

## DINAS A SIR ABERTAWE

### HYSBYSIAD O GYFARFOD

Fe'ch gwahoddir i gyfarfod

### PWYLLGOR CYNLLUNIO

Lleoliad: Ystafell Bwyllgor 3A, Neuadd y Ddinas, Abertawe

Dyddiad: Dydd Mawrth, 9 Mehefin 2015

Amser: 2.00 pm

### AGENDA

Rhif y Dudalen.

- 1 Ymddiheuriadau am absenoldeb.
- 2 Datgeliadau o fuddiannau personol a rhagfarnol. 1 - 2
- 3 Cofnodion. 3 - 10  
Cymeradwyo cofnodion y Pwyllgor Cynllunio a gynhaliwyd ar 12 Mai 2015 a 19 Mai 2015 fel cofnod cywir.
- 4 Cylch gorchwyl. (Er gwybodaeth) 11 - 12
- 5 Cyflwyniad - Trosolwg o'r Cynllun Datblygu Lleol gan Lywodraeth Cymru gyda sesiwn holi ac ateb i ddilyn.
- 6 Eitemau i'w gohirio / tynnu'n ôl.
- 7 Penderfynu ar geisiadau cynllunio o dan Ddeddf Cynllunio Gwlad a Thref 1990. 13 - 59
- 8 Gwahardd y cyhoedd. 60 - 63
- 9 Adroddid gorfodi. 64 - 66



Patrick Arran

Pennaeth Gwasanaethau Cyfreithiol, Democrataidd a Chaffael

Dydd Mawrth, 2 Mehefin 2015

Cyswllt: Gwasanaethau Democrataidd: - 636923

## PLANNING COMMITTEE (12)

### Labour Councillors: 8

John C Bayliss ( <b>Vice-Chair</b> )	Andrea S Lewis
David W Cole	Paul Lloyd ( <b>Chair</b> )
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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**Note: Quorum for this Committee is 6 Councillors**

## 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 MEETING OF THE PLANNING COMMITTEE

HELD AT THE COUNCIL CHAMBER, GUILDHALL, SWANSEA ON  
TUESDAY 12 MAY 2015 AT 2.00 P.M.

**PRESENT:** Councillor P Lloyd (Chair) presided

**Councillor(s):**

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

**Councillor(s):**

M H Jones  
E T Kirchner  
A S Lewis  
C L Philpott

**Councillor(s):**

I M Richard  
D W W Thomas  
T M White

**ALSO PRESENT:**

Councillor D G Sullivan, C Anderson and E J King.

30. **APOLOGIES FOR ABSENCE**

There were none.

31. **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 J C Bayliss - Minute No. 34 - Planning Application No. 2015/0308 - made comments welcoming the departure of Sancta Maria Hospital from the Uplands but did not comment on the specific application - personal. Planning Application No. 2015/0565 - worked with Mr G Joseph (applicant) on the Stadium Management Company as a Council Director - personal.

Councillor A M Cook - Minute No. 34 - Planning Application No. 2014/1201 - Local Ward Member - personal.

Councillor T M White - Planning Application No. 2015/0565 - Local Ward Member - personal.

32. **MINUTES**

**RESOLVED** that the Minutes of the meeting of the Planning Committee held on 14 April 2015 be approved as a correct record.

33. **ITEMS FOR DEFERRAL/WITHDRAWAL**

There were none.

34. **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 2) Planning Application No. 2015/0308**

Two/Three storey private hospital development with associated landscaping, site road and car parking at Plot 8, Felindre Strategic Business Park, Bryntywod, Llanyfelach, Swansea SA5 7LS.

The application was approved in accordance with the recommendation.

(#) **(Item 3) Planning Application No. 2014/1201**

Construction of 18 no. houses comprising of 6 two bed and 12 three bed units at land at Goole Road, Ravenhill, Swansea SA5 5DX.

The application was approved in accordance with the recommendation subject to the following additional condition:

**Condition 17**

No development hereby approved shall commence until details of the proposed arrangements for future management and maintenance of the retaining walls within the development have been submitted to and approved in writing by the Local Planning Authority. The retaining walls shall thereafter be managed and maintained in accordance with the approved management and maintenance details.

**Reason**

To ensure the continued adequacy of the retaining structures.

**(Item 4) Planning Application No. 2013/1399**

Residential development for 4 dwellings (outline) at land adjacent to 77 Trallwn Road, Llansamlet, Swansea SA7 9XA.

The application was approved in accordance with the recommendation.

**(#) (Item 5) Planning Application No. 2015/0565**

Erection of indoor training barn facility for Swansea City Football Academy at Swansea City Football Club Academy, Landore, Swansea SA1 2FA.

The Committee were informed of the following updates:

- Following the submission of additional information to the Coal Authority by the applicant's agent, the Coal Authority had withdrawn its objection to the application.
- In their letter to the Council confirming this, the Coal Authority commented that "the information submitted...meets the requirements of PPW in demonstrating that the application site is, or can be made safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development.
- In the interests of public safety, however, the Coal Authority would recommend that, should planning permission be granted for this proposal, the following wording is included as an informative note within the decision notice; the proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mining entries (shafts and adits); shallow coal workings; geological features (fissures and brake lines); mine, gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Minutes of the Meeting of the Planning Committee (12.05.2015) Cont'd

- It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations) be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>.
  - Any intrusive activities which disturb or enter any coal seams, coal workings or coal mine entries (shafts and adits) requires a Coal Authority permit. Such activities could include site investigation bore holes, digging of foundations, piling activities, other groundworks and subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority permit for such activities is trespass, with the potential for Court action. Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com).
  - If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).
  - The application was approved in accordance with the recommendation.
- (2) the undermentioned planning applications **BE REFUSED** for the reasons indicated in the report/and below:

(#) **(Item 1) Planning Application No. 2014/1620**

Construction of a 4 MW solar farm comprising of 12,934 individual panels and associated structures and works at Gwenlais Uchaf Farm, Pontlliw, Swansea SA4 9HB.

- Aled Davies (objector), Ann Dugdale (agent) and Councillor D G Sullivan addressed the Committee.



## Minutes of the Meeting of the Planning Committee (12.05.2015) Cont'd

The Committee were advised of the following amendments to condition 3 and 7:

### **Condition 3**

No later than 12 months from the first generation of electricity, the following schemes shall be submitted in writing for the written approval of the Local Planning Authority:

- (i) a scheme detailing the removal of all surface elements of the photovoltaic solar farm and any foundations or anchor systems to a depth of 300 mm below ground level;
- (ii) a scheme detailing the restoration and aftercare, following consultation with such other parties as the Local Planning Authority considers appropriate.
- (iii) a timetable for completion of the works.

These schemes shall be implemented within 12 months from the date of the last electricity generated, should the site no longer be utilised for the permission hereby granted, and completed in accordance with the approved timetable for completion of the works.

### **Reason**

In the interests of visual amenity and to ensure the land is restored in an acceptable manner.

### **Condition 7**

No development approved by this permission shall take place until the details of the methodology for the scope and nature of the dilapidation surveys on the adopted highway and Gower way have been submitted to and approved in writing by the Local Planning Authority. The dilapidation survey shall be undertaken in accordance with the approved details and the results together with any remediation works proposed shall be submitted to and approved in writing by the Local Planning Authority within 2 months of completion of the dilapidation surveys. Any remediation shall be undertaken in accordance with the approved details within 6 months of the date of approval of such details.

**Reason**

In the interests of highway safety.

The recommendation was not accepted and the application refused for the following reason:

**Reason**

The proposal is considered to constitute inappropriate development in the countryside which cannot be satisfactorily incorporated into the landscape and would have an adverse visual impact particularly when viewed from the public right of way known as the Gower Way, and nearby residential properties, contrary to Policies EV1, EV22 and R11 of the City and County of Swansea Unitary Development Plan (2008).

(**NOTE:** Councillor J C Bayliss requested that his vote in favour of the officer recommendation be recorded.)

(**NOTE:** Councillor I M Richard requested that his vote against the officer recommendation be recorded.)

35. **REFERRAL OF THE VETCH MASTER PLAN REVIEW FOR ADOPTION AS SUPPLEMENTARY PLANNING GUIDANCE FOLLOWING CABINET ENDORSEMENT**

The Head of Economic Regeneration and Planning submitted a report which sought the adoption of the Vetch Master Plan Review as supplementary planning guidance following Cabinet endorsement.

**RESOLVED** that the Vetch Master Plan Review provided at Appendix A be adopted as supplementary planning guidance to Policies EV1, EV2, EV3, EV4, HC1(62), HC2, HC3, HC23, HC24, AS2 of the adopted City and County of Swansea Unitary Development Plan and future policies that will be drafted as part of the emerging Local Development Plan.

36. PLOTS D8 AND E1, LANGDON ROAD, SA1 SWANSEA WATERFRONT, SWANSEA - REFERRAL OF PLANNING APPLICATION REFERENCE 2015/0030 BACK TO THIS COMMITTEE FROM THE MEETING ON 14 APRIL 2015 - CONSTRUCTION OF 49 RESIDENTIAL UNITS COMPRISING 22 THREE STOREY TOWN HOUSES AND 27 APARTMENTS IN 3/2 STOREY BLOCKS WITH ASSOCIATED ACCESS, CAR PARKING, BICYCLE, REFUSE STORAGE, LANDSCAPING AND ANCILLARY WORKS

The Head of Economic Regeneration and Planning presented a report which sought to approve a Section 106 Planning Obligation Heads of Terms Requirement for Affordable Housing.

It was outlined that the application was reported to the Planning Committee on 14 April 2015 with the recommendation that the application be approved, subject to officers negotiating a Section 106 Obligation for affordable housing and that this be presented to the Committee as an item report, a copy of the report to the Planning Committee on 14 April 2015 was attached.

**RESOLVED** that the application **BE APPROVED** subject to the conditions in the attached planning report and to the applicant entering into a Section 106 Obligation to provide 10% of the total number of residential units within the development as affordable housing.

The meeting ended at 3.05 p.m.

**CHAIR**

**CITY AND COUNTY OF SWANSEA**

**MINUTES OF THE PLANNING COMMITTEE**

**HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON TUESDAY,  
19 MAY 2015 AT 5.15 PM**

**PRESENT:**

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
A C S Colburn	A S Lewis	I M Richard
D W Cole	P Lloyd	D W W Thomas
A M Cook	C L Philpott	T M White
E T Kirchner		

1 **TO SUSPEND COUNCIL PROCEDURE RULE 12 "CHAIR OF MEETINGS" IN ORDER TO ALLOW THE PRESIDING MEMBER TO PRESIDE OVER THE UNDER MENTIONED AGENDA ITEMS.**

**RESOLVED** that Procedure Rule 12 be suspended in order to allow the Chair of Council to preside over this meeting.

**(COUNCILLOR D W W THOMAS PRESIDED)**

2 **TO ELECT A CHAIR FOR THE MUNICIPAL YEAR 2015-2016.**

**RESOLVED** that Councillor P Lloyd be elected Chair for the 2015-2016 Municipal Year.

**(COUNCILLOR P LLOYD PRESIDED)**

3 **TO ELECT A VICE CHAIR FOR THE MUNICIPAL YEAR 2015-2016.**

**RESOLVED** that Councillor J C Bayliss be elected Vice-Chair for the 2015-2016 Municipal Year.

4 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors J C Bayliss and M H Jones.

5 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

The meeting ended at 5.30 p.m.

