

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM 1

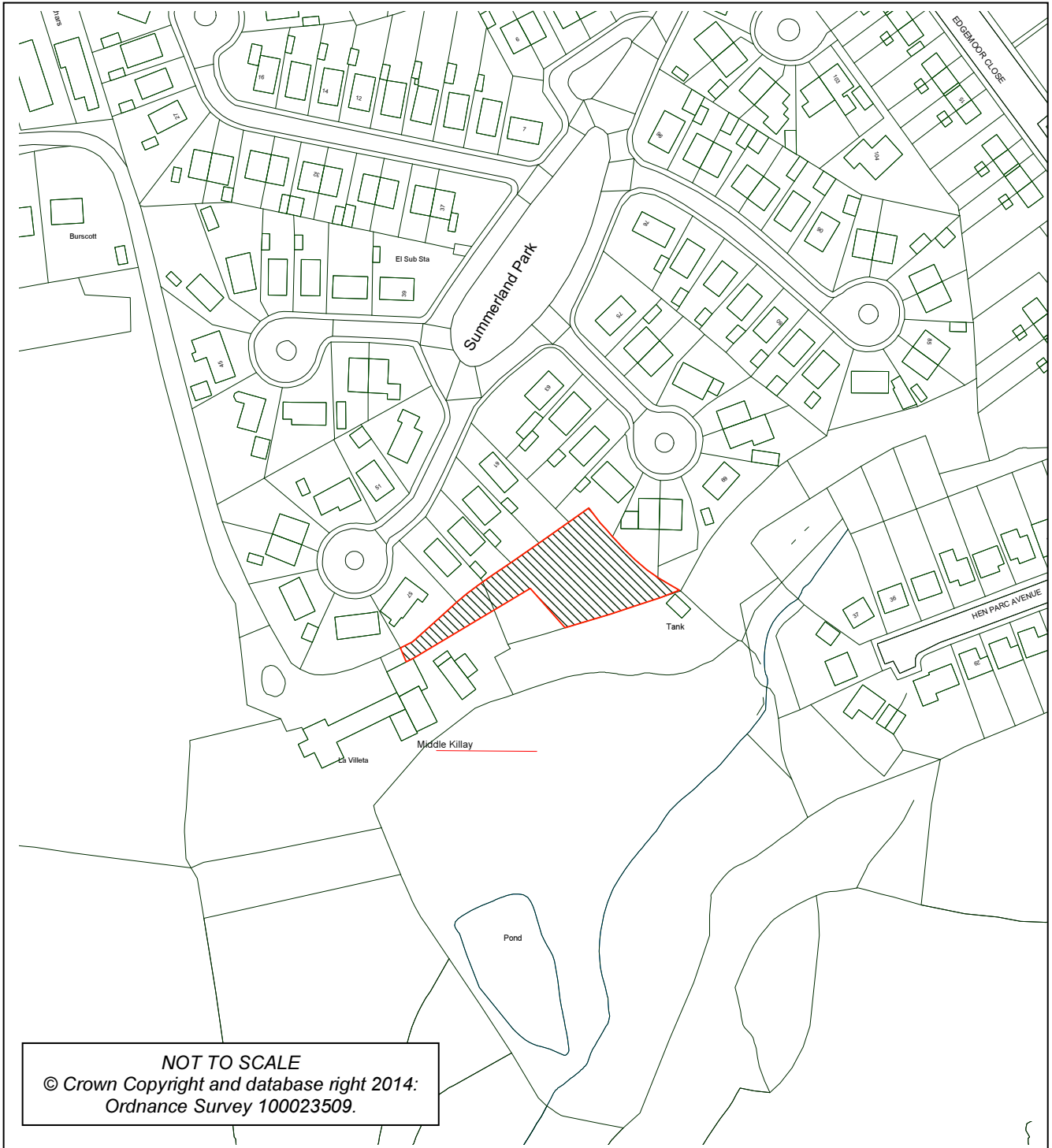
APPLICATION NO. 2014/0484

WARD: Fairwood  
Area 2

**Location: Middle Farm, Fairwood Lane, Upper Killay, Swansea SA2 7HR**

**Proposal: Detached dwelling (outline)**

**Applicant: Dr Paul & Cheryl Rabaiotti**



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### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV17	Within the boundaries of the large villages as identified on the Proposals Map, development will be limited to existing commitments, small infill plots and, in locations outside the AONB, small scale rounding off, subject to the other defined criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
Policy 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 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)

#### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2001/1794	Demolition of existing property and erection of replacement dwelling (Outline) Decision: Grant Permission Conditional Decision Date: 16/07/2002

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### CONSULTATIONS

The application was advertised on site and six individual properties were consulted. THREE LETTERS OF OBJECTION have been received, which are summarised as follows:

1. This house will be behind my bungalow and will overlook my property and restrict my outlook.
2. Access to the site which runs less than 8m from my bedroom is wholly inadequate for the additional traffic it would generate and the noise and disturbance it would create.
3. The lane has no passing places bounded with banks on either side and the bend between existing properties is sharp and blind and is impossible for large lorries to negotiate this bend.
4. The planning permission already granted for a new dwelling at La Villetta and this application for another 5 bed house has the potential to double the current traffic movements and up to 100 movements per day both day and night.

### Upper Killay Community Council – Objects as follows:

“Upper Killay is a rural boundary village with much of its area lying within the Gower AONB. Upper Killay Community Council is extremely concerned about the intensification of development within the village curtilage, particularly through proposals involving in-garden development. The Council considers this inappropriate within the current built environment as it changes the character of the village, places increasing strain on local facilities and raises serious public safety concerns because additional traffic is constrained within an already inadequate road system. The Council has recently reviewed and re-affirmed its policy of opposing in-garden and intensification proposals and objects to this proposal accordingly.

