

Dwellings

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

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

Enterprise

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

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

Assessment

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

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

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

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

THIS TEST IS NOT PASSED.

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

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

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

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

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

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

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

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

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

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

In conclusion, the tests are not passed.

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

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

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

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

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

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

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

A. Correct

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

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

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

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

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

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

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

Visual Amenity

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

Residential Amenity

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

Highways

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

Conclusion

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

RECOMMENDATION

REFUSE, for the following reasons:

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

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, EV20, EV22 and EV26 of the Swansea Unitary Development Plan 2008.

PLANS

10.80.01 site location and block plan dated 29th November 2013

Report of the Head of Economic Regeneration & Planning

To Development Management & Control Committee – 19th June 2014

Referral of Planning Application Ref: 2013/1745
From Area 2 Development Control Committee on 3rd June 2014

CILIBION SAW MILLS, CILIBION, GOWER, SWANSEA

DETACHED DWELLING IN ASSOCIATION WITH SAWMILL (OUTLINE)

Purpose:	To determine the outline application for a detached dwelling in association with sawmill
Policy Framework:	National and Local Planning Policies
Reason for Decision:	Statutory responsibility of the Local Planning Authority
Consultation:	Statutory consultations in accordance with planning regulations as set out in the planning application report contained in Appendix B
Recommendation(s):	Refuse as set out in the report
Report Author:	Ryan Thomas
Finance Officer:	<i>Not applicable</i>
Legal Officer:	<i>Not applicable</i>

3.0 Background

- 3.1 This application was reported to Area 2 Development Control Committee on the 3rd June 2014, with the recommendation that planning permission be refused as the proposal constituted an unjustified dwelling in the countryside and would be detrimental to the character and appearance of the Gower AONB. Members did not accept my recommendation but resolved that the application be referred to Development, Management and Control Committee with a recommendation that it be approved subject to a S106 Obligation to tie the occupation of the dwelling to the sawmill, on grounds that the new dwelling was justified to serve a long standing 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.
- 3.2 A plan showing the location of the application site is attached as Appendix A, and a copy of my report to the Area 2 Development Control Committee on the 4th December 2012 attached as Appendix B.
- 3.3 The report was updated to include reference to a letter from Gower Chiropractic Centre confirming that the applicant's father has been treated for joint conditions.

2.0 Planning Policy Issues

- 2.1 With regard the acceptability, in principle, of this form of development at this location, the proposal would result in the introduction of a residential dwelling in the heart of the Gower AONB and wider countryside where such development is strictly controlled and must be justified in the interests of agriculture, forestry or an appropriate use to serve the rural economy and under the provisions of Policy EV20 of the City and Country of Swansea Unitary Development Plan and where Policy EV26 seeks to resist development which would not conserve or enhance the character and appearance of the area.
- 2.2 A full policy appraisal is provided within the main body of my report at Appendix B.
- 2.3 In summary Welsh Government advice provided in paragraph 4.4.1 of Technical Advice Note (Planning for Sustainable Rural Communities) sets out clear function and financial tests which must be satisfied if a dwelling is to be justified in the countryside.
- 2.4 Of specific relevance is the functional need and the requirement for the proper functioning of a qualifying business for a worker to reside on site and to be readily available at all times for example, if to be on hand night and day to deal with an emergency that would threaten the viability and existence of the enterprise without immediate attention. In this respect the evidence submitted in support of the application is limited to the security requirements of the business. This is a secondary matter and not one which would in its own demonstrate a functional need or justify the development of a new dwelling in the countryside.
- 2.5 In addition no evidence, for example a statistical submission describing the operations and the man hours for each element of the enterprise, has been produced to demonstrate that there is a labour requirement for a full time worker and no accounts have been submitted to demonstrate that the enterprise has been run for the last 3 years, been profitable for at least one and is currently financially sound with a clear prospect of remaining so. These are key policy tests which have not been addressed let alone satisfied by the applicant's submission.
- 2.6 Planning Policy Wales (paragraph 3.16) makes clear that whilst the personal circumstances of occupiers, personal hardship or the difficulties of businesses which are of value to the local community may be material to the consideration of an application permission may be granted subject to a condition that is personal to the application. However personal permissions will hardly ever be justified for works, as in this instance that will remain long after the personal circumstances of the applicant have changed.
- 2.7 In conclusion, therefore, it has not been demonstrated that the proposal relates to agriculture or forestry or that it has been run as an independent rural enterprise. No evidence has been submitted to demonstrate a functional need or that there is a sufficient labour requirement for the enterprise to fully employ a full time worker and no compelling evidence has been submitted to satisfy the financial test or that the requirements of the holding could not be satisfied by available accommodation elsewhere in the locality.

On this basis alone it is not considered that there is sufficient justification for a new dwelling at this locations or that established policy and National Guidance should be set aside in this instance.

3.0 Financial Implications

3.1 There are no financial implications associated with this report.

4.0 Legal Implications

4.1 There are no legal implications associated with this report.

5.0 Recommendation

5.1 It is recommended that:

- I. The application is refused subject to the reasons set out in my report in Appendix B
- II. Should Members resolve to approve planning permission contrary to my recommendation that it be approved subject to a S106 Obligation to tie the dwelling to the saw mill and subject to the conditions as detailed at Appendix C.

BACKGROUND PAPERS

Local Government Act 1972 (Section 100) (As Amended)

The following documents were used in the preparation of this report:
Application file, together with the files and documents referred to in the background information section of the appended Development Control committee report.

Appendices:

Appendix A – Location Plan
Appendix B – Committee Report
Appendix C – Conditions

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Suggested Conditions

Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.

Detailed plans and drawings with respect to the matters reserved in condition (01) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.

The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.

The development shall be completed in accordance with the approved plans prior to any part of the development being brought into beneficial use.

Reason: To ensure that the development is completed in accordance with the plans approved by the Council, and so avoid any detriment to amenity or public safety by works remaining uncompleted.

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.

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.

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.

The occupation of the dwelling hereby approved shall be limited to a person solely or mainly or last employed at Cilibion Sawmill (which shall include the dependants of such a person residing with him or her) or a widow or widower of such a person.

Reason: Permission is not granted for new development in this area other than that which is genuinely required for rural enterprise.

The proposed development shall remain at all times an integral part of the existing Sawmill enterprise and shall not be sold, let or otherwise occupied, as a separate planning unit.

Reason: Permission is not granted for new development in this area other than that which is genuinely required for rural enterprise.