

## 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 Chwefror 2016

**Amser:** 2.00 pm

**Cadeirydd:** Cyngorydd Paul Lloyd

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#### **Aelodaeth:**

Cyngorwyr: A C S Colburn, D W Cole, A M Cook, P Downing, M H Jones,  
E T Kirchner, C L Philpott, I M Richard, M Thomas, D W W Thomas a/ac T M White

### AGENDA

**Rhif y Dudalen.**

- 1 Ymddiheuriadau am absenoldeb.**
- 2 Datgeliadau o fuddiannau personol a rhagfarnol.**  
[www.swansea.gov.uk/disclosuresofinterests](http://www.swansea.gov.uk/disclosuresofinterests)
- 3 Cofnodion.** **1 - 5**  
Cymeradwyo a llofnodi cofnodion y cyfarfod blaenorol fel cofnod cywir
- 4 Eitemau i'w gohirio / tynnu'n ôl.**
- 5 Penderfynu ar geisiadau cynllunio o dan Ddeddf Cynllunio Gwlad a Thref 1990.** **6 - 54**

**Cyfarfod Nesaf:** Dydd Mawrth, 8 Mawrth 2016 ar 2.00 pm



**Patrick Arran**  
**Pennaeth Gwasanaethau Cyfreithiol a Democrataidd**  
**Dydd Mawrth, 2 Chwefror 2016**

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**Cyswllt: Gwasanaethau Democrataidd - 636923**

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE PLANNING COMMITTEE

HELD AT COMMITTEE ROOM 3A, GUILDHALL, SWANSEA ON  
TUESDAY, 12 JANUARY 2016 AT 2.00 PM

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

**Councillor(s)**

A C S Colburn  
P Downing  
I M Richard  
T M White

**Councillor(s)**

D W Cole  
E T Kirchner  
M Thomas

**Councillor(s)**

A M Cook  
C L Philpott  
D W W Thomas

80 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillor M H Jones.

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

In accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea, the following interest was declared:

Councillor D W Cole – Minute No.84 – Planning Application 2015/1786 (Item1) – Personal as Member of Grovesend Town Council.

82 **MINUTES.**

**RESOLVED** that the Minutes of the Planning Committee held on 8 December 2015 be agreed as a correct record subject to Minute No.78 (Item1 – 2015/2074) being amended to add the following – Councillor D W Cole(Local Member) outlined his objections to the application on the material planning considerations of Health and Safety and Access/Traffic Issues.

83 **ITEMS FOR DEFERRAL / WITHDRAWAL.**

None.

84 **DETERMINATION OF PLANNING APPLICATIONS UNDER THE TOWN & COUNTRY PLANNING ACT 1990.**

The Head of Economic Regeneration and Planning presented a planning application.

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

**RESOLVED** that:

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

**#(Item 1) Planning Application.2015/1786 – Land associated with Castell Ddu Farm, off Ally-y-Graban Road, Pontarddulais**

Condition 12 be amended to read as follows:

The works hereby approved shall be undertaken in accordance with the recommendations listed in Section 5 of the preliminary Ecological Appraisal report prepared by Wildwood Ecology (Ref: WWE150602.PEA.2) received on 9 September 2015.

Reason: To ensure the proposal has no impact upon protected species.

A visual presentation was provided.

85 **PLANNING APPLICATION NO.2008/0912 - FORMER WALTERS YARD, PONTLLIW, SWANSEA.**

The Head of Economic Regeneration & Planning reported that this application was reported to Planning Committee on 13 October 2015 with the recommendation that planning permission be approved subject to conditions and subject to the applicant entering into a S106 planning obligation.

Following initial searches by the Council's Legal Services, it came to light that part of the application site, which includes the access from Swansea Road to the main body of the application site, is owned by the Council and is covered by a 125 year Lease to Seetall Furniture. As Seetall Furniture have a lease of more than 7 years they are an "owner" under the Town and Country Planning (Development Management Procedure) Wales Order 2012 and should have had notice served on them under Article 10 of the Order to formally notify them of the planning application. It should be noted that the correct notice had been served on the Council as the freeholder of this land.

The purpose of the notice is to make the owner aware of the applicant's intentions for the land. Seetall Furniture made several written representations objecting to the planning application and addressed the Planning Committee at the meeting. Seetall Furniture are therefore fully aware of the planning application and the applicant's intentions to develop the land.

In order to rectify this oversight, the applicant has confirmed that they have served the correct notice on Seetall Furniture as required by the above legislation. To date no further response has been received from Seetall Furniture. Following the advice of the Council's Legal Services, it is not considered that this procedural oversight would prejudice in any way the planning merits of the development that are set out in the report nor would this oversight prejudice the decision of the Planning Committee to resolve to approve the development.

**RESOLVED** that Legal Services be notified that the correct notice has now been served on Seetall Furniture and that the Section 106 agreement can now be progressed in accordance with the recommendation to approve the development.

86 **URGENT ITEM - PLANNING APPLICATION NO.2014/1906 - 31 HEBRON ROAD AND LAND OPPOSITE 59-63 HEBRON ROAD, CLYDACH.**

The Chair stated that pursuant to paragraph 100B(4)(b) of the Local Government Act 1972, he considered that the report from the Head of Economic Regeneration and Planning on Planning Application No.2014/1906 should be considered at this meeting as a matter of urgency.

Reason for Urgency

An appeal has been submitted against the refusal of the planning application detailed below. The deadline for submission of the appeal statement is 26 January 2016. Due to this timescale and the possible costs implications associated with the appeal, an urgent decision is required so that if the recommendation is accepted, the relevant interested parties can be informed of the Council's position.

The Head of Economic Regeneration and Planning reported that the application was reported to Planning Committee on 13 October 2015 with the recommendation that planning permission be approved subject to conditions. Committee did not accept the recommendation for approval and the application was refused for the following reasons:

- 1. The application provides insufficient amenity space within the curtilage of the site for future residents of the proposed care home to the detriment of the residential amenity they can reasonably be expected to enjoy. The development is therefore contrary to Policy EV1 of the City and County of Swansea Unitary Development Plan (2008).*
- 2. The provision of inadequate car parking may lead to users of the premises parking on the highway in close proximity to the proposed care home to the detriment of the safety of highway users. The development is therefore contrary to the criteria set out in Policies AS6 and HC15 of the City and County of Swansea Unitary Development Plan 2008.*

An appeal has been submitted against the Local Planning Authority's decision to refuse the planning application. The appeal is to be considered by way of a Hearing, the provisional date for which is 30 March 2016. The Local Planning Authority's appeal statement has to be submitted by 26 January 2016.

The appellant has indicated in the appeal documents that an application for an award of costs is to be made against the Local Planning Authority's decision to refuse the application. The claim is to be made on the grounds that the Council's unreasonable conduct on refusing the application has resulted in the appellant's wasting and/or incurring expense unnecessarily. Advice on the award of costs in planning appeals is included in Welsh Office Circular 23/93 : 'Award of Costs incurred in Planning and other (including Compulsory Purchase Order) Proceedings'.

The circular states that Planning Authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers, or received from statutory bodies or consultees. However, they will be

expected to show they had reasonable planning grounds for taking a decision contrary to such advice, and be able to produce relevant evidence to support the decision. If they fail to do so, costs may be awarded against the Authority.

In terms of reason 1, the 'National Minimum Standards for Care Homes for Younger Adults', prepared as a statement of national minimum standards applicable to care homes for younger adults made by the Minister for Health and Social Services of the Welsh Assembly Government under the powers conferred by section 23(1) of the Care Standards Act 2000, does not prescribe any minimum external amenity space requirement. However, it requires outdoor space to be proportionate to the number of service users and staff on duty. The national minimum standards for older people requires at least 4.1 square metres of communal space for each service user, amounting to a requirement of 32.8 square metres for eight residents. The rear garden area of the appeal site amounts to some 164 square metres of private amenity space. It is considered that this amount of space is proportionate for the number of service users and on this basis, it is not considered that relevant evidence to support reason 1 of for refusal can be produced.

The costs circular advises that the Local Planning Authority can minimise the risk of an award of costs against them in an appeal, or the extent of any award of costs, by notifying PINS and the appellant immediately if they conclude, on re-examination of their case, that any of their reason for refusal cannot be supported by substantial evidence and they confirm that they will not be contesting the appeal in those respect. It is considered that in the absence of sufficient evidence to support reason 1 of the refusal, the Local Planning Authority should not contest this issue at appeal. The appeal would then concentrate on the highway reason for refusal, for which it is considered relevant evidence can be produced to support the decision to refuse the application.

Councillor P B Smith (Local Member) addressed the Committee regarding the application and the need to protect any future residents from potential road safety issues and on the parking problems associated with the proposal.

**RESOLVED** the Local Planning Authority should not contest reason 1 of the refusal of planning application 2014/1906 at appeal, and that the Planning Inspectorate and the appellant be informed accordingly.

87 **ADOPTION OF FFYNONE & UPLANDS CONSERVATION AREA REVIEW AS SUPPLEMENTARY PLANNING GUIDANCE & PROPOSAL TO SERVE AN ARTICLE 4(2) DIRECTION.**

The Head of Economic Regeneration & Planning presented a report which detailed the representations received during the consultation on the Ffynone & Uplands Conservation Area Review, and sought agreement for the proposed amendments to the draft guide and adopt it as Supplementary Planning Guidance (SPG).

A detailed presentation was provided to Committee which outlined the following areas:

- What is a Conservation Area
- Background and reasons behind the review
- Aims of the review
- Increased protection and boundary amendment to area covered
- Public consultation undertaken and responses received
- Local Member and Cabinet Advisory Committee input
- Next steps
- Article 4(2) Direction

**RESOLVED** that

1) the Ffynone & Uplands Conservation Area Character Appraisal and Management Plan as set out at Appendix A to the report be adopted as Supplementary Planning Guidance to UDP policy EV9.

2) the enlarged Conservation Area Boundary as set out in Appendix D to the report be approved.

3) the serving of draft Article 4 Direction (to remove Permitted Development Rights) for selected properties as shown in Appendix E to the report and to protect all boundary walls be agreed.

The meeting ended at 3.14 pm

**CHAIR**

# Agenda Item 5

CITY AND COUNTY OF SWANSEA  
DINAS A SIR ABERTAWE

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

DATE: 9<sup>TH</sup> FEBRUARY 2016

<b>Bay Area</b> Team Leader Liam 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 Morryston Mynyddbach Penderry Penllergaer Penyrheol Pontarddulais Townhill	Bishopston Dunvant Fairwood Gower Gowerton Killay North Killay South Kingsbridge Lower Loughor Newton Penclawdd Pennard Upper Loughor

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



## TWO STAGE VOTING

Where Members vote against officer recommendation, a two stage vote will apply. This is to ensure clarity and probity in decision making and to make decisions less vulnerable to legal challenge or awards of costs against the Council.

The first vote is taken on the officer recommendation.

Where the officer recommendation is for “approval” and Members resolve not to accept this recommendation, reasons for refusal should then be formulated and confirmed by means of a second vote.

**The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members.** The reason(s) have to be lawful in planning terms. Officers will advise specifically on the lawfulness or otherwise of reasons and also the implications for the Council for possible costs against the Council in the event of an appeal and will recommend deferral in the event that there is a danger that the Council would be acting unreasonably in refusing the application.