**CHAIR**

## Terms of Reference - Planning Committee

1. To discharge the functions of the Council with regard to planning control services except:
  - a. Where the Planning Committee is minded to approve an application for development which the Head of Economic Regeneration & Planning has recommended for refusal because it is contrary to the Unitary Development Plan, or any other relevant policies adopted by the Council, OTHER THAN:
  - b. The following policies of the Unitary Development Plan:

EV1	Design of New Development
EV2	Siting & Location of New Development
EV3	Accessibility & Access for All
EV4	Public Realm
EV5	Public Art
EV7	Listed Buildings
EV8	Demolition of Listed Buildings
EV9	Development in Conservation Areas
EV10	Demolition of Unlisted Buildings in Conservation Areas
EV12	Lane & Public Paths
EV13	Shop fronts, Security Grilles
EV14	Advertisements
EV15	Hoardings
EC14	Agricultural Development
EC15	Urban Tourism
HC2	Infill Development & Small Scale Residential Development
HC4	Regeneration of Older Housing Areas
HC5	Multiple Occupation
HC6	Flat Conversion
HC7	Household Extensions
HC8	Over the Shop Housing
HC10	Holiday Chalet and Caravan Sites
HC26	Informal Recreation
HC27	Use of Land for Horses
R10	Telecommunications
AS1	Accessibility of new development
AS2	Accessibility of new development
AS5	Walking & Cycling
AS6	Car parking requirements for new development
AS10	Traffic management & highway safety.

2. Where the recommendation would involve a refusal of permission to an application submitted by the Council in relation to land owned by the Council;

3. Any other matter as determined by the Head of Economic Regeneration & Planning including the consideration and adoption of Supplementary Planning Guidance with the exception of Development Plan Strategy which shall be determined by Council;
4. To discharge the functions of the Council with regard to Public Rights of Way, Commons Registration and Village Greens.
5. Monitor the progress of Local Development Plan (LDP) delivery and performance;
6. Examine the process of LDP preparation and advise upon improving reporting mechanisms;
7. Consider ways to promote / encourage sustainable development;
8. Consider in detail proposals for inclusion in the LDP and be able to report upon their findings;
9. Consider the preparation of Supplementary Planning Guidance (SPG) in support of the LDP;
10. Advise on methods of helping facilitate improved community involvement;
11. Improve linkages with other Council plans and strategies;
12. Ensure equality and diversity issues pertaining to these matters are addressed;
13. Provide a link to the political party groups to enable the views of all Councillors to inform the development of the LDP.

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: 9<sup>TH</sup> JUNE 2015

<b>Bay Area</b> Team Leader: Richard Jones - 635735	<b>Area 1</b> Team Leader: Ian Davies - 635714	<b>Area 2</b> Team Leader: Chris Healey - 637424
Castle Landore Mayals Oystermouth St Thomas Sketty Uplands West Cross	Bonymaen Clydach Cockett Cwmbwrla Gorseinon Llangyfelach Llansamlet Mawr Morrison 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 77 and 78 of the Constitution) will need to be reported to Council 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	2015/0441	40, Gwydr Crescent, Uplands, Swansea, SA2 7NJ. <b>Change of use from residential (Class C3) to 7 bed HMO</b>	APPROVE
2	2014/1499	504 and part of rear garden at 506, Heol Las, Birchgrove, Swansea, SA7 9DX. <b>Demolition of No. 504 and construction of detached dwelling (outline)</b>	APPROVE
3	2014/0546	Land between 58 and 76 Goppa Road, Pontarddulais, Swansea, SA4 8JN. <b>Construction of 10 dwellings and associated engineering operations (outline)</b>	APPROVE
4	2015/0701	Plot 22, Ladysmith Road, Treboeth, Swansea, SA5 9DL. <b>Retention and alteration of detached dwelling house and garage on Plot 22.</b>	REFUSE

PLANNING COMMITTEE – 9<sup>TH</sup> JUNE 2015

ITEM 1

APPLICATION NO.

2015/0441

WARD:

Uplands

**Location:** 40 Gwydr Crescent, Uplands, Swansea SA2 7NJ

**Proposal:** Change of use from residential (Class C3) to 7 bed HMO

**Applicant:** Mrs R Irvine



**BACKGROUND INFORMATION**

**POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy HC5	Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

**SITE HISTORY**

None                      **Proposal**

**RESPONSE TO CONSULTATIONS**

The occupiers of two neighbouring properties were consulted and the proposal was advertised on site. ONE LETTER OF OBJECTION and ONE PETITION OF OBJECTION containing 32 signatures from 32 individual addresses has been received and are summarised as follows:

One Letter of objection

1. Uplands and Brynmill already suffer from an over-density of this kind of accommodation.
2. Most is occupied by students who leave in the vacation.
3. Certain parts of the ward no longer have a permanent population.
4. This threatens the viability of shops, schools etc and makes the area less attractive for permanent residents.
5. In allowing this application the authority would be in breach of Policy HC5 regarding over density of HMO's.
6. There are already 39 HMOs on Gwydr Crescent according to the HMO public register.
7. If allowed this proposal would result in increased traffic as up to seven residents would be manoeuvring vehicles in and out.
8. Those vehicles would also require parking spaces in an already densely population area where parking is at a premium. Only three are allowed for in the application.
9. Concerns over accumulation of refuse.

ITEM 1 (CONT'D)

APPLICATION NO.

2015/0441

PETITION OF OBJECTION - 32 signatures

Object to the proposal to convert 40 Gwydr Crescent into a 7 bedroom house in multiple occupation. If approved, it will add to the existing over-density of HMO's in Uplands and Brynmill. We are concerned that the number of vehicles parking at or near the premises and the increased amount of refuse being put out will disrupt the residential amenity of the area and harm the quality of life of existing residents.

**Highway Observations –**

There is a parking area to the rear (accessed off an adopted lane) and a plan has been submitted detailing that three parking spaces can be accommodated to the rear.

Given the sustainable nature of the site and access to local amenities and public transport I consider this to be an appropriate level of parking for the proposed HMO. The application form also states that seven cycle parking spaces will be made available for use by the residents which should encourage non car modes of transport. There is no plan detailing the cycle parking but this can be secured by condition.

I recommend that no highway objections are raised to the proposal subject to:

1. The parking area being laid in accordance with the approved plan and maintained for parking purposes only in perpetuity.
2. Cycle parking to be provided in accordance with details to be submitted for approval to the LPA within one month of the date of this planning consent and maintained for cycle parking purposes in perpetuity.

**APPRAISAL**

This application is reported to Committee for decision at the request of Councillor Nick Davies as a valid petition of objection has been received with over 30 individual addresses and signatures.

Full planning permission is sought for the change of use of 40 Gwydr Crescent from a 7 bedroom residential dwelling into a 7 bedroom HMO. The application property is a large three storey property located towards the end of the terrace near Pantygwydr Church. There is rear lane access to a parking area at the rear of the property. The property is currently let as a 6 bedroom HMO for which no planning permission is required. A HMO licence for occupation by a maximum of 7 persons was approved in January 2015.

The main issues for consideration with regard to this application relate to the acceptability of the proposed use and external alterations, having regard to Policies AS6, EV1 and HC5 of the City and County of Swansea Unitary Development Plan 2008. There are in this case considered to be no additional overriding considerations arising from the provisions of the Human Rights Act.

Policy HC5 states that proposals for conversion of properties into multiple occupancy will only be permitted where there is no significant adverse affect in terms of the following:

ITEM 1 (CONT'D)

APPLICATION NO.

2015/0441

1. Impact on residential amenity
2. Intensity of use
3. Off-street parking provision
4. Traffic generation
5. Refuse storage arrangements
6. Sound insulation
7. The effect on the external appearance of the property and the character and appearance of the area.

Policy EV1 is a more general policy and requires development to have regard to the amenities of the surrounding area with particular reference to visual impact, loss of light or privacy, increased activity and traffic movements or parking problems.

In terms of visual amenity, there are no external alterations proposed. The rear of the property will be marked out to provide 3 off street car parking spaces. The property already provides 6 lettable rooms and proposes only one additional lettable bedroom providing 7 in total. It is considered that the use of the premises as a 7 bed HMO would have no impact upon the character and appearance of the host building or the visual amenities of the surrounding area and the provision of an additional car parking space to rear of the property is considered negligible in terms of the impact to the character of the wider surrounding area.

Turning now to residential amenity, the submitted floor plans provided demonstrate that the accommodation is already capable of providing 7 bedrooms (although the property already has 7 bedrooms, only 6 bedrooms have been occupied) with sufficient space to the rear for refuse and cycle storage. Furthermore it is considered that the use of the property as a 7 bed HMO (one additional person) would not result in an unacceptable increase in the intensity of the use of the property in movements in and out of the building, or result in an unacceptable increase in noise and general disturbance to the residents within the neighbouring properties to the detriment of their residential amenities that could justify a refusal on these grounds.

It is therefore considered that the use of the property as a 7 bed HMO would not result in an adverse impact upon the residential amenities of the occupiers of neighbouring properties.

In terms of highway safety, the Head of Transportation and Engineering raises no objection to the scheme subject to conditions requiring the parking area to be laid out in accordance with the layout plan and maintained as such in perpetuity, together with cycle parking being provided.

With regard to the points made in the letters of objection, concern has been raised regarding the general area and the number of HMOs present. There are no policies in the UDP that seek to restrict the number of HMOs in the area. In terms of waste, it is not considered that a 7 bed HMO would generate significantly more waste than that generated from the lawful use of the property as a dwelling which can be occupied by a family or up to six people living together as a family.

## PLANNING COMMITTEE – 9<sup>TH</sup> JUNE 2015

ITEM 1 (CONT'D)

APPLICATION NO.

2015/0441

The HMO public register shows that there are 40 properties in Gwydr Crescent on the register (including the application property). Of these 27 have a HMO licence for up to 6 people and 13 have a HMO licence for more than 6 (Including the application property which was granted a licence in January 2015 for up to 7 people).

A check of the recent planning history for Gwydr Crescent shows that from the year 2000 one property (No.9 Gwydr) has been granted planning permission for up to 7 people (Ref: 2001/1380) and 3 properties have been granted permission for flats (Ref: 2008/1437, 2007/1427 and 2007/1139). There are also historic applications which date back to the 90's, 80's and 70's for houses in multiple occupation and flats at Gwydr Crescent.

The points raised in the petition of objection have been noted. There will be no new parking permits available for any additional residents over and above the two permits that the property is already entitled to. Additional off street car parking is to be made available to the rear of the application property via an existing rear lane access.

In conclusion, therefore, and having regard to all material planning considerations including the Human Rights Act, the proposal is considered to represent an acceptable form of development having particular regard to the criteria set out in Policies HC5, EV1 and AS6 of the City and County of Swansea Unitary Development Plan 2008. Accordingly, approval is recommended.

### **RECOMMENDATION**

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

- 1        The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
  
- 2        The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan, Block Plan, floor plans, received on 5th March 2015, Additional plan - rear car parking area, received on 18th May 2015, existing floor plans, proposed floor plans, received on 21st May 2015.  
Reason: To define the extent of the permission granted.
  
- 3        Prior to beneficial occupation of the development hereby approved, the parking layout indicated on the rear car parking plan received on 18th May 2015, shall be clearly marked out and available for use, and shall thereafter be maintained as such for parking by the residents of 40 Gwydr Crescent only unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of highway safety and to provide additional off street car parking provision.

## PLANNING COMMITTEE – 9<sup>TH</sup> JUNE 2015

ITEM 1 (CONT'D)

APPLICATION NO.