Its grounds in this case are as follows:-

#### Policy EV21 - Rural Development:

Middle Farm lies within the AONB, although the boundary excludes the original farmhouse and yards. The original farmhouse was extended and divided to form two dwellings with a total of six bedrooms some thirty years ago. Two further dwellings, adding another seven bedrooms, were then built within the garden, against the wishes of the Community Council seven years ago. Permission has since been granted (again against objections from the Community Council) for another in-garden development of an additional five bedroom dwelling and this latest proposal will bring the total on this one site to five dwellings with a total of 21 bedrooms. This constitutes a gross overintensification of development on a site previously entirely rural in nature and which abuts the AONB boundary.

#### Policy EV1 - Design and appropriate to context:

The design proposed is entirely out of keeping with all but the dwelling in whose garden it is proposed to be sited. All the immediately surrounding properties are single story, in accordance with planning authority guidelines at the time of their construction. The proposed development occupies an elevated position. Consequently, it will be visible from many village properties, thus emphasising its inappropriate mass and design. The impact on surrounding properties will be significant and detrimental.

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The location and elevation of the proposed development means it will be visible from many adjacent and nearby properties in Summerland Park and Hen Park Avenue. This will have a direct impact on their visual amenity. Because the proposed development has an extensive first floor balcony this means that nearby properties will be overlooked, thus having a deleterious affect on their privacy.

Policy EV20 - New dwellings in the countryside:

The proposed site is not within, but is directly abutting the policy boundary. It should therefore, in view of the previous intensification of development on this site, be applied as though the proposal were within the boundary. No evidence has been presented of any social or commercial justification for this proposed dwelling, which will be of a size, character and finished value far in excess of and entirely out of keeping with the vast majority of village properties. The village is in desperate need of affordable housing to prevent the continuation of migration of young people from the village and this development will be inaccessible to all but wealthy incomers. This latest proposal for this site will create an enclave of high value properties within what will amount to a 'gated development' which will make no contribution to the social needs or development of the village.

Policy EV3 - Accessibility

This is a key concern of the Community Council and of local residents. The lane which provides the only route onto the site is entirely unsuitable. It is a single track lane with no passing places, it bends sharply and is bounded by banks on both sides with mature hedges on top, so sight lines are very restricted. Permission has already been granted for an additional five bedroom property on this site and this latest proposal is for another dwelling of the same size. This will increase the number of properties to five where the site originally had only one, and the number of bedrooms in total to over twenty, with all the attendant implications for increased disturbance and road safety considerations. Construction traffic is a further concern. When the most recent development took place on this site machinery and materials had to be unloaded in Fairwood Lane and transported piecemeal to the site. Fairwood Lane itself is inadequate to cope with peak traffic flows as it serves the recently-extended Swansea Uplands Rugby Club, which has increased peak traffic flows to the extent that a traffic management plan including provision of marshals to control traffic and parking was a condition of planning consent and licensing conditions. Local traffic monitoring has demonstrated that from less than ten vehicle movements a day on the private lane alone when there was only one property on the site there are now over one hundred movements a day. Taken with the already approved additional dwelling on this site this latest proposal has the potential to double current traffic volumes. This is entirely unacceptable. The private lane runs along the boundaries and within a few metres of the dwellings in Fairwood Lane and Summerland Park. The increase in traffic will have a substantial effect on them. One further and important issue affecting access is that the stretch of unadopted highway connecting Fairwood Lane to the private lane leading to the site is in the ownership of the Community Council and no development may take place on the site without the developer first reaching an agreement with the Community Council as to the terms on which access over the Council's land may be permitted. The Council has not yet been approached by the developer and reserves its position on the matter of access.

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### Wildlife considerations:

No survey has been conducted of flora and fauna on the site. The site is known to have been home to bats - a previous development on the site was the subject of specific conditions concerning resident bats. The site abuts the AONB and the Pwll Mawr conservation site includes the stretch of Fairwood Lane leading to the site. Continuous wildlife corridors connect the areas. The strong likelihood is that the development will derogate the wildlife population on the site.

### Watercourses:

No mention is made in the application of the existing watercourses on the site and these need to be considered.

### Adequacy of facilities:

Mains water pressure in the area has been reduced dramatically of late and further large scale developments will have a further unwelcome impact. There are also concerns that mains sewage facilities will be unable to cope with additional properties.

### Nature of development:

As submitted there are suggestions that the property may be used for commercial purposes, which may then have the effect of further increasing traffic flows to the site.”

**Highways Observations** - Proposals are for a detached dwelling (outline). The proposed dwelling will be situated on a large plot accessed by a private track off the adopted highway. This track currently serves a number of existing properties and is wide enough for two vehicles to pass one another. It is therefore acceptable. There are to be 5 bedrooms and current parking guidelines require 3 spaces for a dwelling of this size. The applicant proposes a double garage and there is space on the plot for further parking and a turning area. There are no highway objections subject to the applicant providing the required 3 spaces within the curtilage of the plot.

## APPRAISAL

This application is reported to Committee for determination and a site visit has been requested by Councillor Paxton Hood Williams to assess concerns over access and the impact upon residential amenity.

Outline planning permission is sought for a detached dwelling on land adjacent to Middle Farm in Upper Killay. Details of access and scale have been submitted for consideration at this stage. The land in question is situated on the urban/rural fringe and the area is considered semi-rural in character. The plot of land is situated within the village boundary of Upper Killay. Existing boundaries comprise a mixture of hedgerows and trees. To the south east of the site are open fields. To the south west is the curtilage of Middle Farm, to the north and north east are the boundaries with properties in Summerland Park. The access to the site would be shared with the existing property at Middle Killay Farm. The site is broadly rectangular in size and measures approximately 33m x 32m.