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Member should also confirm reasons for approval which should also be lawful in planning terms. Officers will advise accordingly but will recommend deferral if more time is required to consider what conditions/obligations are required or if he/she considers a site visit should be held. If the application departs from the adopted development plan it (other than a number of policies listed on pages 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	2015/2216	<p>Pontarddulais Garden Centre, Allt Y Graban Road, Pontarddulais, Swansea, SA4 1DS</p> <p><b>Demolition of existing buildings and structures (361m<sup>2</sup>), erection of new shop buildings (1069m<sup>2</sup>), enclosing of existing pergola (67m<sup>2</sup>), erection of open-sided canopies (371m<sup>2</sup>) together with non-implementation of approved development (1632m<sup>2</sup>), reconfiguration of car park and associated landscaping</b></p>	APPROVE
2	2015/2498	<p>Gelligron, Felindre, Swansea, SA5 7NP</p> <p><b>Variation of condition 1 of planning permission 2010/1035 granted 5th April 2011 to extend the period of time to commence development</b></p>	APPROVE
3	2013/0524	<p>50 Pennard Road, Kittle, Swansea, SA3 3JY</p> <p><b>Two storey part single storey side extension</b></p>	REFUSE
4	2014/0224	<p>Blackhills Nursery Blackhills Lane Fairwood Swansea SA2 7JN</p> <p><b>Construction of ten holiday units and use of existing building as ancillary reception</b></p>	REFUSE

**PLANNING COMMITTEE – 9<sup>TH</sup> FEBRUARY 2016**

ITEM 1

APPLICATION NO. 2015/2216

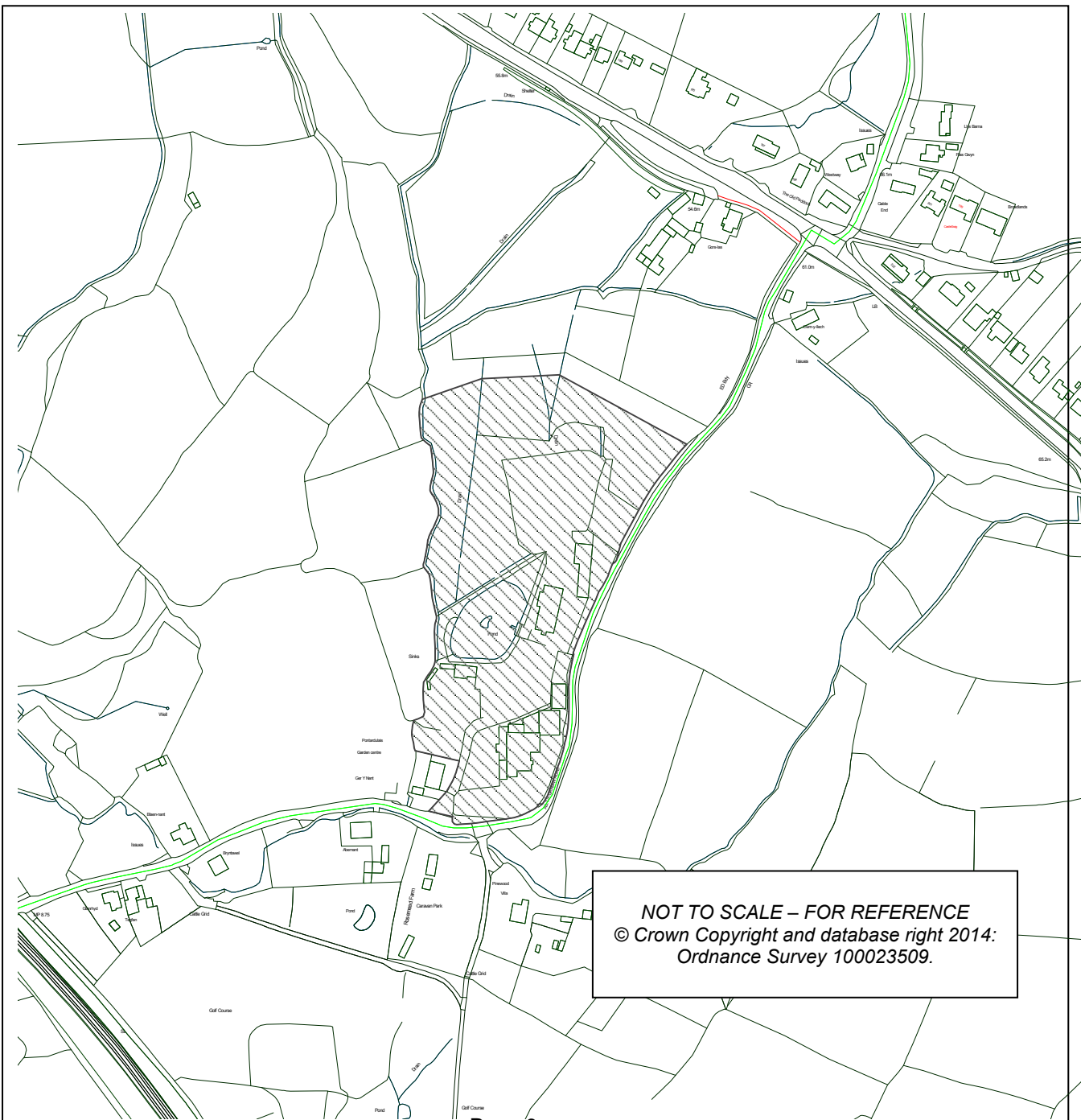
WARD: Pontarddulais

**Location:** Pontarddulais Garden Centre, Allt Y Graban Road, Pontarddulais, Swansea, SA4 1DS

**Proposal:** Demolition of existing buildings and structures (361m<sup>2</sup>), erection of new shop buildings (1069m<sup>2</sup>), enclosing of existing pergola (67m<sup>2</sup>), erection of open-sided canopies (371m<sup>2</sup>) together with non-implementation of approved development (1632m<sup>2</sup>), reconfiguration of car park and associated landscaping

**Applicant:** Mr David Evans

**BACKGROUND INFORMATION**



## PLANNING COMMITTEE – 9<sup>TH</sup> FEBRUARY 2016

ITEM 1 (CONT'D)

APPLICATION NO.

2015/2216

**This application is reported to Committee for determination as the proposed development exceeds the development threshold.**

### **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 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 EV21	In the countryside non-residential development will only be permitted where it can be demonstrated that it is beneficial for the rural economy, or it meets overriding social or economic local needs, or it is appropriate development associated with farm diversification, sustainable tourism or nature conservation, or it provides an acceptable economic use for brown field land or existing buildings, or it is essential for communications, other utility services, minerals or renewable energy generation. (City & County of Swansea Unitary Development Plan 2008)
Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)
Policy EV41	The development of hazardous installations that would cause significant safety or health risk or adversely affect the natural heritage and historic environment will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
Policy EC4	All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EC9	Retail development at out of centre locations will be restricted. (City & County of Swansea Unitary Development Plan 2008)

## PLANNING COMMITTEE – 9<sup>TH</sup> FEBRUARY 2016

ITEM 1 (CONT'D)	APPLICATION NO.	2015/2216
Policy EC11	Appropriate small scale rural business development or home based employment within, and in exceptional circumstances adjoining, existing villages or closely associated with suitable groupings of farm buildings will be permitted subject to a defined set of criteria including loss of amenity, transportation considerations, impact on landscape and village scene, and natural heritage and historic environment etc. (City & County of Swansea Unitary Development Plan 2008)	
Policy EC13	Development that would result in the loss of the best and most versatile agricultural land will not normally be permitted. (City & County of Swansea Unitary Development Plan 2008)	
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)	
Policy R2	Proposal for coal mining, processing and coal recovery will be supported where specified criteria are met. (City & County of Swansea Unitary Development Plan 2008)	
Policy R4	Proposals to develop land based sand and gravel extraction will be supported subject to an assessment of the supplies of such material available from both marine dredged and land resources within an appropriate area for land bank calculations and subject to a set of specified criteria. (City & County of Swansea Unitary Development Plan 2008)	

### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2012/0270	Extensions to existing garden centre buildings, provision of new access, car parking area, coffee shop, farm shop, landscape centre, nature walk and associated works (outline) Decision: Perm Subj to S106 Agree Decision Date: 19/03/2013
2003/0184	Construction of single storey detached retail pet centre Decision: Grant Permission Conditional Decision Date: 10/07/2003
2005/0077	Single storey front extension Decision: Grant Permission Conditional Decision Date: 09/03/2005
2008/0475	Retention of car parking area and provision of 4 no. disabled spaces. Decision: Grant Permission Conditional Decision Date: 27/08/2008

## PLANNING COMMITTEE – 9<sup>TH</sup> FEBRUARY 2016

ITEM 1 (CONT'D)	APPLICATION NO.	2015/2216
2012/0169	Removal of detached conservatory, single story side link extension to conservatory building and recladding of existing roof Decision: Grant Permission Conditional Decision Date: 05/09/2012	
2013/0037	Demolition of conservatory display area and retention of single storey extension to Western elevation (total floor area 541m2) Decision: Grant Permission Conditional Decision Date: 26/04/2013	
2007/2860	Demolish and rebuild damaged detached garage Decision: Grant Permission Conditional Decision Date: 01/02/2008	
A01/0131	Erection of single storey building to house aquatic centre for retail sale of live fish and associated products and retention of use of land for storage of products used in association with garden centre business. Decision: Grant Permission Conditional Decision Date: 23/08/2001	
2009/0005	Use of residential dwelling for persons not in connection with the garden centre (application for a Certificate of Lawfulness) Decision: Was Lawful Decision Date: 30/04/2009	
2008/0057	Construction of one block of three retail units Decision: Grant Permission Conditional Decision Date: 27/08/2008	
2009/0795	Variation of condition 4 of planning permission 2/2/75/0452/01 granted 21st May 1976 to allow for the residential use of Ger-Y-Nant, Allt Y Graban Road, by persons not wholly or mainly employed or concerned with the operation of the adjoining garden centre Decision: Approve Unconditional (S73) Decision Date: 15/07/2009	

### RESPONSE TO CONSULTATIONS

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

**Health and Safety Executive** – The assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds for advising against the granting of planning permission in this case.

ITEM 1 (CONT'D)

APPLICATION NO.

2015/2216

If you are minded to grant permission the HSE must be given 21 days' notice to consider whether to request that the Welsh Ministers call in the application for their own determination.

**Wales and West Utilities** – No evidence found of any live gas services owned or operated by Wales and West Utilities that will impede the planned works. There are live gas mains in the vicinity and caution should be exercised when working in the vicinity of those mains. For more information please contact our Plant Protection Team.

### **Natural Resources Wales**

We do not object to the above proposal, but wish to make the following comments.

#### Foul Water Disposal

We assume that foul water flows are to be discharged to the main public sewer. This is our preferred means of foul water disposal and is considered to be the most sustainable. However, we advise that your Authority seeks confirmation of this, prior to determination and re-consults NRW, if it is not the case. We also recommend that Dwr Cymru Welsh Water (DCWW) are consulted and asked to confirm that there is sufficient hydraulic capacity within the sewer network at this location to accommodate the flows generated without causing pollution.

#### Surface Water Disposal

No details of surface water disposal have been provided, however we recommend the use of a sustainable drainage system (SUDS), as advocated by current planning guidance PPW and TAN15 (July 2004).

Paragraph 8.2 of TAN15 states that; '*SUDS can perform an important role in managing run-off from a site and should be implemented wherever they will be effective on all new development proposals irrespective of the zone in which they are located.*'

Ultimately the drainage system design is a matter for your Authority's Drainage Engineers and we would advise that they are consulted in relation to this proposal.

#### Pollution Prevention & Waste Management

The biggest risk in relation to pollution, occurs during construction and we would remind the applicant/developer that the responsibility for preventing pollution rests with those in control on the site. Works should therefore be carefully planned, so that contaminated water cannot run uncontrolled into any watercourses (including ditches).

As best practice, we would advise the developer to produce a site specific construction management plan / pollution prevention plan, with particular reference given to the protection of the surrounding land & water environments. For detailed pollution prevention guidance we would refer the applicant/developer to the Environment Agency's Pollution Prevention Guidance available from their website: We would also recommend that a Site Waste Management Plan (SWMP) is produced.

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

ITEM 1 (CONT'D)

APPLICATION NO.

2015/2216

**The Coal Authority**

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.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, 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.

**Health and Safety Executive** – There are sufficient reasons on safety grounds for advising against the granting of planning permission in this case.

**Drainage Officer Comments** - We have reviewed the submitted application and while no surface water details have accompanied it we are aware that a previous application for this site demonstrated that it could be drained in a sustainable manner, accordingly we recommend that the following is appended to any permissions given.

Condition

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

Reason.

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

**Pollution Control** - No objection subject to the addition of the standard contamination condition and informatives relating to construction noise, smoke/burning of materials, dust control and lighting.

**Council's Ecologist** –Impose standard bat and bird informatives

**Designing out crime Officer** – Standard comments to improve safety on site.

**Highways Observations** - There is an historic consent at the site for redevelopment of the site (ref 2012/0270). The main differences between that application and this current one are a change from open sided structures to enclosed structures, but the overall development remains in the same quantum of development. This application utilizes the existing vehicular access.

Whilst there is likely to be an increase in car movements as a result of the redevelopment it is not felt that the increased traffic will be problematic. There is an overall increase in parking spaces off 22 taking the total to 156

## PLANNING COMMITTEE – 9<sup>TH</sup> FEBRUARY 2016

ITEM 1 (CONT'D)

APPLICATION NO.

2015/2216

Five motorbike spaces are also being included. Disabled parking provision is being included but not to the 6% that is required in the standards (10 spaces). A condition can be added to this effect.

The spaces as shown on the proposed parking layout do not accord with the revised dimensions now required, namely 2.6m width by 4.8m length. There is space to accommodate these increases although this will result in a minimal loss of some spaces. There are no cycle stands for cycle parking and this should also be addressed

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

1. The parking spaces being marked out at 2.6m width by 4.8m length 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.
3. 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 redevelopment commencing.
4. Car parking suitable for disabled users be included in accordance with details to be submitted for approval to the LPA showing 10 spaces to the current British Standard.

