

CITY AND COUNTY OF SWANSEA

MINUTES OF THE PLANNING COMMITTEE

**HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON TUESDAY,
14 APRIL 2015 AT 2.00 PM**

PRESENT: Councillor P Lloyd (Chair) presided

Councillor(s)	Councillor(s)	Councillor(s)
J C Bayliss D W Cole A M Cook	M H Jones A S Lewis C L Philpott	D W W Thomas T M White

ALSO PRESENT:

Councillors(s):

N J Davies

24 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors A C S Colburn, E T Kirchner and I M Richard.

25 **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:

Councillor D W Cole - Minute No. 28 - Planning Application 2014/1954 - Honey Bee Nursery - I acted as a conduit between officers and local residents - personal.

Councillor A M Cook - Minute No. 28 - Planning Application 2014/0950 - application site is near my home - personal.

26 **MINUTES.**

RESOLVED that the Minutes of the Planning Committee Meetings held on 3 and 17 March 2015 be approved as correct records.

27 **ITEMS FOR DEFERRAL / WITHDRAWAL.**

RESOLVED that the following item **BE DEFERRED** for a site visit:

(Item 11) Planning Application No. 2014/1620 - Gwenlais Uchaf Farm, Pontlliw, Swansea.

28 **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. 2013/1850 - Construction of Morfa distributor road together with associated infrastructure works (Council Development Regulation 3) at land between Swansea Canal and former Hastie site, Normandy Road, Swansea.**

The application was approved subject to amending the following conditions under the powers delegated to the Head of Economic Regeneration and Planning:

2. The development shall be completed in accordance with a scheme submitted to and approved in writing by the Local Planning Authority for the landscaping of the site. The approved landscaping scheme shall 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 2 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

4. The development shall be carried out in accordance with a written scheme of historic environment mitigation which shall be submitted within 3 months of the date of this permission to the Local Planning Authority. Thereafter, a programme of work will be fully carried out in accordance with the requirements and standards of the written scheme which shall first be approved in writing by the Local Planning Authority.

Reason

To safeguard this area of archaeological interest.

7. Notwithstanding the details indicated in the application, a scheme setting out the precise details and locations of highway signage, road markings, street lighting columns, traffic signals and the colour and finishes of the surface materials shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to beneficial use of the development hereby approved commencing.

Reason:

In the interests of visual amenity and in order to protect the setting of the adjacent listed buildings.

8. Before the development hereby approved is brought into beneficial use, the design and location of the proposed vehicular barriers 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 highway safety and visual amenity.

9. A detailed scheme for the protection and monitoring of the listed buildings and historic buildings of the Hafod copper works shall be submitted for the approval of the Local Planning Authority within 3 months of the date of this permission. The scheme shall secure the safety and stability of structures both during the construction and operational phases of the development.

Reason

In order to protect and conserve the important heritage resource within the area.

10. Notwithstanding the submitted details, prior to the commencement of construction works for all the retaining wall structures, a scheme containing full structural drawings and calculations, including design and external finishes must be submitted for the written approval of the Local Planning Authority. The retaining wall structures must be completed in accordance with the approved scheme.

Reason

In the interests of health and safety and in order to ensure the appearance of the structures are visually acceptable.

11. The development shall not be brought into beneficial use until a schedule of works to consolidate the listed lime kiln (LB: 059) has been implemented in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to preserve and protect the integrity of the historic structure.

12. The development shall not be brought into beneficial use until a scheme for the provision of external surfacing of the area outside of the former Hafod works gate incorporating the retention of the historic surfaces to their original gradients has been implemented in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to preserve and protect the integrity of the historic structure.

13. Within 3 months of the date of this permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted for the written approval of 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 indicated resources, pathways and receptors.
 - Potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- (3) The site investigation results and the detailed risk assessment (2) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the work set out in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason

To ensure that the proposed development will not cause pollution of controlled waters.

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

Reason

To ensure that the proposed development will not cause pollution of controlled waters.

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

the Local Planning Authority.

Reason

To ensure that the proposed development will not cause pollution of controlled waters.