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The main issues for consideration is the principle of a new dwelling at this location with particular regards to the impact of its access and scale upon the visual and residential amenities of the area and highway safety having regards to the criteria set out within Policies EV1, EV2, EV17, EV33, EV34, EV35 and AS6 of the City and County of Swansea's Unitary Development Plan 2008.

Policy EV1 refers to development complying with good design criteria, Policy EV2 refers to preference being given to development on previously developed land and having regard to visual and residential impact and impact upon highway conditions of the area. Policy AS6 refers to development complying with current car parking standards and Policy HC2 refers to criteria relating to residential development in the urban area. Policies EV33, EV34 and EV35 relate to drainage and surface water run off. Policy EV17 refers to developments within large villages being limited to small infill plots and small scale rounding off but capturing of surrounding countryside, extension of the settlement or coalescence of villages will not be permitted.

With regards to access to the site, the Head of Transportation and Engineering is satisfied that the current access arrangements to this group of dwellings is acceptable and as there is ample space on the plot for 3 parking spaces and the turning of vehicles, no highway objection is raised.

Concerning the scale of the development, the dwelling would be two storey in nature and the height of the new dwelling would not exceed 8m and no higher than the height of the existing dwelling at Middle Farm. It is considered therefore that the scale of the development in terms of height is acceptable. The plot is considered to be of an ample size to accommodate a dwelling without appearing as an overdevelopment of the site or a cramped form of development.

The design of the dwelling which has been indicated on the submitted plans and described in the Design and Access Statement is not considered to be acceptable. The large flank elevation facing onto 61-65 Summerland Park has been designed to prevent loss of privacy but this design with lack of any void to punctuate the solid form appears unacceptably bland and contrived. The design also incorporates a balcony to the east and windows to the west which would give rise to direct overlooking of the property at Middle Farm. Notwithstanding these concerns, these details have not been submitted for formal approval at this stage and although the indicative design is not considered acceptable at this location, it is considered that a dwelling of an appropriate design can be successfully accommodated on the site which would relate well to the existing pattern of development and character and appearance of the area and would not unduly impact upon the residential amenities of nearby occupiers by virtue of loss of light or privacy or overbearing physical impact.

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.

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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.

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.

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.

In addition, it is considered that there are no other potential adverse effects from this development proposal, either alone or in combination with other plans or projects on the above protected European sites. On this basis there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with regulation 61(1).

The concerns raised by the objectors have been addressed above in the main body of the report as well as clarification of the appropriate conditions that relate to the consideration of this proposal. A site visit undertaken by the Planning Officer did not reveal any watercourses on site and Dwr Cymru Welsh Water has made any comments on the proposal. The Council's Ecologist has considered the scheme with regards to protected species and has raised no objection subject to the imposition of a standard bat and bird informative.

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In conclusion and having regard to all material considerations including the Human Rights Act, the principle of a dwelling at this location is acceptable at this location that would comply with the overall provisions of Policies EV1, EV2, EV17, AS6, EV33, EV34 and EV35 of the City and County of Swansea's Unitary Development Plan 2008. Approval is therefore recommended.

### RECOMMENDATION

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

- 1 Details of the appearance, landscaping and layout, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.  
Reason: To ensure that the development is carried out in an orderly and satisfactory manner.
- 2 Approval of the details of the siting, design and external appearance of the building(s) and the means of access thereto and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.  
Reason: To ensure that the development is carried out in an orderly and satisfactory manner.
- 3 Detailed plans and drawings with respect to the matters reserved in condition (01) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.  
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.
- 4 The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 5 The development shall be completed in accordance with the approved plans prior to any part of the development being brought into beneficial use.  
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.



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- 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 of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.  
Reason: In the interests of visual amenity.
- 8 Unless otherwise agreed in writing by the Local Planning Authority, the dwelling shall be constructed to achieve a minimum of Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category "Ene1 - Dwelling Emission Rate" in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (November 2010 - Version 3). The development shall be carried out entirely in accordance with the approved assessment and certification.  
Reason: In the interests of sustainability.
- 9 Unless otherwise agreed in writing by the Local Planning Authority, the construction of the dwelling hereby permitted and any external works shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).  
Reason: In the interests of sustainability.
- 10 Unless otherwise agreed in writing by the Local Planning Authority, prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes "Final certificate" shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).  
Reason: In the interests of sustainability.
- 11 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water, and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SUDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

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

- 12 Unless otherwise agreed in writing with the Local Planning Authority, foul water and surface water discharges must be drained separately from the site and no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public foul sewerage system.

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

### INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The proposed development lies within coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

- 3 If connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.
- 4 The developer is advised that the Welsh Government have introduced new legislation that makes it mandatory for all developers who wish to connect to the public sewerage to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW) (Mandatory Build Standards). Further information on the Mandatory Build Standards can be found on the Developer Services Section, DCWW at [www.dwrcymru.com](http://www.dwrcymru.com) or on the Welsh Government's website [www.wales.gov.uk](http://www.wales.gov.uk).
- 5 The developer is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's (DCWW) maps or public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. DCWW advise that the applicant contacts their Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.