### APPRAISAL

This application seeks full planning permission for extensions to the existing garden centre buildings, including the provision of permanent structures to replace their current open sided canopy areas on the main buildings, two canopies to the aquatic building, alterations to the existing car parking areas adjacent to the main buildings and the provision of a formally laid out 91 space car parking to replace the existing unmarked 73 space car park to the north of the existing aquatic buildings at Pontarddulais Garden Centre, Allt y Graban Road, Pontarddulais.

The garden centre is a long established business that has incrementally increased its retail activity through successive planning applications. More recently this has included planning permission for the construction of a block of 3 retail units providing approximately 250 sq metres of additional retail floor space (Planning Ref: 2008/0057 – now expired) and the retention of an overspill car parking area (Planning Ref: 2008/0475). Outline planning permission was also granted in March 2013 (subject to a section 106 agreement (subject to a section 106 agreement revoking the 2008/0057 permission)) – 2012/0270 refers, for extensions to the existing garden centre buildings, provision of new access, car parking area, coffee shop, farm shop, landscape centre, nature walk and associated works. The current full planning proposal has been overall reduced from the previously approved outline scheme by the decision to not build some of the previously proposed buildings and instead replace the existing structures on site with permanent buildings. The layout of the site therefore would largely remain as it is at present.

### Main Issues

The main issues are: the impact of the development on the character of the countryside; the impact on the vitality and viability of nearby shopping centres; the impact of the development on parking, access and highway safety; and the risk to life or health given the proximity of the site to the gas pipeline to the north.



## PLANNING COMMITTEE – 9<sup>TH</sup> FEBRUARY 2016

ITEM 1 (CONT'D)

APPLICATION NO.

2015/2216

The relevant UDP Policies are EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV21 (Rural Development), EV22 (Countryside General Policy), EV41 (Hazardous Installations/Consultation Zones), EC4 (New Retail Development), EC9 (Out of Centre Retailing), EC11 (Rural Business Development), EC13 (Agricultural Land), R2 (Coal) R4 (Sand/Aggregates) and AS6 (Parking).

The Swansea Unitary Development Plan (UDP) was adopted in November 2008. The application site has no formal designation in the UDP and forms part of the open countryside. The original proposal constituted a departure from the Development Plan as it comprises retail development within a site in the open countryside, contrary to policies EC9, EV21 and EV22. However, as planning permission for the use was granted previously and as such the changes were established, the current scheme is not now considered a departure from the development plan and was not advertised as such.

The site is located on an area of coal, sand and gravel reserves that require safeguarding against sterilisation by development as outlined in Minerals Planning Policy Wales and UDP policies R2 and R4. Given the scale of the proposal and its siting on land that for the most part has already been developed it is considered the proposed development would not compromise the long term availability of the coal, sand and gravel reserves in this area. It is not considered the resource would be sterilised therefore a full assessment of the potential mineral resource is not required in this instance.

The retail policies of the UDP are generally aimed at supporting the maintenance and enhancement of the established shopping structure. They aim to prevent the dispersal of major retail investment to locations outside established shopping centres where such development would serve to undermine the appeal and ultimately the success of nearby centres. The plan is fully consistent with national planning policy guidance in this regard. Strategic Policy SP6 emphasises that out of centre retailing will not generally be supported in the interests of the above stated aims. This is amplified by Policy EC9 which states that retail development at out of centre sites will be resisted except for certain exceptional forms, for example (and relevant to this proposal), retail warehouses engaged in the sale of bulky goods. EC8 states that retail warehouses will be directed firstly to locations within and then on the edge of existing shopping centres. Where such sites are not available, suitable locations at established retail parks will be considered.

The key criteria against which all significant retail proposals are considered are set out in Policy EC4. As well as the standard tests of need and sequential suitability, the policy emphasises that schemes must not adversely impact on the vitality and viability of established centres; must be compatible with the function, scale and character of the centre near to which it is located; and be sited in a highly accessible location.

In addition to the above, as the site is located within the open countryside, Policy EV21 is relevant which states that non-residential development will only be permitted where it complies with the criteria of the policy which includes that it would be beneficial to the rural economy or rural employment.

As the application site does not lie within any established shopping centre and the abovementioned UDP policies make clear that significant new retail proposals in such locations will only be supported if it can be demonstrated that:

- a) there is an identified need for the size of proposed development;
- b) no suitable sequentially preferable sites exist
- c) there would be no detrimental impact on established centres and stores; and
- d) it is a highly accessible site and can realistically be reached by a choice of means of transport (see Access and Highway Safety section)

These policy issues were considered as part of the original, still extant, outline proposal where again the principle of the redevelopment of the site was established. The current proposal is a lesser scheme than that previously approved, and therefore it has not been considered necessary to reconsider the need for the development at this location or carry out a sequential test to assess if there are any other locations more suitable for the proposal.

### **Visual Amenity**

The site is located within the open countryside and is currently accessed from Allt y Graban Road some 450 metres to the north of the junction with Bryntirion Road. The proposal indicates the continued use of the existing access for all vehicular movements as opposed to the previously agreed new access off Allt y Graban Road to serve as the dedicated customer access with the existing access retained for servicing and delivery vehicles.

Turning to the proposed developments in the northern part of the site, the levels are generally flat across the overspill car park and storage area and rise gradually northwards towards Bryntirion Road; to the north east the levels rise sharply up to Allt y Graban Road where the new access is proposed. The northernmost part of the site is sited some 140 metres from the nearest dwelling at Gorslas Farm and some 175 metres to Bryntirion Road where a ribbon of dwellings are sited on the northern side of the road. The topography of the land is such that the site lies within a shallow depression that, together with the existing tree/hedge screening, serves to minimise the visual impact of the garden centre from surrounding views.

The proposals include extensions to the north and east of the existing building indicated to be a maximum height of 6 metres and the provision of a canopy to the east of the main building with a maximum height of approximately 4.5m. These buildings would not exceed the height of the existing building in situ on site and as such would be of an acceptable scale. In terms of the impact of the development on the rural character of the area, the existing garden centre benefits from a good level of landscaping around the perimeter of the site in the form of hedges, fencing and planting that generally screen the buildings from views along Allt y Graban Road, however, there are existing canopies sited close to the boundary of the road that project above the boundary screen.

The proposed new replacement structures to the east of the main building in the southern part of the site would not project closer to Allt y Graban Road than those to be replaced. The design of the buildings and extensions are in keeping with the character and appearance of the buildings currently in situ and therefore the overall visual impact would not be significantly over and above that which is currently experienced in the immediate and surrounding area.

In light of the above, in principle, it is considered the proposed development would be acceptable in terms of visual amenity having regard to the above UDP policies.

**Residential Amenity**

There is a bungalow at the entrance to the garden centre that is within the ownership of the applicant. The bungalow currently backs onto the existing landscape materials yard, and under the current proposals, part of the area to the rear of the bungalow would be used as a new redesigned and allocated car parking area. Whilst this would have the potential to result in noise and disturbance to the occupiers, it is not considered that this would be significantly over and above that which they currently experience from the vehicular comings and goings through the main entrance which runs adjacent to the property. On this basis it is not considered the proposed development would result in any additional significant noise or disturbance to the existing occupiers of the bungalow.

The proposed extensions to the garden centre would be sited a satisfactory distance from the bungalow to ensure that there would be no overbearing, overshadowing or overlooking impacts upon the occupiers.

**Access and Highway Safety**

The Head of Transportation and Engineering comments that there is an historic consent at the site for redevelopment of the site (ref 2012/0270 refers). It is noted that the main differences between that application and this current one are a change from open sided structures to enclosed structures, but the overall development remains in the same quantum of development and this application utilizes the existing vehicular access.

Whilst there is likely to be an increase in car movements as a result of the redevelopment it is not felt that the increased traffic will be problematic. There is an overall increase in parking spaces off 22 taking the total to 156. Five motorbike spaces are also being included. Disabled parking provision is being included but not to the 6% that is required in the standards (10 spaces). A condition can be added to this effect.

The spaces as shown on the proposed parking layout do not accord with the revised dimensions now required, namely 2.6m width by 4.8m length. There is space to accommodate these increases although this will result in a minimal loss of some spaces. There are no cycle stands for cycle parking and this should also be addressed

No objection is therefore raised to the proposal subject to conditions in respect of the size of parking spaces, cycle parking and the provision of a travel plan and it is recommended that conditions to these effects are imposed.

**Ecology**

There are no designated sites within the survey site or its immediate vicinity and the nearest non-statutory sites would not be affected by the proposed development. The Council's Ecologist has offered no objection to the proposal subject to the imposition of standard bat and bird informatives.

**Drainage**

The Council's Drainage Offer offers no objection to the proposal as the previous application demonstrated that the site could be drained in a sustainable manner. However, a condition for details indicating how surface and land drainage will be dealt with should be submitted and approved prior to commencement of works.

### **Burry Inlet**

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

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMS), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and RAMSAR site. Before deciding to give permission we must therefore first consider whether this development is likely to have a significant effect on the CBEEMS either alone or in combination with other plans or projects in the same catchment area.

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

#### Water Quality

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

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

As the consents in question have already been subject to a full assessment (alone and in-combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits, as it is considered that the relevant parts of the earlier parts of the assessment remain robust and have not become outdated by further developments.

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

#### Other Possible Effects on CBEEMS features

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

ITEM 1 (CONT'D)

APPLICATION NO.

2015/2216

### 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).

### **Proximity to Gas Pipeline**

Policy EV41 states that development in the vicinity of existing hazardous installations will not be permitted if there would be a significant risk to life or health. In this respect the Council takes advice from the Health and Safety Executive (HSE).

The HSE have advised that the assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds for advising against the granting of planning permission in this case.

They advise that major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974 which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority) then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

The site is an established retail destination and the proposals would improve the access to the site as well as providing a more functional internal layout. The HSE's advice has been carefully considered, however, on balance, the LPA considers that notwithstanding this advice, the proposal would not result in a significant increase in the number of people visiting the site and overall the proposal would not represent a significant risk to those people visiting the site over and above the existing situation. As such the consequences of a major incident have been considered and the proposal is considered to be acceptable in this respect having regard to EV41 and the advice contained within Circular 20/01. In addition, Wales and West Utilities have raised no concerns to the proposal.

### **Conclusion**

The proposal is for extensions and associated works to an existing long standing retail premises in the countryside and the principle of the development at this location has been previously established. On balance it is not considered the proposal would have such a significant effect on existing shopping centres or a sufficient detrimental impact on the visual amenity of the locality to warrant a recommendation of refusal.

The HSE's advice to advise against the proposal has been carefully considered however, it is not considered that the proposal would result in a significant increase in the consequences of a major incident over and above the existing situation. However, HSE have requested that they are advised of the Authority's intention to approve the scheme if the recommendation is accepted to allow them to consider whether to request that the Welsh Ministers call in the application for their own determination.

The proposal is considered to be acceptable in terms of its impacts upon residential amenity, access, highway safety and ecology having regard to UDP policies.

**PLANNING COMMITTEE – 9<sup>TH</sup> FEBRUARY 2016**

ITEM 1 (CONT'D)

APPLICATION NO.

2015/2216

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.

**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, C0968-32D proposed site plan,, C0968-35A proposed floor plan, C0968-36B proposed elevations, C0968-37A proposed elevations received 2nd November 2015, C0968-34C proposed floor plans received 16th November 2015.  
Reason: To define the extent of the permission granted.
- 3 Notwithstanding the approved plans all parking spaces in the main car park with the exception of disabled spaces shall be laid out to measure 2.6m x 4.8m in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The parking spaces shall be retained as approved for the duration of the development hereby approved.  
Reason: To provide a satisfactory parking layout in accordance with adopted standards.
- 4 Notwithstanding the submitted plans prior to the commencement of development details for the provision of cycle, motor cycle parking and 10 disabled car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the beneficial use commencing and retained as approved at all times.  
Reason: To provide satisfactory parking provision for non-car visitors and in the interests of sustainability
- 5 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been submitted to and 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.

## PLANNING COMMITTEE – 9<sup>TH</sup> FEBRUARY 2016

ITEM 1 (CONT'D)

APPLICATION NO.

2015/2216

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

- 6 Within 12 months of the development being brought into beneficial use a travel plan shall be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of sustainability and to promote sustainable modes of transportation.

- 7 If during development contamination is found to be present at the site, then no further development (unless otherwise agreed in writing by 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 the contamination will be dealt with. The development shall be carried out in accordance with the approved remediation strategy.