16. 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 unless and until written approval of the Local Planning Authority is given for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To ensure that the proposed development will not cause pollution of controlled waters.

17. The development shall not be brought into beneficial use until a scheme for the disposal of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason

To prevent pollution of the wider environment.

- Condition 5 is no longer considered necessary on the basis of the existing protection afforded to the affected scheduled ancient monument.
- Condition 6 is not considered necessary as a development brief has now been prepared.

(#) **(Item 2) Planning Application No. 2014/0643 - Side conservatory, external seating area, external fire escape and steps, fenestration alterations, new entrance door and associated works at Miah's Restaurant, St Helens Road, Swansea, SA1 4DE.**

Miss Mary McCarthy (objector) addressed the Committee.

Councillor N J Davies (local ward member) addressed the Committee on the application.

One late letter of objection was received from Councillor Peter May stating

- Residents in St Helens Avenue have compiled reasonable objections to this proposal based on actual experience rather than theoretical scenarios.
- The alterations will in my view put extra pressure and traffic volume onto St Helens Avenue.
- The mere provision of external fire escape indicates that the establishment expects to have an increased volume of people and activity and constituents will suffer a detrimental effect to their amenity so contravening Policy EV1.
- Appreciate that the department acknowledges that granting permission is going to cause unhappiness in the Avenue which is why they have tried to mitigate this by extensive conditions.
- Questions the prospect of the department being able to enforce those conditions realistically.
- It is put to the Department that they would not which renders some conditions meaningless.

The application was approved subject to amending Conditions 4 and 5, and further amending Condition 8 as follows:

In the interests of enforceability, removal of the first sentence of Condition 4 to read:

4. The external seating area must only be used in association with the restaurant use and shall not be used by customers before 8.00 a.m. nor after 10.00 p.m. on any day.

Reason

To safeguard the amenities of the occupiers of neighbouring properties.

Correction of errors in Condition 5 to read:

5. The playing of amplified music on any external terrace area or external seating area is expressly prohibited at any time.

Reasons

To safeguard the amenities of the occupiers of neighbouring properties.

To protect the amenities of properties in St Helen's Avenue.

8. No tables or chairs shall be placed in the grassed area fronting St Helens Road and St Helens Avenue and these areas shall not be used for drinking or eating or any other activity in association with the use of the building.

Reason

In the interests of visual and general amenity.

(NOTE: Councillor J C Bayliss wished it recorded that he voted against the recommendation.)

(Item 3) Planning Application 2014/0644 - Side conservatory, external seating area, external fire escape and steps, fenestration alterations, new entrance doors, internal relocation of stairway, removal of new internal walls, addition of kitchen and toilet facilities to first floor, relocation of lift and all associated internal and external alterations and refurbishment works (Application for Listed Building Consent) at Miah's Restaurant, St Helens Road, Swansea, SA1 4DE.

The application was approved subject to referral to CADW and to provide local residents with contact details for CADW.

(#) **(Item 4) Planning Application No. 2014/0950 - Erection of 2 industrial buildings comprising 11 units for B1, B2 and B8 uses and associated works at land adjacent to Store It, Abergelli Road, Swansea West Industrial Park, Fforestfach, Swansea.**

The Committee were informed references to plans on page 65 were deleted.

The report was approved in accordance with the recommendations subject to amending Condition 15 as follows:

15. Following excavation of the existing access drive, no further development in the area of the existing access drive shall be undertaken until such time as the Planning Authority has inspected the site to assess any impact on the protected trees and given written confirmation that works can continue.

(#) **(Item 5) Planning Application No. 2014/0969 - Residential development (up to 73 dwellings) (outline) at land off Lon Masarn, Cefn Coed Hospital, Cockett, Swansea, SA2 0GH.**

Mr S McKinnon, Mr S Porter, Mr N Dodd (objectors) and Mr P Walden (agent) addressed the Committee.