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| 6    | As part of a sustainable drainage system the developer is advised to consider the use of sustainable drainage (SUDS) measures, such as permeable paving for the driveway access and car parking area, and rainwater or grey water harvesting from the new buildings, etc.   |                 |           |
| 7    | 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, EV17, EV33, EV34, EV35   |                 |           |
| 8    | To protect the integrity of the Public Sewerage System, foul water and surface water discharges shall be drained separately from the site.  |                 |           |
| 9    | <p>Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife &amp; 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 &amp; 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.</p> <p>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).</p> |                 |           |
| 10   | <p>Birds may be present in this building and grounds please note it is an offence under the Wildlife &amp; Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:</p> <ul style="list-style-type: none"><li>- Kill, injure or take any wild bird</li><li>- Take, damage or destroy the nest of any wild bird while that nest in use or being built</li><li>- Take or destroy an egg of any wild bird</li></ul> <p>Care should be taken when working on buildings particularly during the bird nesting season March-August.</p>   |                 |           |

### PLANS

JK1303\_01 block plan, JK1303\_02 proposed plans dated 27th May 2014. JK1303\_00 site location plan dated 3rd June 2014.

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ITEM 2

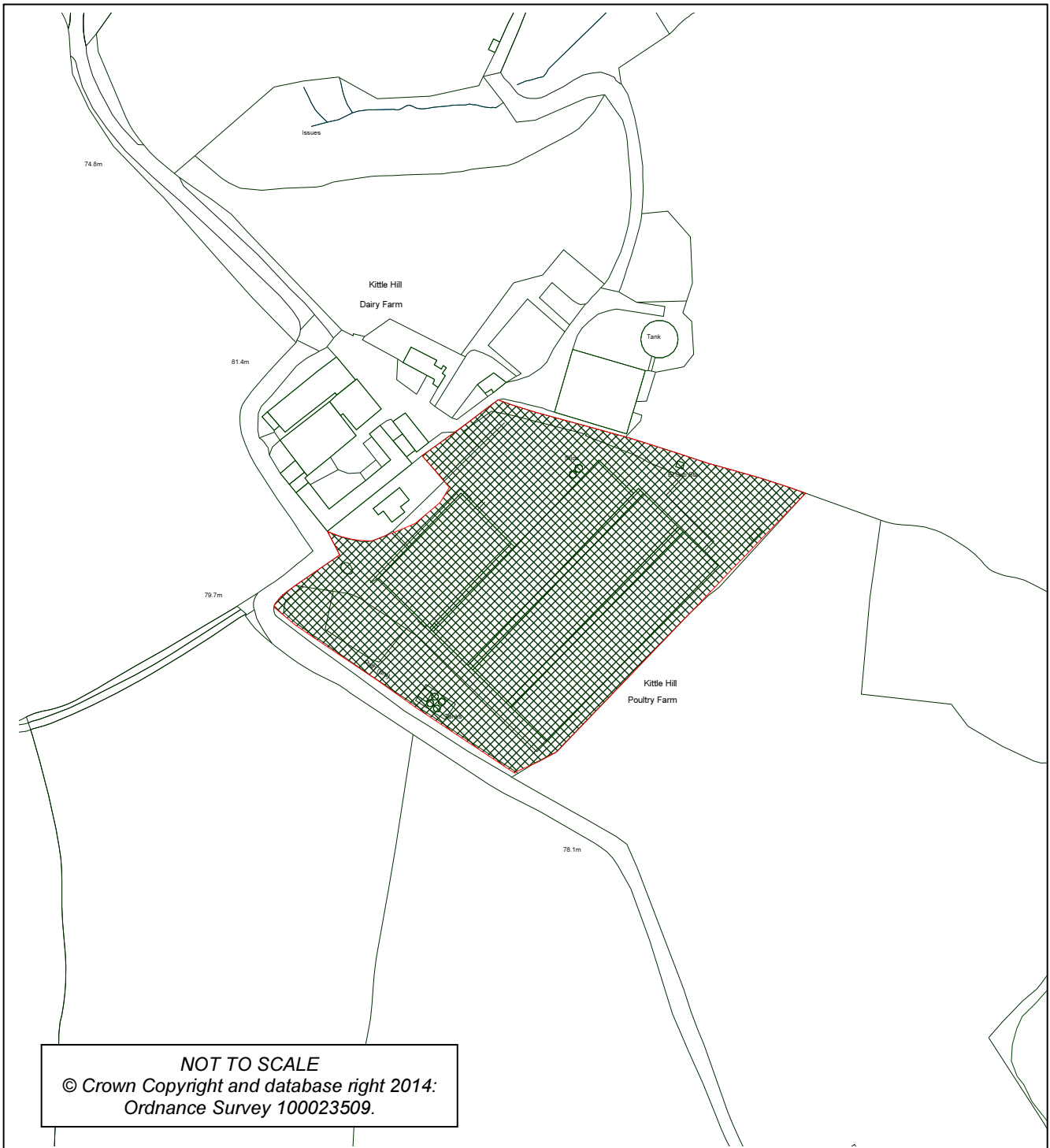
APPLICATION NO. 2011/1257

WARD: Pennard  
Area 2

**Location:** Kittle Hill Poultry Farm, Kittle, Swansea SA3 3JQ

**Proposal:** Variation of condition 7 of planning permission 2009/1410 granted on 18th March 2010 to allow an increase in the number of laying birds to be accommodated within the buildings to 400,000

**Applicant:** Stonegate Ltd



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ITEM 2 (CONT'D) APPLICATION NO. 2011/1257

### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
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 AS1	Accessibility - Criteria for assessing location of new development. (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 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 EV25	Development, alone or in combination with other plans or projects, which is likely to adversely affect the integrity of a European protected site (SAC, Marine SAC, SPA and Ramsar Sites) and is not directly connected with or necessary to the management of the site. (City & County of Swansea Unitary Development Plan 2008)
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
Policy EV27	Development that significantly adversely affects the special interests of sites designated as SSSI's and NNR's will not be permitted unless the need for the development is of such significance that it outweighs the national importance of the designation. (City & County of Swansea Unitary Development Plan 2008)
Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)