Reason: In the interests of health and safety.

- 8 The 93 space overflow car park area shall be surfaced in a loose gravel or similar surface and shall not be surfaced with tarmac or any other similar permanent hard surface.

Reason: In the interests of visual amenity.

- 9 The parking areas as indicated on the approved plans shall be retained as car parking areas in association with the garden centre and for no other purpose.

Reason: To ensure satisfactory parking within the site.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV21, EV22, EV41, EC4, EC9, EC11, EC13, R2, R4, AS6

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

- 3 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).

**PLANNING COMMITTEE – 9<sup>TH</sup> FEBRUARY 2016**

ITEM 1 (CONT'D)

APPLICATION NO.

2015/2216

- 4 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.

5 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

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**PLANNING COMMITTEE – 9<sup>TH</sup> FEBRUARY 2016**

ITEM 2

APPLICATION NO.

2015/2498

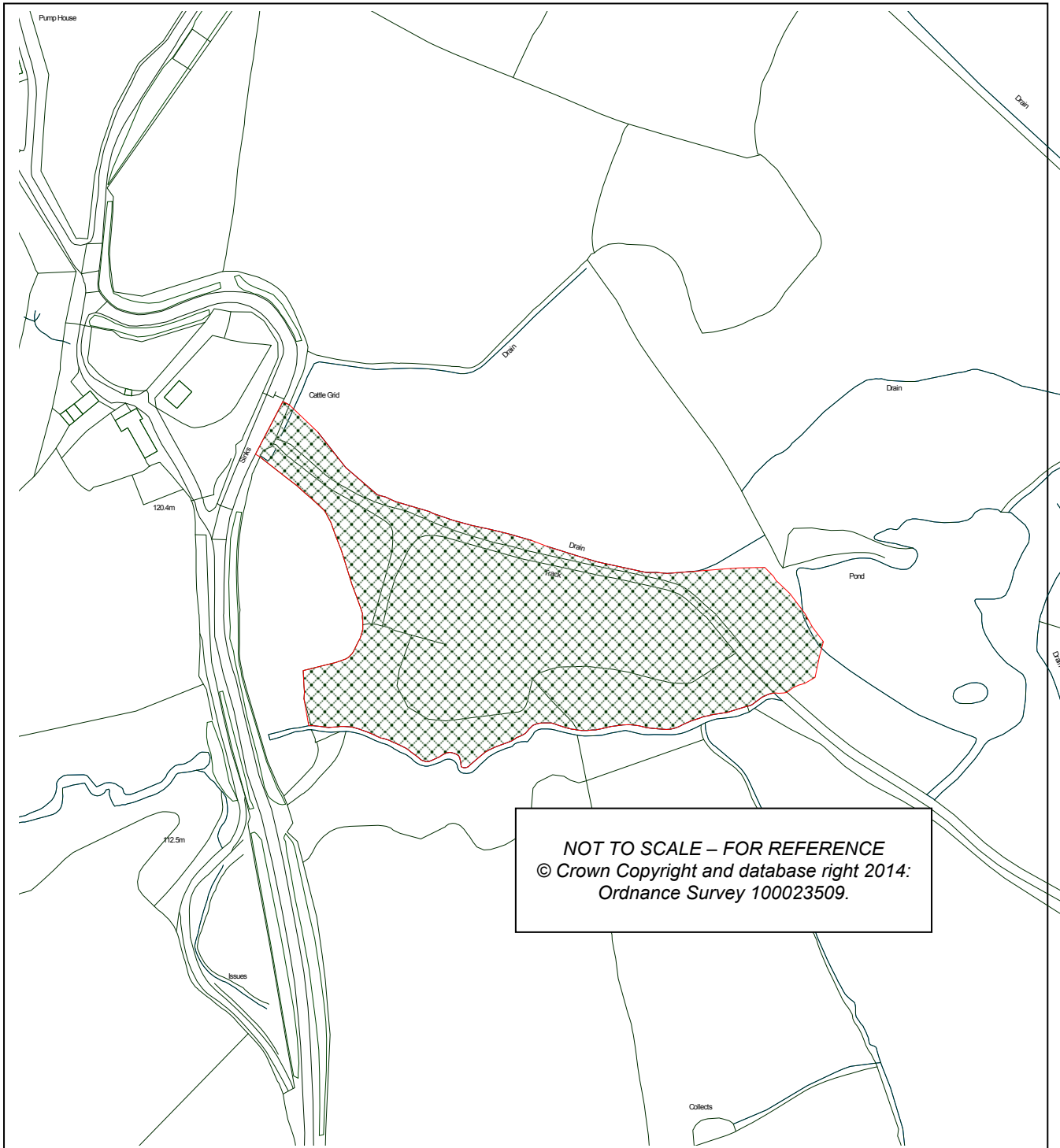
WARD:

Mawr

**Location:** Gelligron, Felindre, Swansea, SA5 7NP

**Proposal:** Variation of condition 1 of planning permission 2010/1035 granted 5th April 2011 to extend the period of time to commence development

**Applicant:** Mr David Thomas



**BACKGROUND INFORMATION**

**This application is reported to Committee for determination as the proposed development exceeds the Development Threshold.**

**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 EV21 In the countryside non-residential development will only be permitted where it can be demonstrated that it is beneficial for the rural economy, or it meets overriding social or economic local needs, or it is appropriate development associated with farm diversification, sustainable tourism or nature conservation, or it provides an acceptable economic use for brown field land or existing buildings, or it is essential for communications, other utility services, minerals or renewable energy generation. (City & County of Swansea Unitary Development Plan 2008)

Policy EV22 The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through:  
i) The control of development, and  
ii) Practical management and improvement measures.  
(City & County of Swansea Unitary Development Plan 2008)

Policy EV33 Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)

Policy EV35 Development that would have an adverse impact on the water environment due to:  
i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,  
ii) A reduction in the quality of surface water run-off.  
Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

## PLANNING COMMITTEE – 9<sup>TH</sup> FEBRUARY 2016

ITEM 2 (CONT'D)	APPLICATION NO.	2015/2498
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 EC17	Proposals for tourism and recreation developments of an appropriate scale in locations which relate acceptably to the existing pattern of development and/or their surroundings in terms of the nature of the proposal concerned will be permitted provided they comply with a specified list of criteria including standard of design, effect on landscape and nature conservation, effect of visitor pressure on sensitive locations, provide acceptable and safe access, would not cause a loss of best agricultural land. (City & County of Swansea Unitary Development Plan 2008)	
Policy EC20	Development of new chalet, static caravan or touring unit sites shall only be permitted where it conforms to a specific list of criteria including not having materially adverse effect on the natural beauty of the AONB, heritage coast or other designated area; not causing material harm to the landscape character and environmental quality of the area, having satisfactory service arrangements including access roads and utilities; and being well located in relation to highways and public transport; and if within the AONB it is demonstrated that the development contributes towards meeting and identified need. (City & County of Swansea Unitary Development Plan 2008)	
Policy HC25	Provision of sustainable recreation and tourism within the Lower Lliw Valley reservoir and Llan Valley Woods. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)	

### SITE HISTORY

App No.	Proposal
2010/1035	Change of use of agricultural land to accommodate 20 no. static caravans, office block, shower/toilet block and associated works Decision: Grant Permission Conditional Decision Date: 05/04/2011

### RESPONSE TO CONSULTATIONS

This application was advertised in the local press and by site notice. No responses were received to the public consultation.

Other consultation responses are summarised below:

## PLANNING COMMITTEE – 9<sup>TH</sup> FEBRUARY 2016

ITEM 2 (CONT'D)

APPLICATION NO.

2015/2498

### Highways Observations 5.01.16

No objection to time extension.

### Natural Resources Wales 4.01.16

No objection to the variation of the condition 1.

### Pollution Control 7.01.16

No objection.

## **APPRAISAL**

This is an application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 1 of planning permission 2010/1035 at Gelligron, Felindre, Swansea, to extend the period of time in which to start work. The original planning permission granted in 2011 has the following description of development:

*Change of use of agricultural land to accommodate 20 no. static caravans, office block, shower/toilet block and associated works*

Condition 1 reads:

*The development shall be commenced not later than the expiration of 5 years from the date of this planning permission and shall be completed in accordance with the said application plans and conditions prior to any part thereof being brought into beneficial use, unless otherwise agreed in writing by the Local Planning Authority.*

## **Section 73 Procedures**

As a Section 73 application, the only matter which can be considered is the conditions to which the application relates and the permission itself is not a matter for consideration. The Section 73 application allows the local planning authority to reconsider conditions other than that which is the subject of the application to modify, and therefore the local planning authority may decide that planning permission should be granted subject to conditions differing from those subject to the previous planning permission. A Section 73 application cannot be used to vary the time limit for implementation if that permission has expired, however, in this case, the Section 73 application has been submitted before the original application expires on 5<sup>th</sup> April 2016.

## **Main Issues**

The main consideration for this application is whether there have been any material changes in circumstances since the granting of the 2011 planning permission which may direct that a different decision should be reached to that of the original approval.

The previous planning application was considered under the policies of the City and County of Swansea Unitary Development Plan (2008) (UDP). The UDP is still the adopted development plan for the area and there have been no new local planning policy changes since the 2010 planning permission was granted.

## PLANNING COMMITTEE – 9<sup>TH</sup> FEBRUARY 2016

ITEM 2 (CONT'D)

APPLICATION NO.

2015/2498

Moreover, there have been no relevant changes to national planning policy that would affect the determination of this application.

In terms of the Local Development Plan (LDP), whilst the plan is not yet at the deposit stage, and therefore carries little weight in the determination of this application, reference to the pre-deposit draft proposals maps do not indicate that the site would be covered or constrained by any designations that would affect the determination of this proposal.

### Other Matters

It is noted statutory consultees and other consultees have raised no objections to this application.

### Conclusion

In light of the foregoing, it is considered that there have been no material changes in circumstances since the 2011 approval. The proposed development would still comply with the provisions of the UDP having particular regard to Policies EV1, EV2, EV21, EV22, EV33, EV34, EV35, EC17, EC20 and HC25. It is therefore recommended that the application is approved to extend the time period to commence development.

### 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: TA-1007-02 block plan, TA-1007-03 proposed arrivals block, TA-1007-04 proposed shower/toilet block, received 20th July 2010. TA-1007-01 site location plan, received 14th December 2016.  
Reason: To define the extent of the permission granted.
- 3 The caravans shall be used for holiday accommodation only and shall not be occupied by any person or persons as their main or sole place of residence.  
Reason: This form of accommodation is not suitable for permanent occupation by virtue of reduced levels of amenity and to occupy on a permanent basis would be contrary to EV20.
- 4 The site owners/operators shall maintain an up-to-date register of the names of the owners of all individual caravans on the site. The register shall also contain details of the names of all occupiers of the individual caravans and details of the owners/occupier's main home addresses. The register shall be made available at all reasonable times for inspection by the Local Planning Authority.  
Reason: To ensure the proper monitoring of the use of the site.

**PLANNING COMMITTEE – 9<sup>TH</sup> FEBRUARY 2016**

ITEM 2 (CONT'D)

APPLICATION NO.

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- 5 No development shall take place without the prior written approval of the Local Planning Authority of a scheme for the landscaping of the site. The landscaping scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within four years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.  
Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development.
- 6 Before the development hereby approved is occupied the means of enclosing the boundaries of the site shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of visual amenity and general amenity.
- 7 Samples and details of all external colours of the proposed static caravans shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.  
Reason: In the interests of visual amenity.
- 8 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.
- 9 The application site shall be used for static caravans only and the use by touring caravans is expressly prohibited.  
Reason: In the interests of highway safety.
- 10 Prior to the commencement of development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan must be implemented prior to the beneficial use of the site commencing.  
Reason: In the interests of highway safety

**PLANNING COMMITTEE – 9<sup>TH</sup> FEBRUARY 2016**

ITEM 2 (CONT'D)

APPLICATION NO.

2015/2498

- 11 The application site is bounded to the north by a surface water drain and to the south by the Nant Y Tarw. A development free buffer strip of at least 4 metres shall be maintained in perpetuity between the development and the top of the bank of these watercourses/surface water features in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. This buffer strip shall be protected from all development including access routes, footpaths and ancillary works and structures such as decking, benches.

Reason: To protect the integrity of the riparian corridor and its associated wildlife.

- 12 Prior to the commencement of development, samples of the external finishes for the office block and shower/toilet block hereby approved, which shall include a stonework panel and timber windows, doors and joinery shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

- 13 Before the development hereby permitted is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) together with any changes proposed in the levels of the site shall be submitted to and agreed by the Local Planning Authority in writing.