2015/0441

- 4 Prior to the beneficial occupation of the development hereby approved commencing, cycle parking shall be provided and shall be made available for use in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The cycle parking shall be maintained in accordance with the approved details for use by the residents of 40 Gwydr Crescent only.

Reason: To encourage sustainable and alternative means of transport.

### 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, AS6 and HC5.
  - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-

PLANNING COMMITTEE – 9<sup>TH</sup> JUNE 2015

ITEM 2

APPLICATION NO.

2014/1499

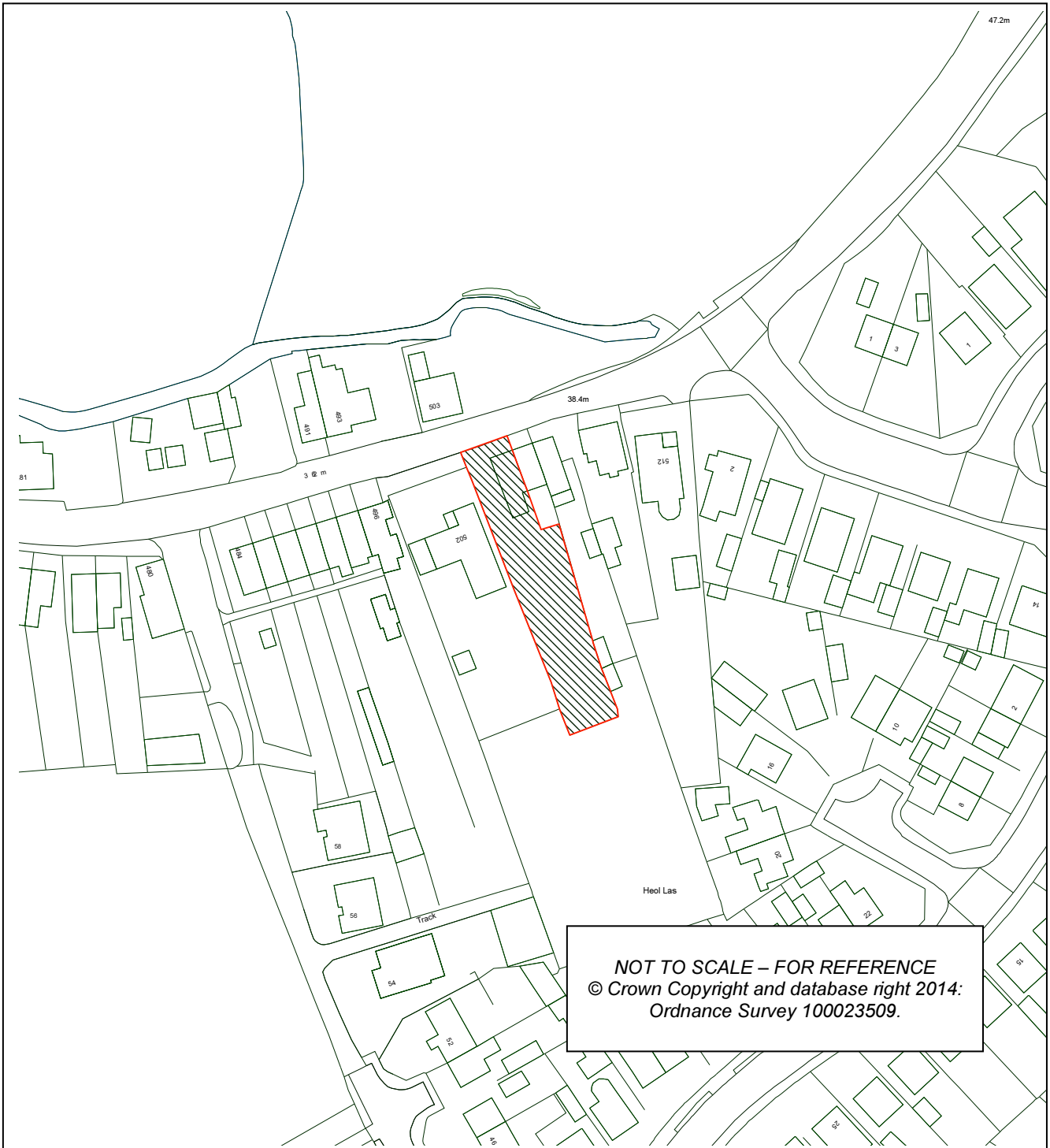
WARD:

Llansamlet

**Location:** 504 and part of rear garden at 506 Heol Las Birchgrove Swansea SA7 9DX

**Proposal:** Demolition of No. 504 and construction of detached dwelling (outline)

**Applicant:** Miss Sarah Brocklebank





## PLANNING COMMITTEE – 9<sup>TH</sup> JUNE 2015

ITEM 2 (CONT'D)

APPLICATION NO.

2014/1499

### BACKGROUND INFORMATION

This application was reported to the Planning Committee meeting on 17<sup>th</sup> March 2015 with a recommendation of refusal on the grounds of that the proposal would have a significant overbearing impact on neighbouring occupiers at Nos. 502 and 506 Heol Las. The application was DEFERRED in order to allow the applicant to discuss amendments with officers. Following a meeting with officers and Councillor Uta Clay, revised scale parameters have been provided and indicative drawings which indicate the provision of a single storey dwelling on the site. The amended information is considered to address officer concerns, subject to conditions, as such the application is now recommended for approval.

### 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 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)

### SITE HISTORY

App No.	Proposal
2014/0094	Demolition of No. 504 and construction of a detached dormer bungalow (outline) Decision: Refuse Decision Date: 10/04/2014

ITEM 2 (CONT'D)

APPLICATION NO.

2014/1499

## RESPONSE TO CONSULTATIONS

The application was advertised on site and four neighbours were consulted. No responses have been received.

### Highways Observations

There are no highway objections to the application for outline consent for a dwelling subject to:

1. The site frontage being set back 2m to allow a Highways footpath to be constructed at the applicant's expense under a section 278 Agreement.
2. Adequate parking and turning to be provided within the site.
3. The front boundary wall being kept below 1m in the interests of visibility.

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

### Planning Ecologist

The house has been subject to a bat survey, the surveyor is confident there is no bat use of the property at the time of the survey, as a precaution please include standard bat and bird informatives.

### Dwr Cymru Welsh Water (DCWW)

Recommend, if approved, standard conditions and informatives.

### Drainage and Coastal Management Observations

The application form indicates that a sustainable drainage system is to be used to dispose of the surface water arising from the development; however no further information has been presented with the application to demonstrate that any proposed solution is viable. As part of any application we would expect to see a drainage strategy supported by an appropriate level of information.

**Following the submission of amended indicative details four neighbours were re-consulted. No responses have been received to date.**

### Highways Obs

No additional comments on amended plans.

## APPRAISAL

This planning application has been called to Committee for decision at the request of Councillor Uta Clay in order to consider highway safety.

ITEM 2 (CONT'D)

APPLICATION NO.

2014/1499

This application seeks outline planning permission for the demolition of No. 504 Heol Las and the construction of a detached dwelling. All matters are reserved for future consideration. The application site is located within the established residential area of Birchgrove. The application site has a frontage of approximately 10 metres onto Heol Las and a maximum depth of 60 metres. The site is generally level in profile.

This planning application is a re-submission of an application refused in 2014 (2014/0094 refers) for the following reasons:

1. The proposed dormer bungalow by virtue of its siting and design would result in an incongruous development that would not be in keeping with the pattern of development nor the design of dwellings in the locality. The proposal would therefore be contrary to EV1, EV2 and HC2 of the City and County of Swansea Unitary Development Plan (2008) and the supplementary planning guidance 'Infill and Backland Design Guide' adopted 2014.
2. The proposed dormer bungalow, by virtue of its size, siting and design would result in significant adverse impacts on the residential amenities of the occupiers of Nos. 502, 506 and 508 Heol Las by way of excessive physical overbearing and overshadowing impacts. The proposal would therefore be contrary to EV1, EV2 and HC2 of the City and County of Swansea Unitary Development Plan (2008) and the supplementary planning guidance 'Infill and Backland Design Guide' adopted 2014.
3. The application has not been accompanied with sufficient information to fully assess the possibility of protected species using the building that is proposed to be demolished (No. 504). There is insufficient information to assess whether there would be significant harm caused to nature conservation interests the proposal is therefore contrary to EV2 and HC2 of the City and County of Swansea Unitary Development Plan (2008)

In order to address the above reasons for refusal the applicant has altered the indicative details to push the dwelling forward within the plot and reduce the indicative scale of the dwelling to a single storey bungalow. Moreover, a bat survey has been submitted in support of the application.

## **MAIN ISSUES**

The main issues are the impacts of the development on the character and appearance of the area, the impacts on the residential amenities of neighbouring occupiers and the impacts on highway safety.

The relevant City and County of Swansea Unitary development Plan (UDP) policies are EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV36 (Development and Flood Risk) and HC2 (Urban Infill Development). Also relevant is the adopted Supplementary Planning Guidance (SPG) 'Infill and Backland Design Guide'.

The site is not allocated for residential development in the UDP it is 'white land' on the proposals map and can be considered an infill development 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.

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. EV3 requires developments to provide satisfactory access and parking arrangements. The above design policies are further expanded upon in the 'Infill and Backland Design Guide' SPG. EV36 states that new development in flood risk areas will only be permitted where its location is justified and the consequences of flooding are acceptable.

### **Visual Amenity**

The proposal is for a detached dwelling and whilst all matters have been reserved indicative siting has been provided which indicates a dwelling set back some 8.5m from the site frontage onto Heol Las and some 1.5 metres in front of the building line of the adjacent bungalow. Forecourt parking is indicated in front of the proposed dwelling. Indicative scale parameters have been provided which indicate the main body of the dwelling would have the following dimensions: 7m in width, 7m in depth and a maximum ridge height of 4.7m (4.6m minimum). The proposed dwelling is also indicated to have a single storey rear wing extension with the following maximum dimensions: 6m in width, 10m in depth (minimum 3m) and the same indicative ridge heights as the main body of the dwelling.

The site incorporates the existing end of terrace dwelling at No. 504, which is proposed to be demolished, together with part of the rear garden of No. 506. The surrounding built form comprises a linear development of mainly traditional housing fronting onto Heol Las which gives way to established post war housing estates to the east of the application site. The traditional dwellings along Heol Las together with the narrow nature of the road and the proximity to the green wedge to the north east of the site gives the area a distinctive semi rural character.

Along this section of Heol Las there are examples of frontage parking to the terraced properties to the east and west. The neighbouring bungalow also has a large forecourt parking area. It is also noted that despite the street incorporating sections of consistent building lines, a uniform building line is not a strong characteristic of the street in this location. Therefore it is considered that the siting of the development set back from the neighbouring terrace and the provision of a frontage parking area as indicated on the illustrative drawings would not result in any significant visual impacts upon the street scene. The indicative scale parameters and the applicant's supporting information indicated the development would comprise a single storey dwelling. Whilst this is considered to be acceptable in principle and would provide visual continuity with the neighbouring bungalow to the west, it is considered that the maximum overall depth of the dwelling, as indicated at some 17m (excluding the porch) would be excessive. It would result in an overly elongated form of development that would not represent good design and would appear as a dominant visual feature when viewed from neighbouring properties, particularly to the nearest property to the north at No. 506. In this respect it is recommended that a condition is included with any planning permission to restrict the maximum overall depth of the dwelling to no greater than 13m (excluding the front porch). This would ensure that the development would not result in any significant adverse effects on the character and appearance of the area, by virtue of its scale.