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### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2011/0069	Retention of eight silos and water silos (Amended plans and description) Decision: CALLED IN Application (Swansea) Decision Date: 12/05/2014
2002/0258	Construction of agricultural barn Decision: Withdrawn Decision Date: 11/03/2008
A01/0098	Erection of 15 metre high telecommunications mast with three cross polar antennae, two microwave dishes and an equipment cabin Decision: Withdrawn Decision Date: 22/07/2005
2009/1410	Three replacement chicken sheds and one packaging shed Decision: Grant Permission Conditional Decision Date: 18/03/2010
80/0358/01	ERECTION OF A BUNGALOW FOR AN AGRICULTURAL WORKER Decision: *HRP - REFUSE PERMISSION Decision Date: 25/09/1980
81/0847/03	HOUSING DAIRY COWS IN CUBICLES WITH FEED YARD AND 4 LOOSE BOXES Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 30/07/1981
82/0182/11	CHANGE OF USE OF FARM SHOP TO INCLUDE SALE OF GENERAL FARM AND DAIRY PRODUCTS Decision: *HRP - REFUSE PERMISSION Decision Date: 29/04/1982
82/0391/03	AGRICULTURAL BUILDING FOR DAIRY CATTLE, FEED AREA AND LOOSE BOXES Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 11/05/1982
82/0546/11	CHANGE OF USE OF FARM SHOP TO INCLUDE SALE OF CHICKEN, BUTTER AND CHEESE Decision: *HRP - REFUSE PERMISSION Decision Date: 24/06/1982

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83/1779/03	PERMISSION TO SELL FRESH VEGETABLES, POTATOES, BUTTER, CHEESE, YOGHURT, MILK + HONEY. Decision: Withdraw Decision Date: 30/12/1983		
84/0001/03	EXTENSION OF USE OF FARM SHOP PRESENTLY SELLING EGGS AND POULTRY TO THE PUBLIC TO INCLUDE; FRESH VEG/POTATOES, BUTTER CHEESE YOGHURT MILK ECT Decision: *HGPCU - GRANT PERMISSION UNCONDITIONAL Decision Date: 25/10/1984		
84/1240/03	USE OF SITE FOR CARAVAN RALLY FOR 5 NIGHTS FROM 9TH-14TH APRIL 1985.(80 VANS) Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 25/10/1984		
87/1805/03	ERECTION OF A FARM PRODUCE SHOP. Decision: Withdraw Decision Date: 21/10/1993		
92/0005	CHANGE OF USE OF OUTBUILDINGS TO RESIDENTIAL ACCOMMODATION Decision: *HPS106 - PERMISSION SUBJ - S106 AGREEM. Decision Date: 07/01/1993		
93/1072	CARRYING OUT OF DEVELOPMENT (CHANGE OF USE OF OUT BUILDINGS TO RESIDENTIAL ACCOMMODATION) GRANTED PERMISSION UNDER 92/0005 WITHOUT COMPLYING WITH CONDITION 07 OF THAT PERMISSION RELATING TO ACCESS IMPROVEMENTS Decision: *HGPCU - GRANT PERMISSION UNCONDITIONAL Decision Date: 16/11/1993		
94/0023	ERECTION OF 6NO (8.6M HIGH) FEED SILOS, RECLADDING AND ADDITION OF RIDGE VENTS AND SIDE EXTRACTOR FANS TO 3 LAYING SHEDS AND UPGRADE INTERNAL ACCESS ROAD Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 01/03/1994		
94/0783	ERECTION OF STEEL FRAMED AGRICULTURAL BUILDING FOR STORAGE OF FARM IMPLEMENTS AND CROPS Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 13/09/1994		

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM	2 (CONT'D)	APPLICATION NO.	2011/1257
94/0889	ALTERATION TO EXTERNAL ELEVATION OF HEN HOUSE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 13/09/1994		
94/1167	CHANGE OF USE OF OUTBUILDINGS TO RESIDENTIAL DWELLING (AMENDMENT TO PLANNING APPLICATION 92/0005 APPROVED ON 7TH JANUARY 1993) Decision: *HPS106 - PERMISSION SUBJ - S106 AGREEM. Decision Date: 07/03/1995		
95/0730	ERECTION OF EQUIPMENT STORE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 08/09/1995		
95/1172	RETENTION OF 6No. FEED SILOS & PUMPS, 42No AIR INTAKE VENTILATORS AND REPOSITIONED DOORS TO SOUTH WEST AND NORTH EAST ELEVATIONS, REVISED EXTRACTOR FANS TO SOUTH EAST ELEVATION AND REDESIGNED RIDGE VENTILATORS Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 01/12/1995		
A00/0302	ERECTION OF 21 METRE HIGH TELECOMMUNICATIONS MAST WITH THREE CROSS POLAR ANTENNAE, TWO MICROWAVE DISHES AND AN EQUIPMENT CABIN Decision: Withdraw Decision Date: 30/08/2000		
2014/0282	Variation of conditions, 6, 10 and 11 of planning permission 2009/1410 granted 18th March, 2003 to allow the submission of BREEAM certificates and further drainage information. Decision: Approve Conditional (S73) Decision Date: 03/06/2014		

### RESPONSE TO CONSULTATIONS:

**Neighbours:** The application was advertised on site in the form of a site notice and in the press as development which may have a substantial impact on the amenity of the area in which it is situated. In addition to this, all previous objectors were individually consulted. 23 LETTERS OF OBJECTION were received which are summarised below:

1. Increase in hens would generate more traffic.
2. Increase in congestion.
3. Detrimental impact on AONB.
4. Money making proposal.
5. Unacceptable noise and smell from proposal.