Reason: In the interests of visual amenity.

- 14 At any one time, there shall be no more than 20 caravans sited within the area of the application site.

Reason: In the interests of visual amenity and highway safety.

**INFORMATIVES**

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV21, EV22, EV33, EV34, EV35, EC17, EC20 and HC25.

- 2 Please refer to the informative notes set out in planning permission 2010/1035.
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**PLANNING COMMITTEE – 9<sup>TH</sup> FEBRUARY 2016**

ITEM 3

APPLICATION NO.

2013/0524

WARD:

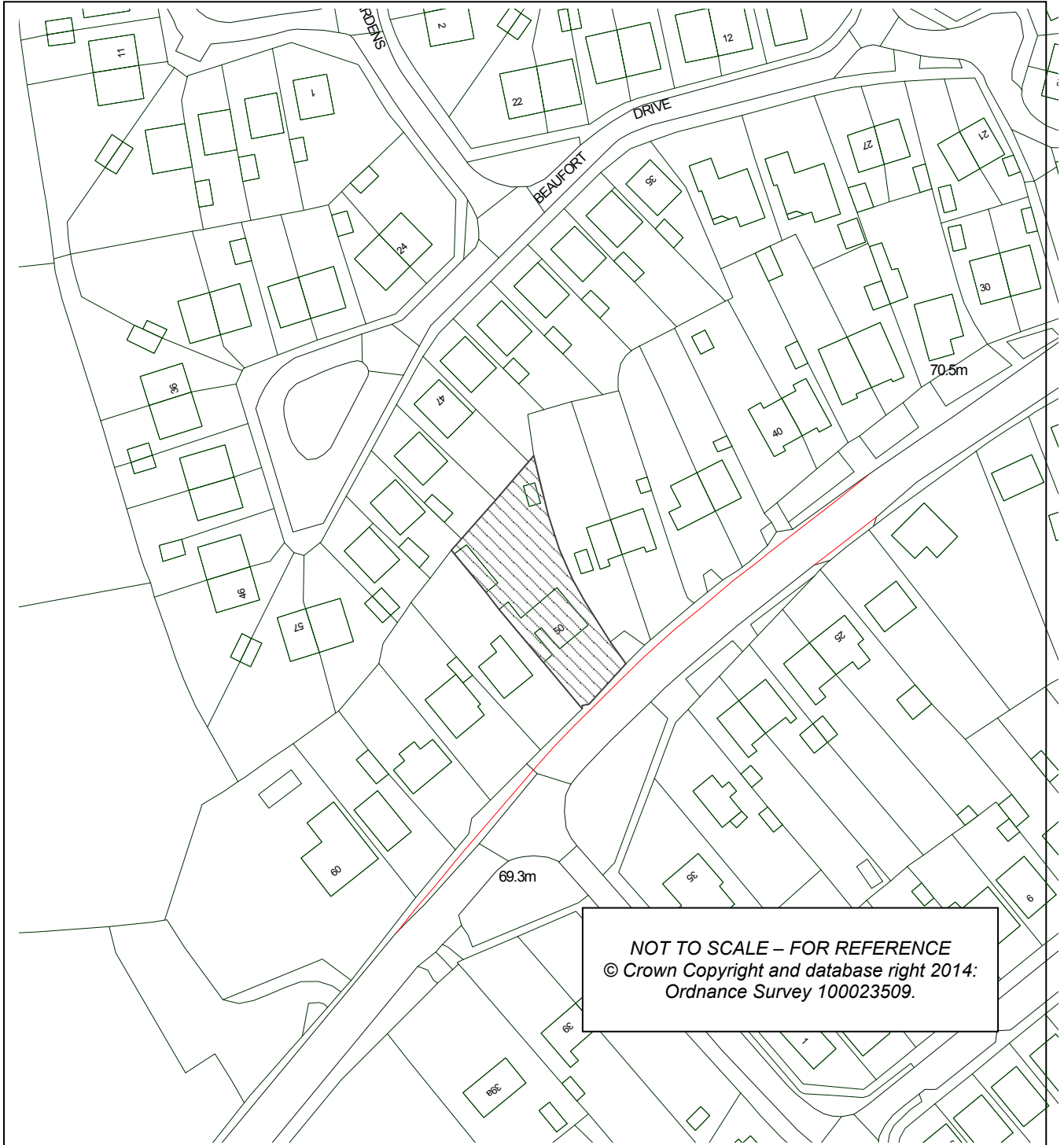
Pennard

**Location: 50 Pennard Road, Kittle, Swansea, SA3 3JY**

**Proposal: Two storey part single storey side extension**

**Applicant: Mr Simon George**

**BACKGROUND INFORMATION**





## PLANNING COMMITTEE – 9<sup>TH</sup> FEBRUARY 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2013/0524

### 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 HC7	Proposals for extensions and alterations to existing residential dwellings will be assess in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, effect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
94/0135	SINGLE STOREY SIDE/REAR EXTENSION Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 15/04/1994

### RESPONSE TO CONSULTATIONS

ONE LETTER OF OBJECTION and ONE LETTER OF COMMENT have been received from the occupier of the same neighbouring property, known as 52 Pennard Road. The comments contained within these letters are as follows:

- The objector considers they were not served notice of the application.
- The existing plan is incorrect as it fails to take into account the increase in size of the property at 52 Pennard Road in April 2013. This plan depicts a larger distance between the two properties (50 Pennard Road and 52 Pennard Road) than now exists. This distance is approximately 800mm.
- There are concerns regarding the side elevation (of the proposed extension) with the three windows and roof lights that look directly into the neighbour's rear garden which would be considered to be an invasion of privacy, even with opaque glass as windows can be opened and altered at a later date.
- There are concerns regarding the excavation that would possibly need to be carried out on the objector's property to create a reinforced concrete foundation suitable for a two storey extension. It would not be acceptable to construct a two storey extension from the neighbour's side of the property, with the use of scaffolding, which could become a serious health and safety matter.

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ITEM 3 (CONT'D)

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- If the intention is to build on the boundary walls then all soffit and guttering would project into the neighbour's property which is unacceptable.

**Head of Transportation and Engineering** – On site parking facilities are available for at least 3 cars. I recommend no highway objection.

**Council's Ecology Officer** – No objection raised. Use bats and birds informative.

### APPRAISAL

This application is reported to Committee for decision at the request of Councillor Lynda James.

The application site is located within the village of Kittle, with the surrounding area being mostly characterised by residential properties.

The application seeks planning permission for a single and two storey side and rear extension. The extension has a rear projecting element and single storey front projecting element and is situated on the boundary shared with No.52 Pennard Road.

The applicant's agent has been informed that there are significant concerns with the proposal, both in terms of its visual impact and the impact on neighbouring occupiers. The agent has nevertheless confirmed that the applicant wishes the application to be determined as submitted, as they have decided not to amend the scheme.

To ensure there were no impacts on neighbouring properties it was advised by Officers that the first floor element of extension needed to be reduced so it did not extend beyond the existing rear elevation of the property. To ensure the dwelling was more in keeping with the host dwelling and the surrounding area it was advised that the gable feature at the front of the extension was removed and the roof altered to a sloping roof. To ensure against the creation of a terracing effect, it was advised that at least 0.78m needed to be retained between the side of the proposed extension and the common side boundary with No 52 (in-line with recommendations made on an application relating to No.52 Pennard Road).

The main issues to be considered with regard to this application are the visual impact of the proposed development on the character and appearance of the dwelling and the surrounding area within the Gower AONB and the impact on the residential amenity of the occupiers of the neighbouring properties, having regard to Policies EV1, HC7 and EV26 of the Unitary Development Plan, the Design Guide for Householder Development and the Gower AONB Design Guide. There are in this case considered to be no additional overriding issues for consideration having regard to the provisions of the Human Rights Act.

The two storey side extension is not considered to be in keeping with the character and appearance of the host dwelling and the surrounding area, given its unacceptable siting, scale and design. The design of the two storey side extension is not considered to be in keeping with the character and appearance of the host dwelling with the gable feature considered to be at odds with the overall appearance of the dwelling. The removal of this gable feature, which was advised as part of the recommended amendments, would have made a positive difference to the overall design of the proposals.

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The proposed two storey element of the extension, being located hard on the common boundary with No 52, would create a 'terracing effect' with No 52, which would be to the detriment of the visual amenities of the area. Therefore, the two storey side extension is not considered to be in keeping with the siting, scale or design of the host dwelling or the surrounding area and as such does not comply with Policies EV1, EV26 and HC7 of the Unitary Development Plan. The single storey element to the front of the two storey extension is not however considered to give rise to any issues.

In terms of overbearance and overshadowing, the extension is considered to have an unacceptable impact on the amenities of No.52 Pennard Road, given that the two storey extension conflicts with the 45 degree rule when taken from the rear windows of this neighbouring property. It is not considered to have an impact on No.48 given the distance between this neighbouring property and the proposed extension.

With regards to overlooking, there is not considered to be any unacceptable overlooking from the double doors within the first floor of the rear element of the extension (facing towards No.48) given that there would be a separation distance of more than 10m between these double doors and the common boundary with No.48. Whilst 21m is not strictly achieved between these double doors and the side elevation of No 48, it is considered that given the splayed orientation of the proposed extension relative to No 48, a lower separation distance can be accepted in this instance.

In terms of the overlooking from the side elevation of the extension facing towards No.52, it is acknowledged that a condition could be applied to some of the windows within this elevation, requiring them to be glazed with obscure glass and be fixed shut. This solution would be considered to be appropriate for the proposed first floor window and the ground floor window beneath this. However, it is considered that the other window at ground floor level would directly face onto and towards No.52's rear amenity space and therefore, even with obscure glass and being fixed shut, it would still be considered to give rise to an unacceptable level of perceived overlooking.

The Head of Transportation and Engineering has stated that site parking facilities are available for at least 3 cars. Therefore, no highway objections are raised to the proposal.

In response to the various issues raised by the objector, the following comments are made.

The appropriate level of consultation on the application was carried out, with all adjoining land owners being consulted. A 'Certificate B' form has been signed, declaring that the appropriate Notice has also now been served on the neighbouring property (this was required as the proposed extension encroached onto the neighbour's property).

It is acknowledged that the submitted drawings do not illustrate the extension constructed at No.52 Pennard Road. However, this is not considered to have any bearing on this application, given that an Officer site visit has been carried out and analysis of the history in relation to No.52 has also been carried out.

With regards to the overlooking from the windows into No.52, this issue is considered to be addressed within the report.

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The concerns raised pertaining to boundary issues and the use of the neighbouring property's land to place scaffolding on etc. are essentially civil matters and are therefore not discussed here.

In light of the above analysis, the proposed extension is considered to represent an unacceptable form of development that would have a harmful impact on the visual and residential amenities, contrary to Policies HC7 and EV1, EV26 of the City and County of Swansea, Supplementary Planning Guidance document entitled A Design Guide for Householder Development and the Gower AONB Design Guide. Refusal is therefore recommended.

### **RECOMMENDATION**

#### **REFUSE, for the following reason;**

- 1 The proposed two storey side extension, by virtue of its inappropriate design and proximity to the common boundary with No 52, would close the visual gap between the two properties, which would adversely affect the character of the host dwelling and would be to the detriment of the visual amenities of the area, contrary to Policies EV1, EV26 and HC7 of the City and County of Swansea Unitary Development Plan 2008, the Council's Design Guide for Householder Development and the Gower AONB Design Guide.
- 2 The proposed two storey side extension, by virtue of its inappropriate size, siting and design, would fail to respect the character and appearance of the host dwelling, be detrimental to the visual amenities of the locality and fails to conserve and enhance the natural beauty of the Gower AONB, contrary to Policies EV1, EV26 and HC7 of the City and County of Swansea Unitary Development Plan 2008, the Council's Design Guide for Householder Development and the Gower AONB Design Guide.
- 3 The proposed ground floor window serving the sitting room (facing towards No.52 Pennard Road), by virtue of its close proximity to this neighbouring property, would introduce an unacceptable perception of overlooking onto this neighbouring garden, that would be detrimental to the residential amenities of the occupiers of this property, contrary to Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan 2008.
- 4 The proposed two storey extension, by virtue of its siting, height and projection beyond the main rear elevation of the host dwelling, would have an unacceptable overbearing and overshadowing impact on the occupiers of No. 52 Pennard Road, to the detriment of their residential amenities, contrary to Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan 2008 the Council's Design Guide for Householder Development.

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**INFORMATIVES**

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV26 and HC7 of the Unitary Development Plan

**PLANS**

F1267/01-site location plan & block plan, F1267/02-existing floor plans, F1267/03-existing roof plan, F1267/04-existing elevations, F1267/05-proposed ground floor plan, F1267/06-proposed first floor plan, F1267/07-proposed roof plan, F1267/08-proposed front & side elevations, F1267/09-proposed rear & side elevations, F1267/10-typical sections received 8th April 2013

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ITEM 4

APPLICATION NO.