Overall, subject to the above condition it is considered that the application demonstrates that a replacement dwelling can be accommodated on the site without resulting in a cramped form of development and without resulting in any significant adverse effects on the character and appearance of the area.

### **Residential Amenity**

The indicative scale parameters would limit the siting of the dwelling to that broadly shown on the indicative block plan. The dwelling could not be pushed back further within the site as this would have a harmful impact on the character and appearance of the area (see above reason for refusal 1. of the previous planning application). Moreover, the dwelling could not be pushed forward without impacting on the frontage parking area. Against this context, whilst the layout is indicative only and would not form part of this planning permission, significant weight has been attached to the indicative scale parameters and the indicative layout, when assessing this proposal.

The dwelling as indicated would be sited some 1.5 metres from the side boundary of No.502 and a minimum of 3 metres from its side elevation, which contains habitable room windows. This separation distance coupled with the relatively low ridge and maximum eaves height of 2.7m, would ensure that there would be no significant physical overbearing impacts or loss of outlook to the occupiers of this property, based on the indicative details.

In relation to No. 506 the indicative details indicate the eastern side elevation of the dwelling would be sited some 1.5m from the western side boundary of this property and would project beyond its rear boundary. Whilst the proposed dwelling would be visible from the garden of this dwelling, the low eaves and ridge height, coupled with the distance of the dwelling from the side boundary would, on balance, mitigate any significant overbearing impacts to the occupiers of No. 506, based on the indicative details.

ITEM 2 (CONT'D)

APPLICATION NO.

2014/1499

In light of the above it is considered that a replacement dwelling can be accommodated within the application site without resulting in any significant residential amenity impacts upon neighbouring occupiers.

### **Access and Highway Safety**

The Head of Highways and Transportation has raised no objections to the application, subject to the requirements listed in the Highways observations (above). The provision of a 2m footway would make a small but necessary contribution to improving pedestrian access along the road and can be secured by a condition. The provision of adequate car parking can be secured at the reserved matters stage.

### **Other Issues**

Planning permission was previously refused on the site as no evidence or information had been produced to counter concerns about the potential use of the building to be demolished as a habitat for protected species. To address this reason for refusal a bat survey has been submitted. The surveyor is confident there is no bat use of the property at the time of the survey. The survey has been considered by the Council's ecologist and is considered to have addressed previous concerns in this respect.

The Drainage section has requested surface water drainage details. Given that the proposal is for a replacement dwelling and given the large area of garden to the rear that could be utilised for infiltration drainage, this matter could be addressed by condition.

In respect of flooding, NRW commented on the previous planning application as follows:

'The proposed development itself is outside of the area identified as being at risk of flooding on our current flood maps. However the access to the site from Heol Las is shown to be at risk of flooding and is classed as Zone C1 on the development advice map referred to by Welsh Government TAN15 (July 2004). Whether potential restricted access is a constraint to development is a matter for your Authority to determine'.

Having regard to this advice and the new flood maps issued in January 2015, given the development is for a replacement dwelling the consequences of flooding are considered to be acceptable and would not conflict with policy EV36.

### **Conclusion**

The proposed development is considered to be acceptable in terms of its impacts on the character and appearance of the area, the impacts on the living conditions of neighbouring occupiers and the impacts on parking and highway safety. The development is therefore considered to be acceptable and would therefore be in accordance with UDP Policies EV1, EV2, EV3, HC2 and the 'Infill and Backland Design Guide' SPG. It is not considered that the provisions of the Human Rights Act would raise any further material planning considerations as such the application is recommended for conditional approval.

**PLANNING COMMITTEE – 9<sup>TH</sup> JUNE 2015**

ITEM 2 (CONT'D)

APPLICATION NO.

2014/1499

**RECOMMENDATION**

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

- 1 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 ensure that the development is carried out in an orderly and satisfactory manner.
- 2 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.
- 3 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.
- 4 The development shall be carried out in accordance with the following approved plans and documents: 'Site location plan' received 10th October 2014.  
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.
- 5 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.
- 6 Before the development hereby approved is occupied the means of enclosing the boundaries of the site shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of visual amenity and general amenity.

## PLANNING COMMITTEE – 9<sup>TH</sup> JUNE 2015

ITEM 2 (CONT'D)

APPLICATION NO.

2014/1499

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Classes A, B and C of Part 1 of Schedule 2 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.

- 8 Prior to the occupation of the dwelling hereby approved, a 2 metre footway shall be constructed along the site frontage in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian safety.

- 9 Notwithstanding the scale parameters provided, the maximum depth of the dwelling hereby approved shall be no greater than 13m (excluding any front porch).

Reason: In the interests of visual amenity.

### INFORMATIVES

- 1 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).

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

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

Care should be taken when working on buildings particularly during the bird nesting season March-August.

- 3 Any boundary wall along the site frontage shall be no higher than 1m.

- 4 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, HC2 and the 'Infill and Backland Design Guide' SPG.



PLANNING COMMITTEE – 9<sup>TH</sup> JUNE 2015

ITEM 3

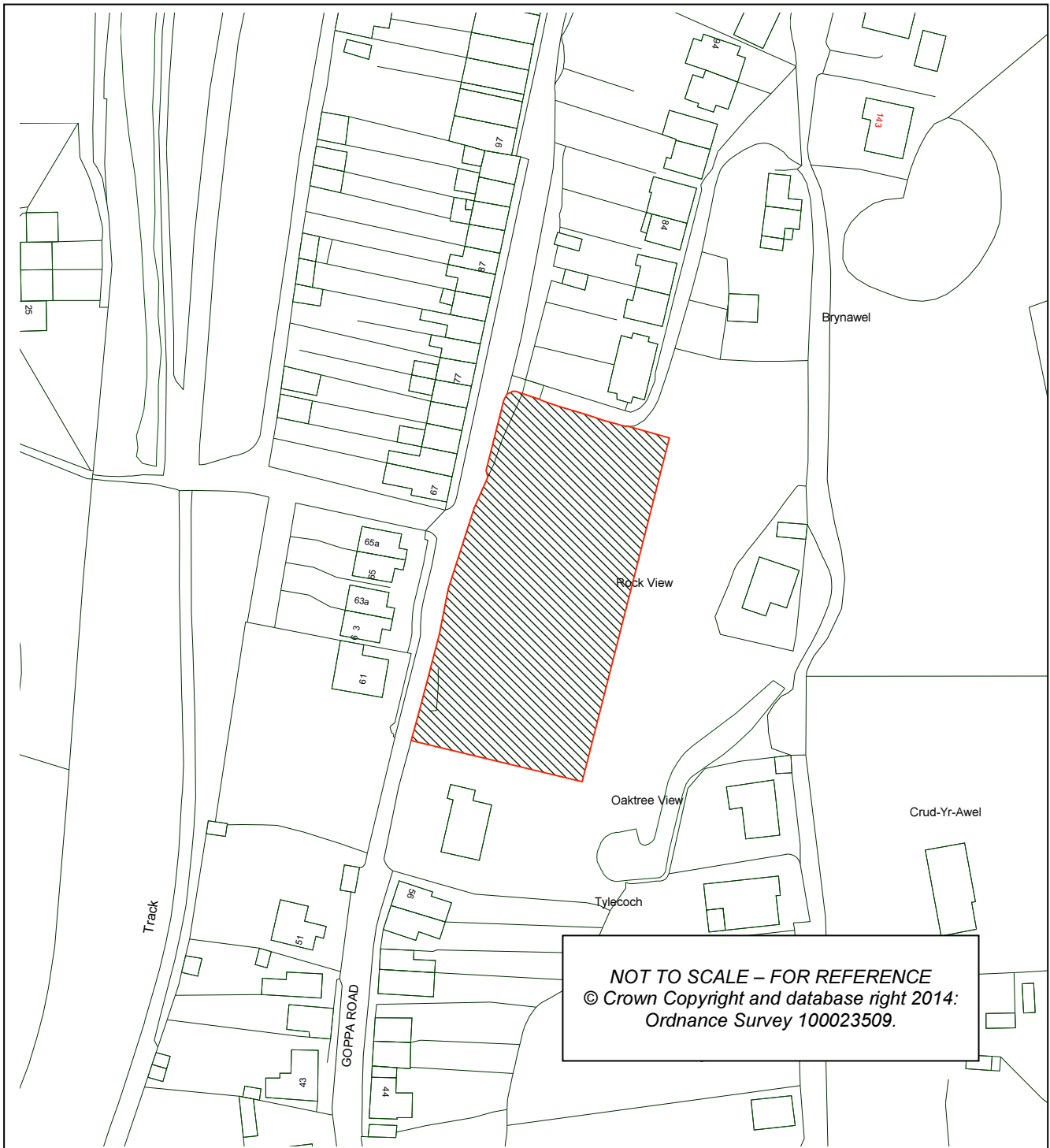
APPLICATION NO. 2014/0546

WARD: Pontarddulais

**Location:** Land between 58 and 76 Goppa Road, Pontarddulais, Swansea, SA4 8JN

**Proposal:** Construction of 10 dwellings and associated engineering operations (outline)

**Applicant:** Mr David Manning



## PLANNING COMMITTEE – 9<sup>TH</sup> JUNE 2015

ITEM 3 (CONT'D)

APPLICATION NO.

2014/0546

### BACKGROUND INFORMATION

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
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 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)

**PLANNING COMMITTEE – 9<sup>TH</sup> JUNE 2015**

ITEM 3 (CONT'D)

APPLICATION NO.

2014/0546

- 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 HC24      Provision of public open space within new residential developments. (City & County of Swansea Unitary Development Plan 2008)

**SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2013/1425	Removal of soil/quarry waste/sub strata from site and construction of retaining walls Decision: Grant Permission Conditional Decision Date: 27/02/2014
2006/2723	Residential development (outline) Decision: Withdrawn Decision Date: 20/09/2007
LV/82/0310/04	RENEWAL OF CONSENT FOR TEMPORARY SITING OF RESIDENTIAL CARAVAN Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 28/09/1982
LV/83/0562/04	RENEWAL OF CONSENT FOR TEMPORARY SITING OF RESIDENTIAL CARAVAN Decision: *HRP - REFUSE PERMISSION Decision Date: 17/01/1984
LV/80/0302/01	2 DWELLINGS AND GARAGES/PARKING SPACES Decision: *HRP - REFUSE PERMISSION Decision Date: 01/07/1980

## PLANNING COMMITTEE – 9<sup>TH</sup> JUNE 2015

ITEM 3 (CONT'D)

APPLICATION NO.

2014/0546

LV/90/0409/01 DWELLING

Decision: \*HGPCU - GRANT PERMISSION UNCONDITIONAL

Decision Date: 22/11/1990

### RESPONSE TO CONSULTATIONS

The application was advertised on site, in the press and sixteen neighbours were consulted. THIRTY NINE LETTERS OF OBJECTION have been received, which may be summarised as follows:

1. Concerns that the development would not provide adequate off street parking, which would increase parking pressure on Goppa Road resulting in congestion and highway safety issues.
2. Concerns Goppa Road cannot cope with the traffic arising from the development.
3. Concerns the development may exacerbate existing surface water and foul water drainage problem on Goppa Road.
4. Concerns regarding impacts from construction traffic, including pedestrian safety concerns, dust, noise, damage to the road and underground services.
5. Concern that Goppa Road is not suitable for heavy vehicles.
6. Concerns regarding the spread of Japanese Knotweed from the site to neighbouring properties.
7. Concerns regarding the loss of habitat for wildlife including bats.
8. Concerns regarding loss of privacy and loss of light to neighbouring occupiers.
9. Concerns regarding the capacity of the public sewerage system.
10. Concerns regarding the impact of retaining walls on neighbouring properties.
11. Concerns regarding the visual impact of the development on the character and appearance of the area.
12. Concerns the proposals would be an overdevelopment of the site.
13. Concerns regarding increased pressure on education and health services.
14. Concerns the development would result in environmental pollution including noise and dust pollution.
15. Concerns that thousands of tonnes of rock and soil would need to be removed to facilitate the development resulting in thousands of lorry movements along Goppa Road. This would result in disturbance and chaos on Goppa Road.
16. Concerns the junction with Bolgoed Road and Goppa Road presents a potential hazard for road users and pedestrians as large vehicles enter and exit Goppa Road.
17. Concerns regarding the variable width of Goppa Road and the lack of pavements along its length.
18. The construction of the development will pose a threat to pedestrian safety, including school children.
19. Concerns regarding the accessibility of the dwellings.
20. Concerns there are better sites for housing in Pontarddulais.