The Committee were advised of two late letters of objection which set out the same concerns as those already set out in the report and one late supporting letter from the application making the following points:

- I understand that the Ward Member's main concern is that the planning application is for only part of the CCH site and, as such, may in some way be prejudicial to the comprehensive development of the site. I can assure you that this is not the case and that the Health Board has gone to considerable lengths to ensure that the planning and design of Development Area A fits within the overall pattern of development.
- This is why the current application is accompanied not only by its own design and access statement for Development Area A, but also by an overall master plan for the whole site, which has been developed in consultation with Officers of the Council's Planning and Highways Departments.
- ABMU has been entirely transparent about the process leading to this application, which we set out in some detail in May 2012.
- ABMU is under a duty to review its estate and dispose of land that may be regarded as surplus to NHS operational requirements. In the case of CCH, the existing buildings are still in operation use and it is our intention in due course (probably early 2016) to bring forward an application for outline planning permission for the remainder of the site.
- That date cannot be brought forward because extensive bat surveys will need to be carried out in the summer and autumn of this year and we also await a deposit of the LDP which, as you know, will have policies appertaining to CCH.
- Those circumstances do not affect Development Area A. This part of the site is available for immediate disposal and ABMU has programmed to dispose of it in

financial year 2015/16. Proceeds from the sale will be reinvested in health care facilities and services in the ABMU area.

- As you will appreciate, CCH has been allocated for redevelopment by the Council for some years. Adopted UDP policies allow for the redevelopment of CCH for health care and residential use. ABMU has already undertaken an extensive programme of investment in new mental health facilities at CCH and now wishes to balance that investment with the first phase of residential development. The number of units applied for (73) is within the site's indicative capacity, set out in the adopted UDP (200 units) and well within the Council's own draft LDP proposals (575 units).
- Development Area A is the only part of the CCH site that is proposed to be served by an access from Lon Masarn; all other phases of the residential development will be served from the north, via Victoria Road. This accords with the advice received from your Council's Highways Department and has always been ABMU's intention.
- Lon Masarn has been assessed as capable of satisfactorily accommodated the traffic from the 73 units proposed and there is no objection from the Highways Department.
- ABMU accepts a condition limiting vehicular access from Lon Masarn to the development now proposed. ABMU has reached agreement with you on necessary pre-commencement planning conditions for matters such as drainage and (subject to contract/without prejudice) on the level of planning obligations that should reasonably and properly be associated with this development.

The application was approved as per the recommendation. Under delegated powers conferred to the Head of Economic Regeneration and Planning, Condition 13 is amended as set out below, so as to ensure that the drainage scheme for the site is considered with any reserve matters submission. This reflects the concerns expressed by its members and members of the public.

Amended Condition

13. "Any reserved matters application shall be accompanied by a strategic site-wide surface water drainage strategy for the site, based on sustainable drainage principles. The strategy shall be based upon a SUDS hierarchy, as espoused by the Ciria publication "the SUDS Manual, C697". The strategy shall maximise the use of measures to control water at source as far as practicable, to limit the rate and quantity of run-off and improve the quality of any run-off before it leaves the site or joins any water body. The strategy shall include details of all flow control systems and the design, location and capacity of all strategic SUDS features and shall include ownership, long term adoption, management and maintenance scheme(s) and monitoring arrangements /responsibilities, including detailed calculations to demonstrate the capacity of the measures to adequately manage surface water within the site without the risk of flooding to land or buildings. Details of phasing during drainage operations and construction shall also be included. The approved drainage works shall be carried out in their entirety, full in accordance with the approved details, prior to the occupation of any building or alternatively in accordance with phased drainage operations agreed in writing by the Local Planning Authority.

Reasons

"To ensure a satisfactory and sustainable means of surface water drainage, to prevent the increased risk of flooding and ensure future maintenance of these."

"To ensure a satisfactory and sustainable means of surface water drainage, to prevent the increased risk of flooding and ensure future maintenance of these."

(Item 6) Planning Application No. 2014/1954 - Residential development to provide 95 dwellings and other ancillary works and activities, including: site preparation, clearance, treatment and the installation of new services and infrastructure (details access, appearance, landscaping, layout and scale pursuant to application A01/0132 granted 6 March 2014) at former Honey Bee Nursery, land off Gower View Road/Clos Cwrt-y-Carne, Penyrheol, Swansea, SA4 4GB.