2014/0224

WARD:

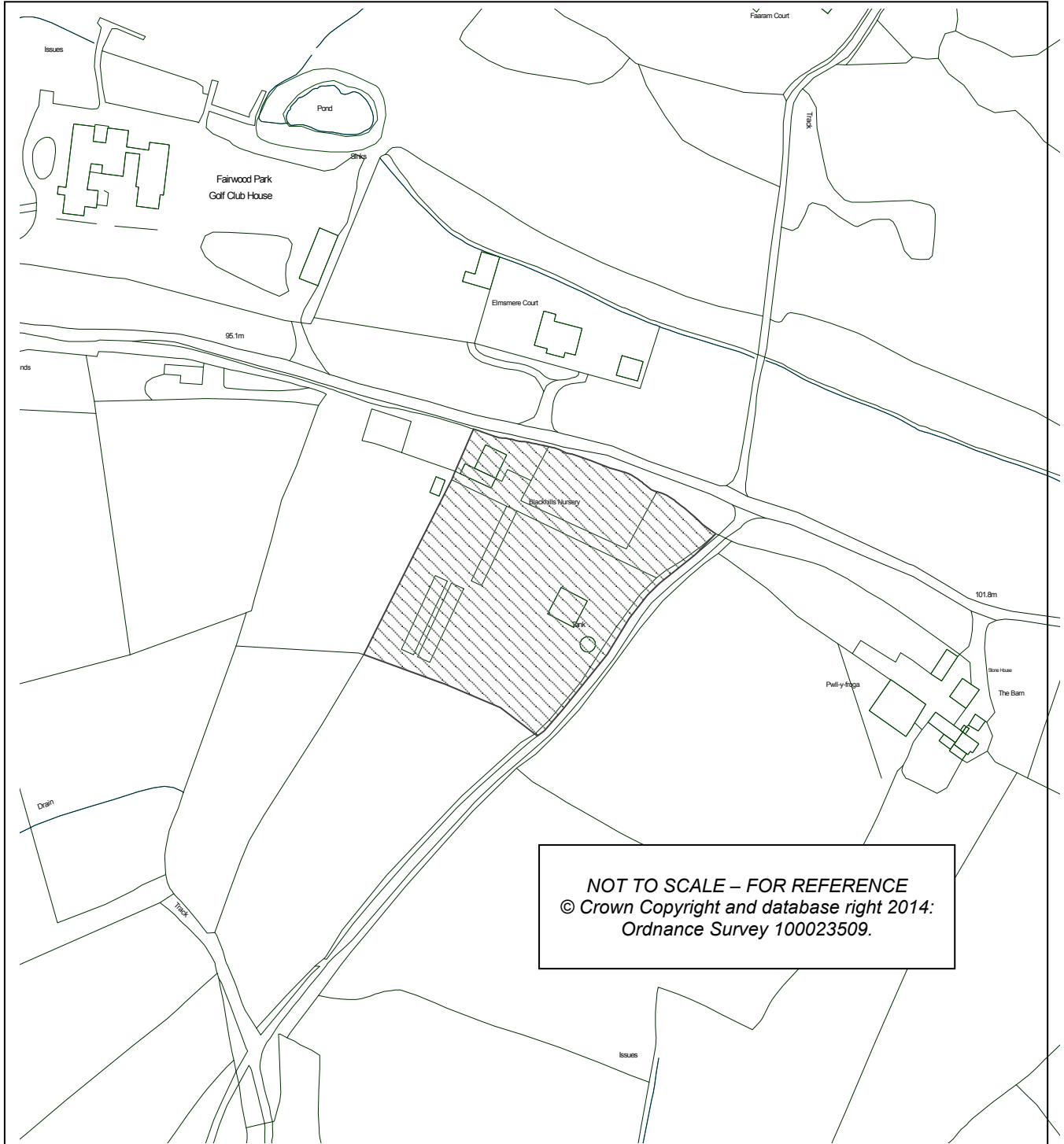
Fairwood

**Location: Blackhills Nursery Blackhills Lane Fairwood Swansea SA2 7JN**

**Proposal: Construction of ten holiday units and use of existing building as ancillary reception**

**Applicant: Salix Ltd**

**BACKGROUND INFORMATION**



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ITEM 4 (CONT'D)

APPLICATION NO.

2014/0224

The application was DEFERRED the Area 2 Development Control Committee on 3<sup>rd</sup> June 2014 in order for the applicant to submit further information to address the issues raised in the report. The applicant has submitted additional information regarding the assessment of need and demand for the proposed holiday units in accordance with the unmet need criteria of Policy EC20 (vi). Reference to the additional details and information has now been included in the main body of the report but the recommendation of refusal remains unchanged.

### POLICIES

Policy	Policy Description
Policy EC17	Proposals for tourism and recreation developments of an appropriate scale in locations which relate acceptably to the existing pattern of development and/or their surroundings in terms of the nature of the proposal concerned will be permitted provided they comply with a specified list of criteria including standard of design, effect on landscape and nature conservation, effect of visitor pressure on sensitive locations, provide acceptable and safe access, would not cause a loss of best agricultural land. (City & County of Swansea Unitary Development Plan 2008)
Policy EC20	Development of new chalet, static caravan or touring unit sites shall only be permitted where it conforms to a specific list of criteria including not having materially adverse effect on the natural beauty of the AONB, heritage coast or other designated area; not causing material harm to the landscape character and environmental quality of the area, having satisfactory service arrangements including access roads and utilities; and being well located in relation to highways and public transport; and if within the AONB it is demonstrated that the development contributes towards meeting and identified need. (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 EV20	In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)
Policy EV21	In the countryside non-residential development will only be permitted where it can be demonstrated that it is beneficial for the rural economy, or it meets overriding social or economic local needs, or it is appropriate development associated with farm diversification, sustainable tourism or nature conservation, or it provides an acceptable economic use for brown field land or existing buildings, or it is essential for communications, other utility services, minerals or renewable energy generation. (City & County of Swansea Unitary Development Plan 2008)

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ITEM 4 (CONT'D) APPLICATION NO. 2014/0224

- Policy EV22 The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through:
- i) The control of development, and
  - ii) Practical management and improvement measures.
- (City & County of Swansea Unitary Development Plan 2008)
- Policy EV26 Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV2 The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).

### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
98/0547	ERECTION OF AN AGRICULTURAL STORE SHED Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 02/06/1998
2005/2409	Horticultural store and detached shop/office Decision: Grant Permission Conditional Decision Date: 20/03/2006
2006/2363	Variation of condition 2 of planning permission 2005/2409 granted on 20th March 2006 to extend the range of goods sold Decision: Grant Permission Conditional Decision Date: 14/02/2007
2004/0451	Construction of a manager's dwelling (outline) Decision: Withdrawn Decision Date: 15/07/2005
2010/0998	Retention of existing building with external decked area and use as a cafe (Class A3), new single storey rear extension and retention of detached wildlife kiosk building Decision: Grant Permission Conditional Decision Date: 18/11/2010
2002/1749	Construction of a manager's dwelling (Outline) Decision: Refuse Decision Date: 15/07/2003



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ITEM 4 (CONT'D)	APPLICATION NO.	2014/0224
92/0730	ERECTION OF POLYTHENE TUNNELS AND STORE SHED FOR AGRICULTURAL USAGE. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 11/08/1992	
93/0882	ERECTION OF POLYTHENE TUNNEL FOR AGRICULTURAL USE Decision: *HGPC - GRANT PERMISSION COND. (TV) Decision Date: 14/09/1993	
93/1496	ERECTION OF GLASSHOUSE FOR AGRICULTURAL USE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 08/02/1994	
94/0470	ERECTION OF 2 NO. POLYTHENE TUNNELS FOR AGRICULTURAL USAGE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 03/06/1994	
94/0788	ERECTION OF 1 NO POLYTHENE TUNNEL FOR AGRICULTURAL USE Decision: *HGPC - GRANT PERMISSION COND. (TV) Decision Date: 02/08/1994	
95/0957	RENEWAL OF TEMPORARY PERMISSION FOR FOUR POLYTHENE TUNNELS FOR AGRICULTURAL USE Decision: *HGPC - GRANT PERMISSION COND. (T) Decision Date: 29/09/1995	
95/1227	ERECTION OF 2 NO GLASSHOUSES FOR AGRICULTURAL USAGE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 01/12/1995	
96/4289/S	ERECTION OF STORE SHED FOR AGRICULTURAL USAGE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 09/05/1997	
98/0547	ERECTION OF AN AGRICULTURAL STORE SHED Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 02/06/1998	

### RESPONSE TO CONSULTATIONS

The application was advertised on site and in the press as a Departure from the Unitary Development Plan 2008 and two individual properties were consulted. ONE LETTER OF OBJECTION has been received, which is summarised as follows:

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APPLICATION NO.

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1. It is distastefully out of character with the area which was part of a farm and I open countryside.
2. IT will spoil our view and the beauty of the area which is a green belt not an urban area.
3. I disagree with the traffic on Blackhills Lane.
4. There is a stream at the bottom of Blackhills Lane and if any sewage got into the stream, this should not be allowed.

### **The Gower Society** – Comments as follows:

1. There have been a number of applications for this site in recent years and this latest poses significant questions as to what is going on? We note that the application infers that financial reasons are the reason why the nursery side of the business is closing and yet we are presented with a development that may be costing in order of £1 million.
2. 10 chalets may justify an office but this is a small part of the whole application. The original cafe was obtained 'on the back' of the nursery and for all that we know both may have benefited from significant grants. This surely needs investigation?
3. As far as the UDP is concerned it would appear that such a development may satisfy the required criteria. It may not impact on the landscape although the traffic generated may be greater with both cafe and chalets combined.
4. Bearing in mind that we have just seen applications 2014/ 0121 to 0128 to allow full time occupancy of the chalets at The Langrove (just down the road to this site) it is important that you consider the overall implication on the tourism market. If allowed it is absolutely essential that full and careful control is maintained to ensure tourism occupancy at all times of the year. The selling off of these chalets to be used as second homes or full time homes must never be an option. Can this be guaranteed?
5. The existing Blackhills static caravan site near by across is large but unobtrusive. A development over the road on this site extends the 'envelope' of tourism further into the open countryside.

Please take our comments into account when considering the planning implications of this application. We have not objected but we do have grave concerns about the implications.

### **Council's Ecologist** – Comments as follows:

The ecological survey carried out on the site indicated that there are reptiles and amphibians present, these are protected by law. The developers have submitted an Amphibian and Reptile Mitigation Method Statement. Please could we add a condition to any permission we give requiring the developers to follow this plan. The hedges surrounding the site will be used for foraging and commuting bats any external lighting should be designed to avoid light spill on to these areas. Please include the informatives below:

#### **BATS**

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.

ITEM 4 (CONT'D)

APPLICATION NO.

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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 e.g. live or dead animals or droppings, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

### **BIRDS**

Birds may be present in the 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 is in use or being built
- Take or destroy an egg of any wild bird

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

**Commons Registration** - The area shaded on the plan accompanying this search request forms part of common land register unit CL 15.

**Natural Resources Wales** - Natural Resources Wales does not object to the application, providing appropriately worded conditions are attached to any planning permission you are minded to grant.

**Highways Observations** - The development of 10 holiday units on the site is unlikely to result in a level of traffic movement that is significantly different than that which was associated with the garden centre use. The pattern of movements would differ slightly however access along Blackhills, whilst rural in nature, is predominantly of double width allowing two vehicles to pass.

On balance I would recommend that no highway objections are raised.

### **APPLICANT'S ORIGINAL SUPPORTING STATEMENT is summarised as below:**

The site covers just over 1ha and consists of two areas. The first element is a wildflower and aquatic nursery that contains a range of polytunnels, glasshouses outbuildings and growing area. This part of the site was used to grow a range of flower and plants to supply to local business and the café . However, for financial reasons this use has now ceased and this element of the site being redundant.

The remainder of the site consists of a café and shop building, an area for the sale of plants grown on the nursery and a car parking area.

The application site is set within a landscape dominated by a mix of agricultural enclosures, pockets of woodland and other tourism related land uses at the edge of the AONB. Fairwood Golf Club is located to the north, north east and north west of the site.

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ITEM 4 (CONT'D)

APPLICATION NO.

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Tourism accommodation consisting of statics or touring caravans with associated service buildings is located to the west of the application site.