#### Highways Observations (28.04.15)

Construction of 10 dwellings and associated engineering operations (outline)

The application is for ten dwellings with all matters reserved.

ITEM 3 (CONT'D)

APPLICATION NO.

2014/0546

The site is located within 400m of a bus route and hence is considered to be in a sustainable location. Pontarddulais offers a number of local amenities, shops, facilities and educational establishments.

Goppa Road is adopted but is of varying width and in the main is without footways. The properties opposite the site park on street and hence the road can become congested due to localised restrictions and narrowing. Following on from discussion regarding the site amended plans have been received detailing that the site frontage is to be set back to allow for widening of the highway to take place plus a footway is to be constructed (all at the applicants' cost).

The site is steeply sloping and retaining structures will be required to support the rear of the site. From the indicative plan the parking areas are to the frontage of the site with direct access off Goppa Road. The set back was required firstly to allow the residential vehicles associated with the site to access/egress safely and secondly to provide an improved Highway infrastructure that reduced the scope for congestion being caused by limited passing. Along the site frontage the existing highway varies from 3.1m at its narrowest to 6.7m at its greatest. The minimum width after the improvements will be 5.5m which should lead to an improvement in free-flow of traffic. There is also provision of a footway indicated although this would need to be widened to 2m.

Whilst the roads leading to the site are adopted there has been concern raised by residents regarding the movement of vehicles, particularly during the construction phase and to this end a condition will be added to provide a Construction Phase Traffic Management Plan prior to any works commencing on site.

The implementation of the widening of the carriageway and the formation of the dropped kerbs and the new footway will be undertaken at the applicants' expense under a section 278 Agreement with the Highway Authority.

As the application is outline only with all matters reserved I recommend that no highway objections are raised to the proposal subject to:

1. 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 under the Highways Act. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
2. Adequate parking for each plot to be provided within the curtilage.
3. I recommend therefore that if consent is granted, that the applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.
4. The introduction of appropriate Traffic Regulation Orders outside the site in order to prevent the widened carriageway being used for parking.
5. All works in/on the carriageway to be undertaken at the applicants' cost under a Section 278 Agreement.

## PLANNING COMMITTEE – 9<sup>TH</sup> JUNE 2015

ITEM 3 (CONT'D)

APPLICATION NO.

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Note 1: All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

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 : or the Team Leader, e-mails to, tel. no. 01792 636091

Note 2: Under the provision of the Highways Act 1980, the approval of the Highway Authority must be obtained for the construction of any retaining wall that is both within 4 yards of a highway and over 4ft 6ins (1.37m) in height.

Note 3: Under the provision of the West Glamorgan Act 1987, the approval of the Highway Authority must be obtained for the construction of any retaining wall that exceeds 1.5m in height.

### Drainage and Coastal Management (19.05.14)

The application has not submitted a Drainage Strategy as required by TAN15;

1 – The information in the application indicates that the site will be drained via infiltration, however no information has been submitted to indicate that such a solution will be possible. Interrogation of catchment soil maps does indicate that infiltration should work however the application must be supported by a site investigation and a possible surface water management design assessing the performance of any system up to and including the 1 in 100 year critical storm including a 30% allowance for climate change.

2 – The site lies within the Llannant STW catchment which falls under the Burry Inlet MoU requirements and the application should indicate how it will achieve compensatory surface water removal alternatively DCWW will need to indicate whether space exists within their network to accommodate the additional foul flows without SW removal being undertaken.

### Drainage and Coastal Management (2.03.15)

We have reviewed the submitted drainage survey dated October 2014 and would recommend that conditions be appended to any permissions given relating to the provision of a detailed surface water drainage strategy for the site and the removal of permitted development rights.

### Coal Authority (21.05.14)

The application site **does not** fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

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It will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

### Natural Resources Wales (5.06.14)

Natural Resources Wales has no objection to this proposal; providing the following issues are addressed through the implementation of appropriate planning conditions and/or obligations: surface water, foul water and contaminated land.

### Dwr Cymru Welsh Water (12.06.14)

No objection subject to standard conditions and advisory notes.

### South Wales Police Crime Prevention Design Advisor (5.06.14)

Detailed design comments have been provided on the scheme relating to parking, lighting, boundaries, landscaping, identification of properties and security measures.

### Planning Ecologist (28.05.14)

Reptiles and nesting birds may be present on the site both groups of species are protected under the Wildlife and Countryside Act, Please request an extended phase 1 ecological survey.

### Planning Ecologist (3.07.14)

Following further consideration of the site the planning ecologist has recommended bird and reptile informatives.

### Environment Officer (23.05.14)

Recommend a condition requiring a scheme for the treatment of Japanese knotweed.

### Education Comments

No response received.

### Parks Department (26.02.14)

A contribution would be used to enhance an existing grant application that has been submitted for the upgrading of the play facilities at Coedbach Park. Approximately £1000.00 would enable improvements to the planned scheme.

## **APPRAISAL**

This application is reported to Committee for decision at the request of Councillor Jane Harris in order to consider the impact of the development on highway safety. A site visit has also been requested.

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This application seeks outline planning permission for the construction of 10 dwellings and associated engineering operations on land between 58 and 76 Goppa Road, Pontarddulais. All matters are reserved for future consideration.

The application site comprises steeply sloping ground which rises up from the Goppa Road frontage to Highland Terrace at the rear, beyond which is open countryside. The site was previously overgrown but was cleared in 2013. Vegetation has now re-colonised the site, however, there is still evidence of recent earthmoving operations on the site.

Planning permission was granted in 2013 (Planning Ref: 2013/1425) for the removal of soil/quarry waste/substrata from the site and the construction of retaining walls. This planning permission has not yet been implemented, but is material to the consideration of this planning application.

It should also be noted that there is a current planning application at the rear of the application site described as 'Upper Plot to the Rear of 58 Goppa Road' for the construction of a detached dwelling and garage (Planning Ref: 2015/0886). Again this application is also considered to be material to the consideration of this planning application, given its proximity to the application site.

### **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), EV33 (Sewage Disposal), EV34 (Protection of Controlled Waters), EV35 (Surface Water Run-Off), 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,



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(e) The overloading of available community facilities and services.

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 must have regard to the physical character and topography of the site. 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 EV33 states that planning permission will 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.

Policy EV34 states that 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.

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

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**

In terms of character and appearance Goppa Road is characterised by a mix of traditional properties including a chapel and more recent infill developments. Surrounding the site itself the road is narrow and lies opposite a modest traditional terrace and a pair of modern semi-detached dwellings. To the north of the site are existing dwellings which are set back from Goppa Road. To the west, at a higher level, is Highland Terrace and to the south is the detached dwelling at No. 58 Goppa Road.

The application site fronts Goppa Road and measures approximately 80m in length and 45m in depth. The site comprises steeply sloping ground and from front to back the change in level through the site is approximately 14m. The site would be developed through the removal of a significant amount of earth and rock and the provision of three retaining walls extending horizontally across the site in order to create tiered platforms for the development. These enabling and preparatory works have previously been approved, subject to conditions, under planning permission Ref. 2013/1425.

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All matters are reserved for future consideration, however, planning legislation requires the applicant to provide indicative details for the development. The illustrative layout indicates that the carriage way would be widened and a footway provided along the site frontage. Off street parking would be arranged in parking bays with direct access onto Goppa Road. Sloping front gardens would serve the proposed five pairs of semi-detached dwellings. The following scale parameters have been provided for the dwellings:

Minimum – width 5m, depth 8.5m, height 8m

Maximum - width 5.5m, depth 9m, height 8m

Illustrative details of the dwellings have been provided which indicate modest traditionally styled three bedroom dwellings, which would accord with the mainly traditional character of buildings on Goppa Road, particularly the row of terraced properties on the opposite side of the road to the application site. The dwellings are indicated to be accessed from road level via steps or a ramped access the details of which will be considered at the reserved matters stage, however, access to the dwellings would need to comply with Building Regulations.

At the rear of the dwellings the indicative cross sections illustrate a small amenity area with a retaining wall (approximately 2m) and sloping garden at the rear with a further high retaining wall (approximately 4m) defining the rear boundary of the site.

In terms of the siting of the dwellings, they are indicated to be sited forward of No. 76 by some 4.5m, but set back from No. 58 by some 14m. The siting as indicated is considered to be satisfactory in principle given the considerable difference in the siting of Nos. 76 and 58 relative to the Goppa Road frontage.

The proposed development as illustrated within the planning application would result in a development that would not, it is considered, have a significant detrimental impact on the character and appearance of the area. The modest scale of the dwellings would relate well to the built form on Goppa Road and the siting of the dwellings, as indicated, relative to the neighbouring properties to the north and south is considered to be satisfactory. Clearly the proposals will result in a significant change in the character of the site, however, at present the site is a large, untidy and unkempt area of land which, it is considered, does not contribute positively to the visual amenities of the area. The provision of parking and a low retaining wall at the rear of the parking area would also not be out of character with those properties to the north which have hard landscaping and parking areas facing onto Goppa Road. The higher retaining walls at the rear of the site would generally be screened from Goppa Road by the dwellings and given that they would be set back some 40m from the road, it is not considered these engineering works would result in any significant impacts upon the character and appearance of the area.

In view of the above, subject to the submission of satisfactory details at the reserved matters stage, it is considered that the site can be developed for 10 dwellings without resulting in any significant impacts on the character and appearance of the area.

### **Residential Amenity**

The illustrative details are considered to demonstrate that the modest scale of the proposed dwellings and the separation distances to neighbouring properties to the north (No. 76) and south (No. 58) would mitigate any significant overbearing or overshadowing impacts on the occupiers of these properties. Any potential significant overlooking of these properties can be design-out at the reserved matters stage.

Turning to the properties opposite, given the elevated position of the proposed dwellings relative to the properties on the opposite side of the road there is a potential for overlooking of these properties. The illustrative cross sections indicate that the slab level of the proposed dwellings would be some 4 metres above the road level on Goppa Road. A minimum separation distance of 29 metres would be maintained to the terrace of properties opposite the application site, which is considered to be sufficient to mitigate any significant overlooking impacts to the occupiers of these properties and would accord with the 'back to back' separation distances recommended in the design guide SPG.

Concerns have been raised in terms of the impacts of the proposed retaining walls on neighbouring properties. Indicative cross section details have been provided which indicate that three retaining walls would be constructed on a north south axis across the site. The retaining wall at the back of the parking spaces is indicated to be some 1.5m, the retaining wall at the rear of the properties is indicated to be 2m in height and the retaining wall along the rear boundary is indicated to be 4m in height. These walls would be constructed following the removal of the earth on the site and would be constructed at or below existing land levels as such it is not considered that the provision of retaining walls across the site would result in any significant overbearing impacts to neighbouring occupiers.