**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM 2 (CONT'D) APPLICATION NO. 2011/1257

6. Unacceptable development in a tourist area.
7. Vehicles not owned by Stonegate still use the lane.
8. Proposal will result in an increase in 104,320 birds and therefore a 35% increase in traffic.
9. Previous decision unacceptable.
10. Untrustworthy applicant.
11. Applicant will resubmit an application to increase the numbers of birds.
12. Applicant has misled the Planning Department.
13. Unacceptable impact on the adjacent Special Areas of Conservation.
14. Highway safety concerns.

**Pollution Control:** No objection or observations to make.

**Highway Safety:** This application proposes the increase in the number of birds on site from the previously conditioned 295,680 to 400,000.

Consideration of the previous application for new poultry sheds included traffic associated with the business which accommodated 295,680 birds. Confirmation was given by the applicant at that time, that the additional accommodation was not for an increase in the number of birds. The applicant has confirmed with this application that the need to increase the number of birds has arisen due to market forces.

Much local concern has been raised regarding the likelihood of additional birds generating the need for an increase in commercial traffic movements at the farm. The applicant contends that this will not be the case as the previously approved traffic movements to serve the 295,680 will not increase as a result of the revised number of 400,000 birds. This can be achieved due to more efficient use of the agreed transport arrangements by ensuring that for example, a delivery lorry will not leave the site empty and arrangements made so that a vehicle delivering packaging to the premises can also be used to transport the packaged eggs off site thus negating the need for a separate delivery lorry to be engaged. The applicant contends that apart from this method being a more efficient use of resources, fuel savings will also be possible and indeed are necessary due to recent rises in cost and VAT. Additionally, investment into up to date technology will reduce waste from the site and thus reduce the need to transport the waste off the site, again reducing traffic movements.

In considering the merits of these assurances, regard must be given to what evidence is available to support such claims. Clearly any challenge would also need to be supported by a clear reference to evidence and I do not consider that sufficient grounds exist to challenge this. Whilst an element of trust is necessary, the information given by the applicant is feasible and therefore on balance I would not wish to raise an objection on traffic grounds.

I have considered whether a condition to restrict HGV movements to that approved under the previous application is feasible. In order to enforce this, officers would have to be present for whole days and possibly weeks to establish the total movements and therefore this is not feasible.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 2 (CONT'D) APPLICATION NO. 2011/1257

The listed movements of large HGV on a regular weekly basis within the travel plan amount to 20 feed deliveries, 5 packaging deliveries and 18 for egg collection. Based on a 5 day week this could be spread out to 9 HGV movements a day. In the worst case scenario of HGV movements increasing pro rata with the increase in birds of 35%, this would amount to an increase of 3 movements a day totalling 12 HGV. This is not a significant increase in daily movements and therefore reinforces my recommendation not to object.

The existing consent includes a Travel Plan and this plan has also been submitted in support of the current application to change bird numbers. The Travel Plan is intended to encourage more sustainable travel habits at the farm and also includes a section to help control the route that any commercial traffic will use. The intention of this being that all commercial movements should be to and from the A4118 Fairwood and Upper Killay direction and no large commercial vehicles should be travelling via the B4436 through Kittle. However, some confusion has been identified due to road classification references in the relevant clause and therefore in order to clarify this, I would recommend an amendment to remove such confusion.

On balance I recommend no highway objection subject to an amendment to paragraph 9.1 of the Travel Plan to read as follows;

All commercial sized traffic (artic lorries and HGV lorries) will be managed and routed to and from the site towards the A4118 at Fairwood and Upper Killay direction north of the site. No commercial sized traffic shall travel to or from the south of the site via the B4436 through Kittle.

**Bishopston Community Council:** Objection. The previous conditions have yet to be complied with – i.e no approved travel plan, complete landscaping, no lighting (some night time lighting is visible).

These conditions must be complied with prior to consideration of this application.

- This is an increase of one third with all the associated difficulties and consequential increase in traffic.
- To support this application a new revised travel plan must be included with details of how it will be enforced.

Countryside Council for Wales: CCW objects to this variation until it can be determined that there is no likely significant effect from the increase in bird numbers in this installation on the Gower Commons SAC or the Gower Ash Woods SAC.

**Gower Society:** Following observations:

- When this permission was given to construct 3 new extremely large sheds, it was given on the understanding that the EA license restricted the bird numbers to 295, 680.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 2 (CONT'D) APPLICATION NO. 2011/1257