Highways were consulted at pre-application where they stated that there was no objection in principle. The LPA stated in the pre-application discussion that the scheme would have to show compliance with Policy EC20 (e) regarding unmet need. A following submitted scheme for 13 two storey units was rejected. The scheme was reviewed and resulted in the units being reduced to 10 single storey units which would achieve Level 4 under the Code for Sustainable Homes.

John Francis undertook an assessment of the demand and supply of tourism accommodation in the AONB. The LPA advised they were happy with the number, density and design of the proposed units and were considered to be high quality. The report however was considered to demonstrate a demand for the proposal but not necessarily need. It was agreed that further assessment and investigation would be undertaken to establish the current accommodation on offer in the AONB to identify what shortfalls in supply were present.

The connection with the local economy was discussed and it was outlined to the LPA the existing shop would widen its local produce offer available for purchase by customers and visitors alike which in turn would generate employment.

A further audit was therefore undertaken by John Francis in association with other specialist tourism accommodation agents in the Gower AONB and submitted for consideration and comment. The LPA responded that the information supplied still showed “want” rather than “need” and advised it would not provide support for the scheme. However, the Authority’s development control or policy teams have been able to provide any definition of what is considered to constitute need.

In summary, the principle of the proposal is to deliver a development that will provide both direct and indirect benefits to the local economy. It sees to do so this by redeveloping a brownfield site for 10 high quality tourism accommodation and the build on the role played by the existing building to the local economy through its use as a reception building and hub for the new tourism accommodation and provide additional employment opportunities and a more viable outlet for local suppliers.

The proposal is aimed at meeting an unmet need in the local tourism accommodation market. It has unequivocally been identified that there is a clear demand and need for the proposed form of development.

The proposal has been given full consideration of the application’s site location within the Gower AONB and represents a wholly sustainable and sensitive option that incorporates the site’s own environmental attributes and retains its setting in the wider landscape context. The development therefore adheres to all aspects of both national and local planning policy.

**APPLICANT'S FURTHER SUPPORTING STATEMENT**

**Blackhills Nurseries: Salix Ownership History & Commercial Aspects**

After moving into the site and in order to gain maximum production capability at the site Salix Invested in excess of £60,000 in office and potting facilities, storage and production improvements on the site. These included putting concrete access paths in the poly tunnels and glasshouses, efficient irrigation, restoration all the Polytunnel plastic covers. Salix obtained planning and constructed a farm shop (at a cost of £125,000) in 2008 in the hope of attracting retail customers to the nursery. Additional improvements were made to the site to improve access for the public and to create an improved landscape a series of ponds and a wildflower meadow were created as part of this development. Salix' occupation of the site continued for 8 years before the burden of financial losses became unsustainable. During this period the site was not once profitable. On several occasions Salix have reviewed the layout, production methods and types of plants grown in an attempt to make the site work profitability. For example, a Biomass heating arrangement was reviewed in order to extend the growing season and therefore production capacity. After review the running costs were shown to out way any increased production and as such would have led to increased production costs. High value herb and vegetable crops were trialled but the site layout and size meant that production costs were too great to be able to produce a crop competitively.

Salix is a responsible and professional company that sacrificed potential profits in order to try and make the Blackhills site a break even production facility. After 8 years of losses the financial burden was too great to continue to invest in ways to try and make the site more efficient and productive.

**The site suffers various constraints to the economic viability of the existing use, namely;**

**Access** – The access road is narrow and inaccessible to articulated lorries. All deliveries of supplies in and plants out can only be achieved with small lorries which increases production costs significantly.

**Size** – The site is less than 3 acres in total which does not give the economies of scale for competitive production. Although Salix is a niche producer with strong market presence, Blackhills' lack of scale or mechanisation opportunities mean that production at this location is still not competitive. Three other businesses have had the same experience.

**Electricity** – The site does not have the benefit of a 3 phase supply and the cost of upgrading would be prohibitive relative to the limitations on available economies of scale.

**Visibility** – The site has operated as a wholesale/primary production nursery but lacks the scale to compete in this market. The potential for retailing plants is very limited due to the rural location and lack of passing trade. Any production of retail plants at the site will be uncompetitive for the same reasons stated above.

**Obsolescence** – the growing facilities on the site are old and of poor quality and the constraints to the economic viability of the site has resulted in a lack of willingness to make further investment.

**Financial Viability** – At its peak, Blackhills Nursery produced 400,000 plants and employed 5 people. At this level, the cost of production was approximately 30 pence per plant. Elsewhere, Salix operates a 20 acre nursery where economies of scale and mechanisation have allowed the business to produce plants for an average of 12 pence per plant. As Salix has grown and taken on more high volume but lower priced plant production, the Company has sought to invest in low cost production including outsourcing where appropriate. Low cost production has been essential with certain lines where wholesale prices are under 20 pence per plant (66% of Blackhills COST). Working with specialist partners Salix is now able to produce certain “commodity” plants at less than 10 pence per plant. Such production costs are essential to deliver a realistic margin to cover the cost of sales and distribution and to sustain the 22 jobs that Salix currently supports. This scenario was also the same for previous businesses and demonstrates that the site is not a viable nursery.

### **Summary**

Over the last 20 years four companies have tried and failed to make the Blackhills Nursery a viable horticultural business. Despite significant investment and innovations, all have failed. The large glasshouses are over 20 years old, are falling into disrepair and before long will be uninsurable.

### **TOURISM NEED ASSESSMENT is summarised as follows:**

- This report addresses the potential for the development of a self-catering complex of 10 high quality lodges to meet an identifiable **‘need’** for a specialist tourism development designed especially, but not exclusively, for the accessible tourism markets.
- Global, national and local evidence and reports highlights the inadequate provision of tourism accommodation, notably in established and rural / coastal destinations for these markets.
- The report demonstrate and prove the issue of need
- The report also examines **‘demand’** for an accessible tourism product at the European, the GB and the Wales level and then explores the current inadequate level of provision locally within the Swansea Bay destination.
- The report’s conclusion is that there is a very strong case for this proposed development in terms of its ability to satisfy ‘need’ and ‘demand’.
- Importantly, the nature of the site and the values and interests of the proponents of this development are directly aligned in a way that would allow this development to be well-placed to meet the requirements of the accessible tourism markets for a very fine, high quality tourism experience within the Gower ANOB.

### **THE MARKET OPPORTUNITIES – NEED**

1. At a UK level there is increasing interest in the provision of tourism products to meet the needs of ‘accessible tourism’. In 2012 The Department for Culture, Media and Sport (DCMS) published ‘Accessible Tourism: Making it Work for Your Business’.

2. This report highlighted the following:

- There are a wide range of disabilities within the UK population who require holiday opportunities, including: blind or partially sighted, deaf and hard of hearing, wheel chair bound, those who find using hands and feet difficult, arthritis and those with learning difficulties plus those with impediments due to getting older and living longer;
- There are currently 11m residents in the UK with these disabilities – 1 in 5 of the population;
- At present over 12% of all domestic overnight trips are made by those with access needs = £2bn of value to the economy;
- These markets travel frequently, stay longer and spend more than other domestic tourists; they spend on average £216 per trip compared to £197 on average (according to the DCMS 'Taking Part Survey');
- This tourists if they find the 'right' type of product remain very loyal;
- They do not travel alone (they have extended family, carers, etc);
- The market is going to grow fuelled by an increasingly ageing population (by 2025 one third of the UK's population will be 55+;
- According to the International Passenger Survey (2012) 33% of all inbound international arrivals were over 54 years of age;
- This older market has accessibility challenges, it is a market that is seeking appropriately designed accommodation for holidays (see: 'The Global Remix: The Fight For Competitive Advantage');

3. The report concludes that whilst this is a largely untapped market, the potential will not be realised unless specific provision is made to meet their various needs. In a section titled '**ACCOMMODATING AN UNDER-SERVED MARKET**' the report illustrates the 'need' argument.

4. For example, referring to the 'Taking Part Survey' by DCMS the report revealed that 49% of those with limiting disabilities, 35% of those with non-limiting disabilities do not take holidays because there is insufficient product designed to meet their requirements but 15% and 23% respectively stated that they would holiday 'if the conditions' were right. According to recent studies by Deloitte for the EU the market size of those with some disability or impairment in Europe is 127.5m of which 70% have the time, the money and the desire to travel (that's a market of 89m).

5. DCMS refer to the process of providing to meet the needs of these markets as being a 'normalisation' of opportunity. They state that whilst many accommodation providers (serviced and non-serviced) make adjustments to their properties under The Disability Discrimination Act 1995 few actually make specific provision for an holistic holiday experience for these groups.

6. The Leonard Cheshire Organisation summarises the opportunity to capture this significant market as the need for tourism operators to 'address the main barriers to tourism and holiday taking'. The response by the tourism industry to this challenge has been positive. As a result, there is now recognition of the important business potential of this hitherto un-catered for market.

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7. This acceptance is reflected in the number of campaigns and guidance now available to the industry. This source material extends to detailed specifications as to the facilities and services required to meet the needs of these markets.
8. In summary, therefore, there is significant evidence to demonstrate a need amongst people with some form of disability to have specific provision in terms of holiday accommodation made available to them and their families and carers. According to the available research this is '**an under-served market**' thus fitting the definition of need.
9. The section on the local product audit (see later) will demonstrate that this is an underserved market within the Swansea destination.

#### MARKET OPPORTUNITIES – DEMAND

1. The most comprehensive study of demand for tourism trips by those people with a disability or someone travelling with someone with a disability was undertaken by Visit England and published in 2010. This research interrogated the annual UK Travel Survey of households. The findings are directly relevant for Wales as the study looked at the demand across the whole of GB. Although the study examined the demand for holidays in England it is regarded as the best indicator available of demand as a whole.
2. The key findings were as follows:
  - 11% of all domestic overnight trips were taken by someone with or travelling with someone with a disability (11m+ trips);
  - This resulted in over 312m nights in accommodation;
  - The value of this activity was over £17m in one year;
  - 12% of all holiday trips involved someone with a disability;
  - Demand is primarily for holiday purposes, very few trips for business includes a person with a disability;
  - Disabled travelling groups are more likely to go to a destination near the sea and they prefer rural locations;
  - These groups stay longer and spend more per trip than those groups without some who is disabled;
  - Disability trip groups are more likely than average to be aged 55+;
  - These groups prefer staying in self-catering accommodation;
  - They are prepared to travel throughout the year;
3. In terms of type of accommodation preference by these groups, the main study has been undertaken by Darcy whose 2009 work 'Disabled and Accommodation Preference' remains the main source of information. The study opens by confirming the 'need' issue. Darcy states, "owners and managers do not recognise disability as a market with special needs.... Disabled, normalisation and non-disabled travellers in a group do not like using, so-called' accessible rooms.'
4. These markets are seeking holistic holiday experiences. It is more than access. They want amenity, they want services, they want to be integrated not excluded.



5. Tourism Australia defines accessible tourism as: *'a process of enabling people with disabilities and seniors to function independently and with equity and dignity through the delivery of universal tourism product, services and environments. The definition is inclusive of the mobility, vision, hearing and cognitive dimensions of access'*.
6. In summary, in 2005 the UN World Tourism Organisation (UNWTO) formed a resolution supporting 'accessible tourism for all. This is now recognised as the key reference document for guiding the tourism industry along the path of greater accessibility. Equal access to tourism is also embedded in the UNWTO's 'Global Code of Ethics for Tourism' (1999) which sets the frame of reference for responsible and sustainable tourism development within a destination.
7. This means that within the context of IMPLEMENTING a sustainable tourism strategy for rural Swansea and Gower AONB there should be a full adoption of the importance of 'accessible tourism for all' together with the development of appropriate facilities for these markets.
8. The European Network for Accessible Tourism (ENAT) clearly states that in providing tourism for all, especially in established tourism destinations, *"there is a need to create products suitable for all those who have particular accessibility needs, their families and their friends."*
9. Accommodation is the key to meeting these requirements. ENAT observes that, *"many tourists and would-be travellers experience access problems and lack of suitable accommodation, especially those with physical or sensory disabilities, people who are older and perhaps a little more frail, as well as pregnant women, families with small children and people with chronic health condition or temporary disability. All these people need accessible tourism accommodation in holiday locations."* And, as previous research has shown, there is a preference within these markets for non-serviced, self-catering accommodation in countryside locations.

#### ECONOMIC IMPACT

1. In terms of jobs supported, maintained and created, we have assumed that the existing shop / café will remain and its role will be expanded to become a centre for the site as a whole operating over long hours throughout the year;
2. We have assumed that the site and a whole will be managed and marketed as an entity on a year-round basis and will be maintained and serviced to a high standard;
3. On this basis we believe that this project will directly support 11 FTE jobs together with supporting a further 4.0 indirect jobs:

Café / Shop	=	5.0
Site management	=	1.5
Site maintenance	=	4.0
Marketing	=	0.5

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4. Jobs will, of course be created during the construction phase;
5. On the basis of 10 units with an average occupancy of 4.0 persons for 60% of the available time spending an average of £160 per person per trip this project could be worth between £1.4m and £1.6m to the local economy each year.