In terms of the residential amenities of the future occupiers of the development, the illustrative plans are considered to demonstrate that the site can be developed for 10 dwellings whilst providing satisfactory light, outlook and amenity space for the future occupiers.

As noted above a full planning application has been submitted for a detached dwelling and garage immediately to the east of the application site at a higher level. Given the proposed development for 10 dwellings is at a lower level, it is not considered this proposal would result in any residential amenity impacts to the future occupiers of any dwelling on the upper site, should planning permission be granted. There is potential, however, for overlooking from the upper site to the development for 10 dwellings. This impact will need to be considered when the planning application for the single dwelling is determined, should planning permission be approved for the 10 dwellings proposed under this planning application.

Concerns have been raised in letters of objection regarding the amenity impacts to neighbouring occupiers arising from the excavation/construction phase of the development including noise, dust and traffic impacts. It is acknowledged the proposed development may result in some impacts in this respect, however, such impacts can be mitigated by good traffic/site management and construction practices.

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It is recommended that a condition is placed on any planning permission for the submission of a construction pollution management plan in order to mitigate any significant impacts upon neighbouring properties. Any significant environmental nuisance arising from the construction of the development may be dealt with through environmental health legislation.

### **Access and Highway Safety**

The site is located within 400m of a bus route and hence is considered to be in a sustainable location. Pontarddulais offers a number of local amenities, shops, facilities and educational establishments.

Goppa Road is adopted but is of varying width and in the main is without footways. The properties opposite the site park on street and hence the road can become congested due to localised restrictions and narrowing.

The indicative plans indicate that the site frontage is to be set back to allow for the carriageway to be widened and the provision of a footway.

The site is steeply sloping and retaining structures will be required to support the rear of the site. From the indicative plan the parking areas are to the frontage of the site with direct access off Goppa Road. The set back is a requirement firstly to allow the residential vehicles associated with the site to access/egress safely and secondly to provide an improved Highway infrastructure that should reduce the scope for congestion being caused by limited passing. Along the site frontage the existing highway varies from approximately 3.1m at its narrowest to 6.7m at its greatest. The minimum width after the improvements will be 5.5m, which should lead to an improvement in free-flow of traffic. There is also provision of a footway indicated although this would need to be widened to 2m.

Whilst the roads leading to the site are adopted there has been concern raised by residents regarding the movement of vehicles, particularly during the construction phase and to this end a condition will be added to provide details of how construction traffic will be managed prior to any works commencing on site. This should ensure that the construction traffic is suitably managed so as not to cause any significant amenity, highway safety or congestion issues.

Having regard to the above the Head of Highways and Transportation has raised no access or highway safety objection to the planning application subject to the provision of a construction phase traffic management plan. Adequate parking provision for the development can be secured at the reserved matters stage. A travel plan can be secured by condition in order to encourage more sustainable modes of transportation and to reduce vehicular trips. Traffic Regulation Orders along the site frontage will be a requirement in order to prevent the widened carriageway being used for parking, this can be secured by condition in the interests of highway safety. Concerns raised in letters of objection regarding potential damage to the road and underground services are not considered to be planning matters.

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### **Drainage**

Concerns have been raised in letters of objection regarding the impact of the development on surface and foul water drainage.

In terms of surface water disposal, following a request for further information, the applicant has provided a surface water drainage strategy which indicates that the site is suitable for soakaway drainage. The Council's drainage engineer is satisfied that, in principle, a satisfactory surface water drainage scheme can be developed for the site and this can be secured by conditions.

In terms of foul water disposal it is proposed to connect to the mains system on Goppa Road. Dwr Cymru Welsh Water have not raised any concerns regarding the capacity of the public sewer in this area as such, in principle, the means of foul water disposal is considered to be acceptable in principle subject to further details which can be secured by condition.

As noted above NRW have also recommended that conditions are imposed regarding foul and surface water drainage.

In view of the steep nature of the site and the nature of the proposed preparatory works to facilitate the development it is recommended that a condition is included with any planning permission for the provision of a scheme to ensure there is no risk of contaminated run-off entering the local river network. This requirement can be secured through a construction pollution management plan.

### **Ecology**

Concerns have been raised in letters of objection regarding the loss of habitat for wildlife including bats and concerns have been raised relating to the presence of Japanese knotweed at the site. The Council's planning ecologist is satisfied that the site has no significant ecological value and has recommended informatives are included with any planning permission with regard to the presence of reptiles and birds. There is Japanese knotweed at the site and in order to prevent this invasive plant from spreading it is recommended that a condition is imposed for the submission and implementation of a scheme for its treatment.

### **S106 Planning Obligations**

#### Education

In terms of an Education contribution the proposed development would generate the equivalent of 3.1 primary school places and the cost of providing these places is estimated to be £32,153. It would also generate an equivalent of 2.2 secondary school places and the cost of providing these places is estimated to be £34,857.

The English medium catchment schools for the development are as follows: Pontarddulais Primary feeding Pontarddulais Comprehensive and, in terms of Welsh medium, Ysgol Gynradd Gymraeg Bryniago (YGG Bryniago) feeding Ysgol Gyfun Gwyr.

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Based on current figures Pontarddulais Primary presently has spare capacity which is projected to increase by 2021. As such it is not considered a contribution request would be justified for this school as there is sufficient existing and projected capacity to accommodate school pupils from this development. A similar situation is evident as Pontarddualis Comprehensive, whereby there is sufficient existing and projected capacity to accommodate any school pupils arising from this development. In these circumstances it is not considered there is any reasonable justification to require the provision of a financial contribution towards English medium schools in this instance.

Turning to the Welsh medium schools, YGG Bryniago currently has 35 unfilled spaces and this is projected to decrease to 4 in 2021. Ysgol Gyfun Gwyr currently has 182 unfilled spaces and this is set to alter significantly to the extent that it is estimated the school would be oversubscribed by 192 spaces by 2021.

As of 2014, approximately 14% of pupils attended a Welsh primary school and 11% attended a Welsh secondary school. These levels are expected to rise to 17% and 15% respectively by 2021 according to Education's projections. However, based on the current distribution of pupils attending Welsh medium schools, it is considered reasonable to apply a figure of 12.5% to allow for an increase in the Welsh medium participation rate. When applying these figures to the current proposal it has been calculated that the development would generate 0.4 Welsh primary school places and 0.3 Welsh secondary school places.

Given that YGG Bryniago currently has sufficient existing and projected capacity to accommodate the pupils arising from the development it is not considered necessary in this instance to require a financial contribution for this school. Turning to Ysgol Gyfun Gwyr, the projected capacity at 2021 is evidence that this school would experience capacity issues within the timeframe of any planning permission granted for this development. Under the provisions of the Council's adopted Planning Obligations' SPG a contribution of some £4754 to fund extensions/improvements to this school could be required but must be justified, however, given the very limited secondary school places generated it is not considered that the impact of this development would be sufficient to justify a recommendation of refusal in this instance. As a consequence it is not considered necessary in planning terms for the development to provide an education contribution in this instance.

#### Open space / play provision

In terms of a contribution for open space and play provision the Parks Department have requested a sum of £1000 to enhance an existing grant application for the upgrading of the play facilities at Coedbach Park. The Council's Open Space Assessment indicates that this park is in 'bad' condition. The Parks Department has confirmed there is an existing grant application in place to improve this facility as such it is not considered necessary in planning terms for the development to fund any enhanced improvements to this facility.

#### **Other Matters**

Concerns have been raised in letters of objection regarding the impact of the development on local health services.

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The ABM Local Health Board have previously 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 is not considered to be a planning matter.

Concerns have been raised in letters of objection that there are better sites to develop housing in Pontarddulais. Whilst this may or may not be the case, this planning application has been considered on its own merits having regard to UDP planning policies.

Any residual matters raised in letters of objection have been addressed within the above report.

### 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 (now Natural Resources Wales) undertook a detailed Habitats Regulations assessment in relation to the effects of their consented activities. Consent modifications were identified to enable the Natural Resources Wales 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.

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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 Natural Resources Wales 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.

### Habitat Regulations Assessment Conclusion

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).

### **Conclusion**

In conclusion, the development of the site for 10 dwellings is considered to be acceptable on the basis of the indicative information provided. The development, it is considered, has the potential to improve the overall visual appearance of the site and the area. It is acknowledged there would be degree of temporary noise and disturbance to existing residents during the excavation/construction phase, however, this can be mitigated by good site management and construction traffic management practices. The construction of the dwellings as indicated would not result in any significant detrimental residential impacts to neighbouring properties. Furthermore, there would be no significant impacts in terms of parking, traffic, pedestrian and highway safety. In view of the above, therefore, it is considered that the proposal is in accordance with UDP policies and is accordingly recommended for approval.

### **RECOMMENDATION**

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

- 1 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 ensure that the development is carried out in an orderly and satisfactory manner.
- 2 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.



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- 3 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.
- 4 The development shall be carried out in accordance with the following approved plans and documents: 'Site Location Plan' received 8th April 2014.
- 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.
- 5 Unless otherwise agreed in writing by the Local Planning Authority, no development, including any earth moving operations, shall take place until structural drawings and calculations for all proposed retaining walls including details of heights, materials, and exact siting have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.
- Reason: To ensure the structural stability of the development.
- 6 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 public sewerage system and to minimise surface water run-off.
- 7 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the local planning authority and shall be implemented prior to the commencement of work on site.
- Reason: In the interests of the ecology and amenity of the area.

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8 Prior to the commencement of excavation or construction works on the application site a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved plan. The CPMP is to include the following:

- a) Excavation/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 excavation/construction related vehicles;
- d) An assessment of excavation / 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.
- 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.

Reason: To ensure minimal nuisance impact to surrounding occupiers from excavation / construction activities.

9 A travel plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the beneficial occupation of any dwellings hereby approved. The travel plan shall be implemented in accordance with the approved details.

Reason: In the interests of sustainability and in order to promote alternative modes of transportation.

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- 10 Details of the widening of the road and the provision of a 2m footway shall be submitted with the reserved matters under condition 1 of this planning permission. The development shall be implemented in accordance with the approved details.  
Reason: In the interests of pedestrian and highway safety.
- 11 Prior to the occupation any dwelling hereby approved, a scheme to provide Traffic Regulation Orders along the site frontage shall be implemented in accordance with details to be approved in writing by the local planning authority. The scheme shall be retained as approved.  
Reason: In the interests of highway safety.
- 12 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 thereafter shall be implemented in accordance with the approved remediation strategy.  
Reason: In the interests of health, safety and to mitigate environmental pollution.
- 13 Before the development hereby approved is occupied the means of enclosing the boundaries of the site shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of visual amenity and general amenity.

### INFORMATIVES

- 1 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).
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: AS2 (Design and Layout), AS6 (Parking), EV1 (Design), EV2 (Siting and Layout), EV3 (Accessibility), EV33 (Sewage Disposal), EV34 (Protection of Controlled Waters), EV35 (Surface Water Run-Off), HC2 (Urban Infill Development), HC17 (Planning Obligations) and HC24 (Play Areas/Public Open Space).

**PLANNING COMMITTEE – 9<sup>TH</sup> JUNE 2015**

ITEM 3 (CONT'D)

APPLICATION NO.

2014/0546

- 3 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
  - Take or destroy an egg of any wild bird
- You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.