- Mr Andrew Soady of AGS Architectural Services wrote to Mr Tom Gronow of SC&C. Planning Dept on 10th Dec 2009 with reference to Kittle Hill Poultry Farm Replacement Chicken Sheds (Ref: 2009/1410). He asked for a favourable decision on the application “given the EU regulation to improve the site to meet with new legislation”.
- He went on to state that “the new cages are designed... to comply with the 2012 legislation. The number of birds under the PPC permit with the EA is 295,680 and the new sheds have been designed to accommodate this number”. (Our emphasis).
- One of the engineers working on the project informed us that, despite this claim the sheds were a standard Italian design, that each housed 180,000 birds.
- In this case, the 295,680 birds could have easily fitted into two NOT three sheds. Only two sheds needed to be applied for and built.
- Once the LPA approval was given and before any of the sheds had been completed and application was made to the EA to increase the number of birds to 400,000.
- Mr Soady’s statement in his letter of 10th Dec 2009 is clearly at odds with the actual situation. While Stonegate may conceivably be able to offer some other justification for the discrepancy, the only explanations that come readily to mind are that the figure of 295,680 was given either through gross incompetence or through a deliberate attempt to misinform the LPA. Neither explanation justifies the current application for a 35.28% increase in the number of birds (and a corresponding increase in waste, dead chickens, feed etc).
- The original decision to approve app. 2009/1410 was based on misinformation and it is now clear that 295,680 birds can be accommodated in two sheds, instead of three.
- These three sheds are a clear eyesore in the AONB because of their huge size (despite Mr Soady’s claims – in the same letter of 10th December 2009 – that “the new development will be low lying and discrete” (sic) and that “the site is in fact well screened from the only direction the site is visible from”(sic).
- It is not credible to claim that any increase as proposed would not lead to additional traffic – the manure, extra feed etc produced must require more traffic to handle its removal/delivery. Either there will be an increase in traffic movement or the vehicles will have to be much larger, with consequential additional impact on the environment of the AONB.

We object strongly to app Ref: 2011/1257 and request that Stonegate be required to remove the additional large third shed (approved under Ref: 2009/1410) and that no variation be allowed to accommodate any increase in number of birds.

**DWR Cymru/Welsh Water:** No objection.

**Environment Agency:** We have no objection to the variation of Condition No 7 of planning permission 2009/1410 to increase the number of laying birds. As part of the variation of the Environment Permit (No. EPR/JP3838KF, issued 07/07/2011), we assessed the risk from the extra birds (with regard to ammonia/new buildings etc) and were satisfied that there would be no increase in the impact on environment.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 2 (CONT'D) APPLICATION NO. 2011/1257

Justification of why increase in numbers is required from applicant:

- Reconfiguration of layout and alternative fit has resulted in maximising space in order to increase capacity due to current difficult economic time.
- Increase productivity required in order to fulfil contracts with supermarkets and increased demand.
- Need to recover costs following redevelopment.
- Market conditions, increase in VAT, inflation and fuel prices.

No additional commercial movements will be required despite the increase in bird numbers due to the following:

1. Proper allocation of commercial traffic.

Increased fuel prices have required the applicant to reduce commercial activity and keep traffic movements to a minimum. Applicant has produced a streamlined transport strategy which only permits necessary traffic movements. Historically the site has inefficiently used lorries. Commercial traffic now arrives with packaging materials and leaves the site with the eggs boxed for retail. All lorries will now leave site where possible full and to capacity and not necessarily catering for one particular order.

2. £1 million of investment in muck drying technology.

Company has installed an environmentally friendly system of drying manure. This has minimised volumes of by-product which is required to be exported off site. The quantity of drying manure is monitored by the company every two months and will be reported to the Environment Agency, to demonstrate compliance with the permit.

As much moisture as possible is taken out of the manure to reduce both the weight and mass, this significantly reduces the number of trips required by commercial traffic to take chicken manure off site. In fact the quantity of manure left over after the drying process for the increased number of birds will be less than the amount produced by the currently permitted number of birds without the drying equipment in place

The commercial traffic information submitted is accurate and the approved traffic management plan will not be exceeded due to the increase in poultry numbers.

Environment Agency (response via email 31st October 2011): Response to Local Planning Authority questions:

Was the Environment Agency aware that the planning permission for Kittle Hill restricted the number of bird places?

The permit holder provided a copy of their Planning Permission (2009/1410) with their EPR variation application. The planning permission document states:

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The total number of laying birds to be accommodated within the buildings hereby permitted shall not exceed 295,680 as stipulated in the PPC EA license for the site.

During the variation determination process we received representations from Martin Caton MP, Swansea Council Planning Department, members of the public and the Countryside Council for Wales that highlighted the planning permission restricted the number of bird spaces to 295,680.

Is the environmental permit process entirely separate to the planning process?

Many new developments require planning permission from the planning authority, as well as an environmental permit from the Environment Agency before they can be approved. Planning and permitting decisions are separate and developers can choose what order they apply for them.

We cannot prescribe the sequence in which an application is made for a permit in relation to an associated application for planning permission. We determine a permit application according to the relevant regulatory requirements and technical standards. We are unable to consider issues beyond those in the relevant environmental regulations when determining a permit application.

Does the development still meet the EU regulations?

I presume the EU Regulations referred to in your email relate to the Welfare of Laying Hens Directive. In summary the directive stipulates the minimum welfare standards for rearing systems for laying hens. Conventional cages will have to be phased out in the EU by 1st Jan 2012.

During the determination of the permit we assessed whether their proposals meet the requirements of the IPPC Directive which are embodied through the Environmental Permitting Regulations.

How did the Environment Agency assess that the increase in number was effectively an improvement?

The assessment was carried out using detailed modelling which demonstrated that the newly constructed buildings holding 400,000 birds will produce lower than the original buildings containing 295,680 birds. This is due to improved technology being utilised in the new buildings. The company proposed a manure belt system with air drying which will result in significantly reduced ammonia emissions compared with the old housing system.

**Countryside Council for Wales:** CCW is concerned with the potential impacts of ammonia emissions on the adjacent internationally designated sites that is likely to come about by increasing the number of birds in the buildings.

CCW has seen details of modelling provided by the Environment Agency in relation to this increase in bird numbers. It is our view that with the increased bird numbers, the ammonia emissions from this installation will be at levels that are potentially significant for the Gower Commons SAC and Gower Ash Woods SAC.