Miss C Wallington (objector) and Mr O Griffiths (agent) addressed the Committee.

The application was approved in accordance with the recommendation.

(Item 7) Planning Application No. 2014/1968 - Change of use from warehouse and logistics (Class B8) to a cardboard box manufacturing place (Class B2) with associated storage and external alterations at former TD Williams site, Pleasant Road, Penllergaer, Swansea, SA4 9WH.

(Item 8) Planning Application No. 2015/0013 - Change of use from waste recycling centre to sports use (Class D2) at Shanks Waste Service Ltd, Meadow Street, Townhill, Swansea, SA1 6RZ.

(Item 9) Planning Application No. 2015/0030 - Construction of 49 residential units comprising of 22 three storey town houses and 27 apartments in 2/3 storey blocks with associated access, car parking, bicycle/refuse storage, landscaping and ancillary works at Plots D8 and E1, Langdon Road, SA1 Swansea Waterfront, Swansea.

Mr P Baxter (agent) addressed the Committee.

The requirement for the following additional informative was brought to Members' attention:

The road access spur from Langdon Road and the internal estate road will need to be constructed under Section 38/278 Highway Agreements. The developer must contact the Highway Management Group, the City and County of Swansea, Penllergaer Office, c/o Civic Centre, Swansea, SA1 3SN before carrying out any work. The application was approved subject to officers negotiating a Section 106 obligation for affordable housing of up to 30% and that this be brought back to the Committee as an item report.

(Item 10) Planning Application No. 2015/0221 - Residential redevelopment of site for 93 units (26 apartments and 67 2/3 storey dwellings) together with new access road, car parking, infrastructure and engineering works (details of appearance, landscaping, layout and scale pursuant to outline planning permission 2008/1615 granted 4 February 2015) at the former Bernard Hastie and Co. site, Maliphant Sidings, Morfa Road, Swansea.

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

(Item 12) Planning Application No. 2014/1544

Mr G King (agent) addressed the Committee.

A late letter was received from Natural Resources Wales (NRW). No objection is offered to the proposal, although NRW request that the following condition be included should the Council resolve to grant the planning permission.

Condition

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul water via connection to the main sewer has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason

To protect water quality and prevent any deterioration in water quality and any potential deterioration in water framework directive classification.

The application was refused in accordance with the recommendation.

29 **PLANNING APPLICATION NO 2014/0773 - LAND SOUTH OF BEAUCHAMP WALK (OFF LOUGHOR ROAD) GORSEINON.**

The Head of Economic Regeneration and Planning submitted a report which outlined issues around the Section 106 Agreement and conditions agreed by the Planning Committee on 20 January 2015.

It was added that following the Committee resolution, the Section 106 Agreement took some time to be completed due to legal matters and as such, the formal planning permission had not yet been issued. During this time, a complaint had been received from a local resident that works had commenced on the site. Enforcement Officers had visited the site and had confirmed that the works being undertaken on the site were works that "constitute development" and are not "enabling site works". As works had started on site, the planning permission cannot be issued due to the conclusion of a number of "pre-commencement" conditions. Therefore the description of development required to be reworded to the following: "retention and completion of 25 residential dwellings and associated works including

underground pumping station and surface water attenuation pond”, and a number of conditions required rewording prior to the issue of the permission and these Conditions were outlined in the report. A full set of the amended conditions were provided at Appendix B to the report.

RESOLVED that:

- (1) the rewording of the description of development to “retention and completion of 25 dwellings and associated works including underground pumping station and surface water attenuation pond” and the rewording of conditions 4(5), 5(6), 6(7), 8(9), 9(10), 10(11), 11(12), 13(14), 14(15), 17(19), 19(21), 20(22), 21(23), 22(24), 23(27), 24(28) and 25(30) as shown in the revised Schedule of Conditions at Appendix B be approved;
- (2) the removal of Conditions 1, 16, 25, 26 and 29 as per paragraph 2.5 in the report be agreed;
- (3) the original requirements of the (original) Condition 16 be clearly incorporated into the original Condition 6 (Condition 5 of the new recommendation).

The meeting ended at 4.35 pm

CHAIR