4 **STANDING ADVICE - DEVELOPMENT LOW RISK AREA**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

This Standing Advice is valid from 1st January 2015 until 31st December 2016

- 5 To protect the integrity of the Public Sewerage System, foul water and surface water discharges shall be drained separately from the site.
- 6 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, 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.
- 7 To prevent hydraulic overload of the public sewerage system and pollution of the environment, land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
- 8 **West Glamorgan Act 1987 - Section 26**  
Please note that because this development involves the construction of a retaining wall above 1.5m height, application must be made to the Director of Technical Services for a permission in accordance with Section 26 of the West Glamorgan Act 1987.
- 9 The Developer must contact the Team Leader, Highways Management, City & County of Swansea (Highways), Penllergaer Offices, c/o Civic Centre, Swansea, SA1 3SN (Tel: 01792 636091) before carrying out any work.

**PLANNING COMMITTEE – 9<sup>TH</sup> JUNE 2015**

ITEM 3 (CONT'D)

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- 10 Construction Noise. The following restrictions should be applied to all works of demolition and 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 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.
- 11 Smoke/ burning of materials. No burning of any materials 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.
- 12 Dust control. During construction work the developer shall operate 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.

**PLANS**

Site location plan, section dated 8th April 2014. Proposed elevations, section, topographical survey dated 28th April 2014. Block plan, street scene, section dated 9th May 2014.

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**PLANNING COMMITTEE – 9<sup>TH</sup> JUNE 2015**

**ITEM 4**

**APPLICATION NO.**

**2015/0701**

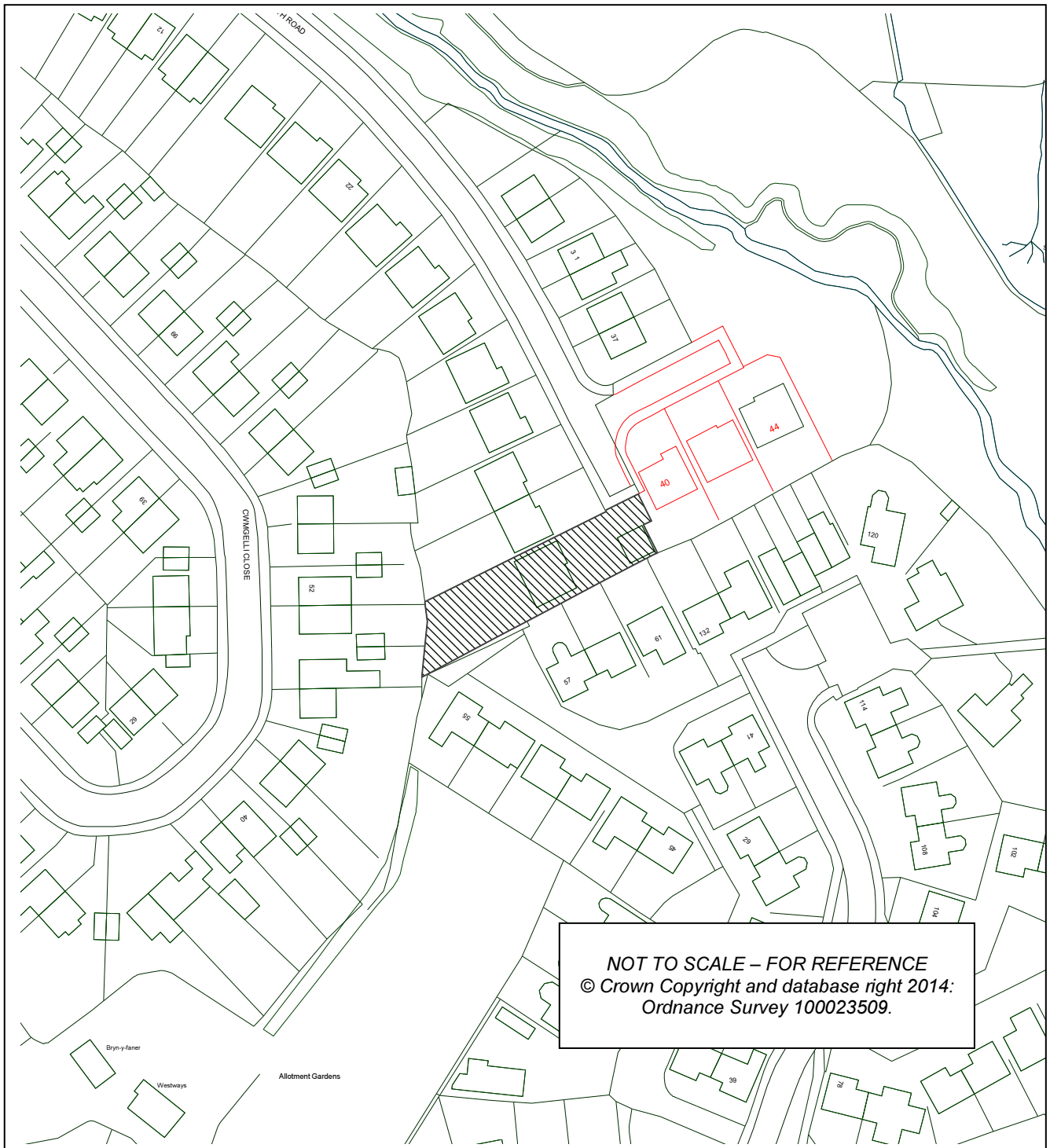
**WARD:**

**Mynyddbach**

**Location: Plot 22 Ladysmith Road Treboeth Swansea SA5 9DL**

**Proposal: Retention and alteration of detached dwelling house and garage on Plot 22.**

**Applicant: Mr Jonathan Hale**



## PLANNING COMMITTEE – 9<sup>TH</sup> JUNE 2015

ITEM 4 (CONT'D)

APPLICATION NO.

2015/0701

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy 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)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2008/2003	Revised house types to plots 1 to 3 and 31 and deletion of plot 4 (amendment to planning permission 2007/0230 granted at appeal 21st July 2008) Decision: Grant Permission Conditional Decision Date: 12/03/2009
2012/0580	Amended plot layout and amended house types on plots 18,19, 21 and 30 (approved plots 19 - 22) (amendment to planning permission 2007/0230 granted on appeal on 21st July 2008) Decision: Grant Permission Conditional Decision Date: 10/08/2012
2010/0553	Three pairs of semi-detached dwellings to plots 5 to 10, access road and associated works (amendment to planning permission 2007/0230 granted at appeal 21st July 2008) Decision: Grant Permission Conditional Decision Date: 19/10/2010

## PLANNING COMMITTEE – 9<sup>TH</sup> JUNE 2015

ITEM 4 (CONT'D)	APPLICATION NO.	2015/0701
2007/0230	Residential development comprising 31 dwelling houses with new access road and associated landscaping Decision: Refuse Decision Date: 15/01/2008	
2014/0892	Retention and alteration of detached dwelling house on Plot 22 (amendment to planning permission 2007/0230 granted on appeal 21st July 2008) Decision: Refuse Decision Date: 28/08/2014	
2013/1304	Retention of dwelling on plot 22 (approved plot 23) (Amendment to Planning Permission 2007/0230) Decision: Refuse Decision Date: 09/12/2013	
2014/1930	Non Material Amendment to planning permission 2013/1122 granted 29th May 2014 to block up window and external door to utility room on plot 24 and block up windows to kitchen, garage and bedroom 3 ensuite on plot 25 Decision: Grant Permission Conditional Decision Date: 09/01/2015	
2013/1122	Retention and completion of plots 23, 24 and 25 (approved plots 24, 25 and 26) (amendment to planning permission 2007/0230 allowed on appeal 21st July 2008) Decision: Refuse Decision Date: 09/12/2013	

### RESPONSE TO CONSULTATIONS

The application was advertised by site notice and eleven individual properties were consulted. SIX LETTERS OF OBJECTION have been received, which are summarised as follows:

1. The sweeping views we had from our front bedroom window and living room have been replaced with the view of plot 22.
2. The rear bedroom of plot 22 has full view into our living room and we have to constantly tilt the blinds denying us any real natural sunlight.
3. They have been refused on 2 prior attempts to gain planning permission.
4. The drawing excluded the conservatory on 57 Gelli Aur and was one of the reasons the Appeal was dismissed because the property being overbearing.
5. I fail to understand how the roof alterations proposed satisfy the Welsh Inspectors conclusions.
6. How has this case has been allowed to continue with no action taken?
7. Taking the roof off plot 22 doesn't alter the 8m distance to my conservatory.
8. Closeness of proximity of the dwellings of plots 22 (is numbered 23 on approved plan 2007/0230) in relation to the residents properties at Gelli Aur.



## PLANNING COMMITTEE – 9<sup>TH</sup> JUNE 2015

ITEM 4 (CONT'D)

APPLICATION NO.

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9. Visually intrusive height, causing loss of natural light, loss of privacy, visual impact, and overbearing.
10. Incorrect positioning i.e. inappropriateness to local context and potential impact to properties in Gelli Aur.
11. The only way to reduce the impact would be to reduce height to a bungalow or move it to where it should have been built.
12. The difference from the last planning submission is insignificant.

**Dwr Cymru Welsh Water** - No objection subject to standard conditions and informatives.

Highways Observations - The garage as built is of inadequate size to allow for car parking in accordance with our adopted standards. Notwithstanding that there is adequate parking available on drive to support the residential dwelling.

I recommend that no highway objections are raised to the proposal subject to:

1. Permitted development rights being removed with respect to the garage.
2. The parking areas as indicated being retained for parking purposes only in perpetuity.

### APPLICANT'S SUPPORTING STATEMENT CONCLUSION

1. Planning permission has previously been granted for a dwelling on the site albeit it has not been built in accordance with the approved plans. An application for the retention of the dwelling as built was refused by the LPA and subsequently dismissed at Appeal by virtue of its physical overbearing impact upon adjoining occupiers. A further Appeal was also dismissed despite positive changes being proposed to the dwelling and a recommendation of approval by the Head of Economic Regeneration and Planning.
2. Taking on board this further dismissed Appeal, the proposal now includes a radical change to the design of the dwelling by the removal of the entire roof structure and its reconfiguration by including a much lower and shallower hip section adjacent to the affected properties and flipping the front gable feature to the other side of the dwelling. This decision has not been taken lightly as it required the occupiers to vacate the property for the duration of the works.
3. It is considered that the changes now proposed significantly reduces the physical impact of the development and responds positively to the most recent appeal decision in January 2015 and ensure the development complies with Policies EV1 and HC2 of the City and County of Swansea's Unitary Development Plan 2008.
4. It is respectfully requested that the LPA recognises these further concessions made by the applicant and supports the amendments to the dwelling as proposed.

### APPRAISAL

Full planning permission is sought for the retention of and alterations to the dwelling constructed on plot 22 (approved plot 23) at the Hale Homes development on Ladysmith Road, Treboeth. The dwelling is completed and occupied but has not been built in accordance with the originally approved scheme (Ref.2007/0230) which was allowed on appeal in July 2008.

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The main differences between the approved dwelling and the dwelling as built are as follows:

- The floor level of the proposed dwelling is some 2.14m higher (approved 86.23, as built 88.37).
- The proposed dwelling is some 1.8 metres closer to the rear boundary of Nos. 57 and 59 Gelli Aur (approved some 3m metres from the boundary, as built some 1.2 metres).
- The proposed dwelling is sited some 3.5 metres to the south west of the approved siting i.e. closer to the rear boundary of the plot.
- The garage siting has moved some 3.2m to the south west from that approved and the rear wall of the garage would be some 0.4m closer to the rear boundary of No. 132 Gelli Aur.
- Minor alterations to the fenestration and the provision of quoin details.