## **APPRAISAL**

This application was initially reported to Committee for decision at the request of Councillor Paxton Hood Williams in order to fully assess the principle of a new holiday chalet scheme at this location.

Full planning permission is sought for the construction of ten holiday units in total – 7 x 2 bedroomed and 3 x 3 bedroomed, together with the use of the existing wildflower centre building as an ancillary reception at Blackhills Nurseries, Blackhills Lane, Fairwood. The whole site measures approximately 114m in depth by 92m in width. The access from Blackhills Lane would remain as existing in the north western corner of the site.

The 2 bedroomed units would measure approximately 11.8m x 6.4m with an eaves height of 2.3m and an overall gable roof height of 5.2m. The three bedroomed units would measure 13.4m x 6.4m with the eaves and ridge height the same as the 2 bedroomed units. The external finishes would consist of natural slate roofs, painted weather board external walls and powder coated aluminium windows. The units would be sited together in an area which would take up approximately  $\frac{3}{4}$  of the north west and south of the site with the north east of the site being retained as the existing car park, play area and the existing café building. The nearest unit to the north would be set back approximately 41m from the boundary with Blackhills Lane, the furthest unit to the west and east would each be approximately 10m from the boundaries of the site and the most southern unit would be within 5m of this boundary.

The main issue to be considered with regards to this application is the principle of new build holiday accommodation at this location having regard to the provisions of Policies EV1, EV2, EV21, EV22, EV26, EC17, EC20 and EV20 of the City and County of Swansea's Unitary Development Plan 2008 (UDP) and The Gower Design Guide.

Policies EV1 & EV2 relate to design and siting respectively. They outline good standards of design and siting that need to be met by new development. Such standards include 'be appropriate to its local context', 'not result in significant detrimental impact on local amenity', 'effectively integrating with the landscape'.

Policy EV22 relates to countryside protection and requires the countryside to be protected for the sake of (amongst other considerations) its 'natural heritage'. The definition of which includes 'natural beauty and amenity' and covers the landscape's 'capacity to sustain economic activity'.

Policy EV26 relates to the AONB where the primary objective is the conservation of the area's natural beauty. This policy requires new development to be 'of an appropriately high standard of design'.

Policy EC20 deals specifically with the creation of new chalet, static caravan, touring unit and camping sites. It outlines six criteria which must be met in order for a new site to be permitted.

Criteria (i) and (ii) relate to the protection of designated areas, landscape character and environmental quality. Criterion (iii) relates to satisfactory service arrangements which have been affirmed by the applicant. Criterion (iv) relates to transport. Criterion (v) relates to holiday occupancy conditions and is particularly important to ensure that the chalets are rented out for holiday use rather than used as second homes, which would not generally benefit the rural economy. Criterion (vi) requires that the site contributes towards an identified 'unmet need' for this type of tourism development.

The Gower Design Guide states that proposal for tourism and recreation developments are limited to a scale that is appropriate to their location and should not have any adverse impact on the character and appearance of the Gower AONB.

The Council's Policy Team have clarified the policy position with regards to this particular proposal. It is considered that if the structures are movable then they could be considered under Policy EC20 as this policy groups caravan and chalet parks together. The intention of this policy is to address structures as defined under the Caravan Site and Control of Development Act 1960 as supplemented by the Caravan Sites Act 1968, sec.13. The 1960 Act, sec. 29 states that a "caravan" means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any other motor vehicle so designed or adapted, but does not include a) any railway rolling stock which is for the time being on rails forming part of a railway system, or b) any tent.

Section 13 of the Caravan Sites Act 1968 under the heading "Twin-unit caravans" states that twin-units are composed of not more than two sections, constructed or designed to be assembled on site by means of bolts, clamps or other devices, and should not exceed 60 feet in length, 20 feet in width and 10 feet in height overall. They shall not be treated as not being a caravan as defined in the 1960 Act by reason only that they cannot lawfully be so moved on a highway when assembled. If this is the case the development could be regarded as a chalet park and Policy EC20 would apply.

However, if the buildings are permanent structures they cannot be considered as caravans under the 1960 Act (as amended) and subsequently not as a chalet park as referred to in Policy EC20. Such development would be regarded as unserviced tourist accommodation. Policy EC19 relates to unserviced tourist accommodation but only considers the conversion of rural buildings. Ultimately if the application consists of permanent buildings it should be assessed against the criterion of Policies EC17 and EV21. The submitted sections indicate that the buildings would be permanent and not moveable structures. Policy EC20 is not therefore considered to apply.

However, notwithstanding this issue, the applicant has sought to justify the development as meeting an identified unmet need under the provisions of Policy EC20 on the basis of quality and the provision of accessible development for disadvantaged and disabled travellers.

The original information submitted by the applicant to show an unmet need was not considered sufficient as the report was undertaken by a local estate agent where it assessed the market demand for the purchase of the proposed chalets. Unmet need could potentially be demonstrated through an analysis of the tourism provision in the area as a whole to demonstrate under the provisions of Policy EC20 that there is an identified unmet need for the proposed development at this location. No such information was submitted with the application. The applicant therefore commissioned an additional report which references the units being particularly suitable for use by “the disadvantaged and disabled traveller”. In this respect the layout and facilities provided at the site do not appear to have been designed specifically to cater for the disabled or disadvantaged. In addition there is no mechanism proposed to satisfactorily control the occupation of the units to ensure that they are occupied in this respect.

The agent proposes in his supporting statement that the applicant is willing to accept occupancy conditions if planning permission is granted which restrict the use of the units to holiday accommodation only and to the units not being occupied as a person’s sole or main place of residence. The agent also proposes the use of a condition to require that a register shall be kept of all owners/occupiers of all individual tourism units on the site and their main home addresses and that this information shall be made available at all times to the Local Planning Authority. These are, however, standard occupancy conditions and do not set this development apart as meeting an identified unmet need.

Whilst the measures included in the design of the individual units i.e. wider doorways and level access (apart from the height adjustable kitchen work top and adjustable table are measures that would need to be included under the requirements of Part M (Access to and use of Buildings) of the Building Regulations 2010.

Whilst it is recognised that, as a new development to modern standards the quality of accommodation would be relatively high, this does not, it is considered, demonstrate that the site will constitute towards meeting an identified unmet need for this type of holiday accommodation in the Gower AONB under the provision of Policy EC20.

Policy EC17 states that proposals for tourism and recreation developments of an appropriate scale in locations which relate acceptably to the existing pattern of development and/or their surroundings in terms of the nature of the proposal concerned, will be permitted provided they are in keeping with the scale and character of the surrounding area and are of a high standard of design, do not have significant adverse effects on landscape or nature conservation interests, do not create a significantly harmful level of visitor pressure at sensitive locations, can provide safe access for a variety of modes of transport without harming the character of adjacent lanes and when located on a farm would not lead to the loss of the best and most versatile agricultural land.

This proposal is for new development in a countryside location within the AONB. For such a sensitive location development plan policy, as indicated above, clearly demands a high standard of design that integrates well with the surrounding highly valued landscape. Although the applicant has attempted to provide a high quality of development in terms of materials, and finishes. The layout and building design is reminiscent of an urban residential development and the resulting development would appear as an unwelcome residential development within the countryside and AONB, albeit it is acknowledged that the intended use itself would be for holiday purposes.

Policy EV21 states that in the countryside non residential development will only be permitted where it can be demonstrated that it is beneficial for the rural economy or rural employment, meets the overriding social or economic needs of the local community, is an appropriate development associated with farm diversification, sustainable tourism and recreation or nature conservation and does not adversely affect the viability of an established farm unit. It also should provide an acceptable economic use for previously developed land or existing building(s) in accordance with Policy EC12 or is essential for communications, telecommunications and other forms of utility service provision, minerals or renewable energy generation.

Proposals would need to demonstrate, where relevant, that the development needs to be located in the countryside rather than in a nearby settlement, the business is viable and financially sustainable, and the proposal is in accord with conservation and design policies of the Plan.

Under the provisions of Policy EV21 appropriate uses to serve the rural economy are defined as forestry, agriculture and related services, fishing, substantial tourism and low impact recreational activity. It is not considered that the development would meet an overriding social or economic need within the local community or represent farm diversification, substantial tourism, recreation or nature conservation or an acceptable economic use for previously developed land or buildings under the provisions of Policy EC12 which relates to the conversion of existing rural buildings.

In policy terms, in this case the chalets could also be considered against UDP Policy EV20 which states that in the open countryside new dwellings will only be permitted where:

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

In view of this, the proposal would not be supported by development plan policy EV20. In addition, therefore, the scheme would also neither comply with the criterion specified in Policies EV1, EV2, EC17 and EV21 of the UDP.

It is also considered that the proposal would not add to the tourism offer of the Council as it would not meet UDP objectives relating to tourism i.e. Goal 2.h *'To improve, expand and diversify tourism infrastructure'* and Goal 2.i. *'to develop sustainable tourism initiatives and improve the quality and range of the accommodation base'* or UDP strategic policy SP4 Developing the Economy: *'Proposals to develop or improve the variety and quality of tourism facilities will be supported where they contribute to the growth of the local economy, and where they do not have a significant impact on natural heritage and the historic environment or the amenity of local communities'*. The proposal would not therefore comply with Policy SP4 as it does not improve the variety and quality of tourism facilities.

Turning finally to residential amenity, the nearest unit lies approximately 75m from the nearest property, Elmsmere Court, to the north and approximately 160m to Pwll Y Froga to the east. There would be no undue impact therefore in terms of loss of privacy or overbearing physical impact. It is recognised however, that the siting of 10 holiday units in this location will increase the levels of ambient noise and disturbance for the occupiers of these properties which would be significantly over and above currently experienced by the use of the site as a nursery and café only. However, as Elmsmere Court is used as a dog kennelling site, any noise and disturbance experienced from outside their property would not be as significant if the dwelling were only in residential use. The property is also occupied by the owners of the kennels. The nearest property to the east at Pwll Y Froga is also considered to be far enough away from the site to not experience significant harm from the redevelopment of the site in terms of noise and disturbance.

With regard to the comments raised concerning sewage, the applicant has suggested the use of septic tanks. Natural Resources Wales has raised no objection to their use following receipt of information pertaining to the same. The other concerns raised have been addressed above in the main body of the report.

In conclusion, and having regard to all material considerations, and notwithstanding the provision of the additional supporting information, the proposal is considered to constitute a departure to the Development Plan and an unjustified form of development at this location within the open countryside which would have a seriously detrimental effect on the character, appearance and natural beauty of this part of the Gower AONB. It is considered that there are no material considerations which would outweigh the provisions of the Development Plan and that approval of this application could establish an undesirable precedent for the consideration of applications of a similar nature the cumulative effect of which would be a serious erosion in the character, appearance and natural beauty of the Gower AONB. The proposal therefore fails to comply with the provisions of Policies EV1, EV2, EC20, EV21, EC17, EV22, EV26 and EV20 of the City and County of Swansea's Unitary Development Plan 2008 and The Gower Design Guide. Refusal is therefore recommended.

**RECOMMENDATION:**

**REFUSE, for the following reasons:**

- 1 The proposal represents an unjustified and visually intrusive form of development within the open countryside which would have a seriously detrimental effect on the generally undeveloped character and appearance of the open countryside and detract from the natural beauty of this part of the Gower AONB. The development is therefore not considered to comply with the requirements of Policies SP4, EV1, EV2, EV21, EV22, EV26, EV20, EC17 and EC20 of the City and County of Swansea's Unitary Development Plan 2008 and The Gower Design Guide.
- 2 The proposal if approved would create an undesirable precedent for proposals of a similar nature, the cumulative impact of which would be seriously detrimental to the visual amenities of the area and the character and appearance of the Gower AONB and prejudice the Council's overall planning policies which seek to resist inappropriate development in the countryside.

## PLANNING COMMITTEE – 9<sup>TH</sup> FEBRUARY 2016

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### 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: SP4, EV1, EV2, EV21, EV22, EV26, EV20, EC17, EC20

### PLANS

CW349/06 Rev H site location plan, 270.01 planting plan, CW349/04-A digital image A, CW349/04-B digital image B, CW349/04-C digital image C, 24.08.20.B tree survey plan dated 11th February, 2014, Unit Type A, Unit Type B, Unit Type C, amended site layout plan received 19th October 2015.

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