The application site has been subject to a number of subsequent planning applications firstly, to retain the dwelling as built (2013/1304) refers which was refused planning permission at Area 1 Planning Committee on 3rd December 2013 and dismissed at Appeal on 29th May 2014 on grounds of impact upon the residential amenities of neighbouring occupiers. A subsequent amended application (2014/0892 refers) which included the introduction of a partial hipped roof to the roof section nearest to the properties in Gelli Aur was also refused planning permission and subsequently dismissed at appeal in August 2014.

In this most appeal decision the Inspector held the view that the amended proposal (2014/0892 refers) by virtue of its siting, height and bulk would result in an oppressive and overbearing form of development that would have an unacceptable impact on the living conditions of the occupiers of Nos.57 and 59 Gelli Aur.

The main difference between this current scheme and the approved is the removal of the entire roof structure and its reconfiguration with the main roof of the building being rotated through 90 degrees to form a front gable feature, with a similar height to that of the existing dwelling, running front to back. Adjacent to the properties fronting Gelli Aur, however, a subordinate roof element has been introduced incorporating a lower, shallower hip section with a flat roof at the ridge allowing the height of the existing gable at this point to be reduced by some 3.5 metres and the highest part of the roof by some 2 metres.

The main issue to consider in this instance, therefore, relates to whether the amendments to the dwelling now proposed would sufficiently address the identified harm to the residential amenities of neighbouring occupiers.

In view of the amendments proposed to the roof of the dwelling, consideration must also be given to the impacts of the proposal on the character and appearance of the area as well as the consideration of any impact on parking and highway safety.

The relevant City and County of Swansea Unitary Development Plan (UDP) Policies are EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility) and HC2 (Urban Infill Housing). Furthermore, the Supplementary Planning Guidance (SPG) 'Places to Live: Residential Design Guide' is also a material consideration to this application.

### **Visual Amenity**

With regard the proposed changes to the roof design, currently the dwelling has a duo-pitched gable roof with a front gable that accommodates a window serving a bedroom within the roof void. The proposed amendment would materially alter the appearance of the dwelling by removing the existing roof in its entirety and changing the design of the dwelling such that a shallow hip section incorporating a flat roof element at the ridge would lie adjacent to the boundary with No. 57 and 59 Gelli Aur and a front gable roof section would be built across the depth of the dwelling along its northern elevation.

It is considered, however, that the proposed amended roof design particularly the subordinate element would result in a contrived form of development which would be visually incongruous in its own right and out of keeping with the character and appearance of existing dwellings within this newly constructed development. Whilst it is acknowledged that the dwelling is sited at the southern corner of the site the reorientation of the gable roof design would, it is considered, result in the dwelling being more prominent in the streetscene rather than mitigating its visual impact.

In terms of the minor alterations to the fenestration and the provision of quoin details, these elements were considered to be acceptable in visual amenity terms when the planning applications were previously considered. The siting, scale and design of the garage as built has previously been regarded as acceptable in visual terms and there has been no material change in circumstances in this instance.

In light of the above it is considered that the proposed alterations to the roof design would result in a contrived form of development which would have a detrimental impact on the character and appearance of the area. As such the proposal is considered to be unsatisfactory in terms of its visual impact having regard to the provisions of Policies EV1, EV2 and HC2 of the UDP.

### **Residential Amenity**

The previous appeal Inspector (Planning Application Ref. 2014/0892) noted that the Council's adopted SPG 'Places to Live: Residential Design Guide' requires a minimum distance between dwellings of 15 metres in a back to back situation, whilst the dwelling as built has a separation distance of 12.2 metres to the rear of No. 59 Gelli Aur and 8 metres from the conservatory to the rear of No. 57. It was acknowledged that the SPG provides a useful benchmark and the reduction in separation distance was considered by the Inspector to be unacceptable.

This previous scheme also included a hipped roof with a similar eaves height to that currently proposed. However, the Inspector considered, that the height and bulk of the resultant building would appear oppressive and overbearing when viewed from the habitable rooms and rear garden of No. 57 and that due to the topography this impact would be greater when viewed from the same areas of No. 59.

Whilst the Inspector acknowledged that the amended scheme represented an improvement, the scale of the elevation was still considered to dominate the outlook from habitable rooms and the rear garden areas of the neighbouring dwellings.

ITEM 4 (CONT'D)

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The main issue to consider in this instance is whether the further reduction in the height, design and pitch of the roof at this point and the resultant reduction in the scale of the elevation in combination with the relocation of the front gable closer to the northern boundary would sufficiently mitigate the impact of the development on residential amenities of the occupiers of No. 57 and 59 Gelli Aur to an acceptable degree.

In this respect it should be recognised that the scale of the wall along the elevation facing No. 57 and 59 Gelli Aur remains unaltered. Whilst it is acknowledged that the reduction in the mass of the roof will represent an improvement upon the previous schemes in terms of amenity impact, the resultant building would still, it is considered, dominate the outlook from habitable rooms and the rear garden areas of Nos. 57 and 59 Gelli Aur.

Given the topography of the site and the proximity of the elevation to neighbouring properties, as detailed above, it is considered that the revised scheme would still, therefore, have a detrimental impact upon the residential amenities of the occupiers of these properties by virtue of overbearing impact.

In terms of overlooking of Nos. 61 and 132 Gelli Aur the original Planning Inspector (Planning Application Ref: 2013/1304) noted that whilst some overlooking would be possible, by virtue of the siting and orientation of the application dwelling, he did not consider such an impact to be so significant so as to materially detract from the living conditions of the occupiers. Similarly he did not consider the levels of natural light or outlook to be materially affected and that all other properties in the area would be sited within a sufficient distance or at such an angle that no significant harm would be caused. Moreover, the original Inspector held the view that the re-siting of the garage on plot 22 some 3.2 metres from the approved siting and around 0.4 metres closer to the dwellings on Gelli Aur would not have any significant overbearing impacts by virtue of its single storey height and roof design. Having regard to the above it is not considered there are any material reasons to depart from the Inspector's views on these matters.

In view of the above considerations, however, it is not considered that the proposed amendments to the roof design would sufficiently mitigate the impact of the development to an acceptable degree and the proposal would still have an unacceptable impact upon the residential amenities of the occupiers of No. 57 and 59 Gelli Aur contrary to the provisions of UDP policies EV1, EV2 and HC2 or the criteria included in the SPG.

### **Access and Highway Safety**

Access is derived off Ladysmith Road and adequate parking is being retained for the dwelling. The Head of Highways and Transportation has raised no objection to the proposal subject to the garage remaining for the parking vehicles in association with the dwelling. The development is therefore in accordance with UDP policies EV3 and HC2 in this respect.

### **Response to consultations**

The issues raised by the objectors in terms of visual and residential amenity have been addressed above in the main body of the report. It is also acknowledged that enforcement action has not been taken.

ITEM 4 (CONT'D)

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Whilst this may be frustrating for the objectors, the Local Planning Authority is following the appropriate guidelines and procedures in this matter.

### **Conclusion**

In conclusion and having regard to all material considerations, including the Human Rights Act, it is considered that the proposal would represent a contrived form of development which would be detrimental to the visual amenities of the area and it is not considered that the alterations to the roof of the dwelling, as proposed would overcome the previous reasons for refusal or the concerns of both previous Planning Inspectors with regards to the impact upon the residential amenity of the neighbouring occupiers. It is considered therefore that the proposal is contrary to the requirements of Policies EV1 and HC2 of the UDP. Refusal is recommended.

### **RECOMMENDATION:**

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

- 1 The proposal by virtue of its scale, bulk, height and close proximity to Nos. 57 and 59 Gelli Aur would have a significant overbearing impact which would be detrimental to the residential amenities of the occupiers of these dwellings contrary to the provisions of Policies EV1 and HC2 of the City and County of Swansea Unitary Development Plan (2008) and the Council's adopted Supplementary Planning Guidance 'Places to Live : Residential Design Guide 2014'.
- 2 The proposal would result in a contrived form of development which would be visually incongruous in its own right and out of keeping with the character and appearance of existing dwellings within this newly constructed development to the detriment of the visual amenities of the area contrary to the provisions of Policies EV1 and HC2 of the City and County of Swansea's 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, HC2

### **PLANS**

Location plan, floor plans, elevations, garage plan and elevations, perspective views, site section received 22nd April 2015.

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# Agenda Item 8

## Report of the Head of Legal, Democratic Services & Procurement

Planning Committee – 9 June 2015

### EXCLUSION OF THE PUBLIC

<b>Purpose:</b>	To consider whether the Public should be excluded from the following items of business.	
<b>Policy Framework:</b>	None.	
<b>Reason for Decision:</b>	To comply with legislation.	
<b>Consultation:</b>	Legal.	
<b>Recommendation(s):</b>	It is recommended that:	
<b>1)</b>	The public be excluded from the meeting during consideration of the following item(s) of business on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.	
	<b>Item No's.</b>	<b>Relevant Paragraphs in Schedule 12A</b>
	9	17
<b>Report Author:</b>	Democratic Services	
<b>Finance Officer:</b>	Not Applicable	
<b>Legal Officer:</b>	Patrick Arran – Head of Legal, Democratic Services and Procurement (Monitoring Officer)	

#### 1. Introduction

- 1.1 Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.
- 1.2 Such a resolution is dependant on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

#### 2. Exclusion of the Public / Public Interest Test

- 2.1 In order to comply with the above mentioned legislation, **Council / Cabinet / Committee** will be requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendation(s) to the report on the grounds that it / they involve(s) the likely disclosure of

exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

- 2.2 Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in **Appendix A**.
- 2.4 Where paragraph 16 of the Schedule 12A applies there is no public interest test. Councillors are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

### **3. Financial Implications**

- 3.1 There are no financial implications associated with this report.

### **4. Legal Implications**

- 4.1 The legislative provisions are set out in the report.
- 4.2 Councillors must consider with regard to each item of business set out in paragraph 2 of this report the following matters:
  - 4.2.1 Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.
  - 4.2.2 If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test as set out in paragraph 2.2 of this report.
  - 4.2.3 If the information falls within paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test but must consider whether they wish to waive their privilege in relation to that item for any reason.

**Background Papers:** None

**Appendices:** Appendix A – Public Interest Test

## Public Interest Test

No.	Relevant Paragraphs in Schedule 12A
<b>12</b>	<b>Information relating to a particular individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 12 should apply. His view on the public interest test was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest in requiring the disclosure of personal data he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>13</b>	<b>Information which is likely to reveal the identity of an individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 13 should apply. His view on the public interest test was that the individual involved was entitled to privacy and that there was no overriding public interest which required the disclosure of the individual's identity. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>14</b>	<b>Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. His view on the public interest test was that:</p> <ul style="list-style-type: none"> <li>a) Whilst he was mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or</li> <li>b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</li> </ul> <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>15</b>	<b>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</b>



	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. His view on the public interest test was that whilst he is mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them he was satisfied that in this case disclosure of the information would prejudice the discussion in relation to labour relations to the disadvantage of the authority and inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>16</b>	<b>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</b>
	No public interest test.
<b>17</b>	<b>Information which reveals that the authority proposes:</b> <b>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</b> <b>(b) To make an order or direction under any enactment.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>18</b>	<b>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>18c</b>	The deliberations of a Standards Committee or of a sub committee of a Standards Committee established under the provisions of the Local Government Act 2000 in reaching any finding of a matter referred to it.

# Agenda Item 9

By virtue of paragraph(s) 17, 18 of Schedule 12A  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

Document is Restricted