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Under regulations 61 of the Conservation of Habitats and Species Regulation 2010 it is the responsibility of the competent authority to undertake a Habitats Regulations Assessment to determine whether there is a likely significant effect on a European site and if there is, to conduct an appropriate assessment to ascertain whether there will be an adverse effect on site integrity for the sites conservation objectives. In this case it is the City and County of Swansea that it the competent authority.

In conclusion, CCW objects to this variation until it can be determined that there is no likely significant effect from the increase in bird numbers in this installation on the Gower Commons SAC or the Gower Ash Woods SAC.

**FOLLOWING LEGAL ADVICE THE LOCAL PLANNING AUTHORITY CONCLUDED THAT THE APPLICATION IS A SCHEDULE 1 DEVELOPMENT AS DEFINED BY THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS (AS AMENDED) DUE TO THE PROPOSAL INCREASING THE NUMBER OF CHICKENS IN EXCESS OF 60,000. AN EIA WAS SUBMITTED BY THE APPLICANT AND THE APPLICATION RE-ADVERTISED TO THIS EFFECT ON SITE IN THE FORM OF A SITE NOTICE AND IN THE PRESS. THE FOLLOWING RESPONSES WERE RECEIVED:**

**Neighbours:** FIVE LETTERS OF OBJECTION were received which are summarised below:

1. Visual harm.
2. Lorries are ruining the village.
3. Retrospective planning applications make a mockery of the planning system.
4. Traffic issues.
5. Increase in smell since the expansion.
6. Unacceptable impact on the AONB.
7. Applicant has misled the residents and the City and County of Swansea.
8. Battery farms should have been abolished a long time ago.

**Highway Safety:** Addendum to highway report.

Further supporting information has been submitted within the environmental impact assessment relating to the transportation aspects of the proposal. The applicant has confirmed that the number of birds at the site has already been increased to the number being sought and actual traffic surveys at the site indicate that traffic movements are in fact below that which were predicted with the previous consent for fewer birds. The applicant's contention therefore is that increasing the number of birds at the site will not result in traffic movements increasing above that which has already been consented and considered with the previous application.

My recommendation for conditional approval therefore remains.

**Bishopston Community Council:** Object on the following grounds:

1. Increase of number of birds.
2. Traffic movement increased due to extra vehicles.

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ITEM 2 (CONT'D) APPLICATION NO. 2011/1257

- Delivery of bird feed etc.
- Removal of foul waste.
- Transporting of extra egg.
- Already concerns of the transport route from M4 to Poultry farm at Kittle.

**Gower Society:** Following comments:

- Please refer to the Gower Society's letter of 28th September 2011 with regard to app 2011/1257 (copy enclosed).
- All comments within that letter remain pertinent to this application.
- That some time has been allowed to elapse since the original application does not alter the fact that the third shed appears to have been built unnecessarily. It should therefore be removed.

The Gower Society's objection remains.

**Pollution Control:** No objection.

**National Resource Wales:** NRW brings together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales as well as some functions of Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future.

Natural Resources Wales has no objection to the variation of Condition No 7 of planning permission 2009/1410 to increase the number of laying birds, provided a record of test of likely significant effect is completed.

The application site is within 300m of Fariwood Common, part of Fairwood, Pengwern and Welshmoor Commons SSSI and a component of the Gower Commons Special Area of Conservation (SAC). These designations recognise the importance of the habitats and species present on the site in a national and European context.

The variation of this condition is a stand alone project so we advise that you must consider this application under Regulation 61 (1) of the Conservation of Habitats and Species Regulations 2010. This states that an appropriate assessment must be undertaken in respect of any plan or project which:

- (a) is likely to have a significant effect on a European site of a European offshore marine site (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that sites conservation objectives.

Should a competent authority be unable to conclude no significant effect, an Appropriate Assessment will be required. In considering whether it can ascertain whether the project would have an adverse effect on the integrity of the European site, the competent authority should consider whether the imposition of conditions, or other restrictions, on the project and the way in which it would be carried out, would enable it to be ascertained that the project would not have an adverse effect on the integrity of the site.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 2 (CONT'D) APPLICATION NO. 2011/1257

To conclude, given the above, and considering the detailed modelling for the current application (which shows the contribution of the increased bird numbers to ammonia concentrations on the Gower Commons SAC as being below 20% of the critical level which would cause concern), we have no objection to the variation of this condition, provided a record of test of likely significant effect is completed by your authority. If further developments are proposed at this site, we would seek further reductions in ammonia emissions from the farm.

### **APPRAISAL:**

This application is reported to Committee and a site visit requested by Councillor's Keith Marsh and Lynda James in order to assess the impact of the proposal upon residential amenity and highway safety.

#### Description

This submission is for the variation of Condition No 7 of planning permission Ref: 2009/1410 granted on 18th March 2010 to allow for an increase in the number of laying birds to be accommodated within the buildings to 400,000 at Kittle Hill Poultry Farm. There are no external alterations proposed.

The site has had a long history as a chicken farm and as such the proposal will not introduce a new use into the landscape. The site is situated approximately 187m to the North of village of Kittle. Planning consent was granted under Ref: 2009/1410 for three replacement chicken sheds and one packaging shed. The applicant at the time stated that the increase in size was required in order to comply with EU Directive 1999/74/EC which enforced minimum standards for the protection of laying hens and stated that, from 1st January 2012, the rearing of laying hens in conventional (known as 'unenriched') cages was be prohibited throughout the EU. From that date, laying hens will only be allowed to be reared in enriched cages or using alternative systems such as barn or free range. Enriched cages must allow at least 750 cm<sup>2</sup> per hen, and contain a nest, litter, perch and clawing-board. All Member States have been urged to step up their efforts in the phasing out of conventional cages, so as to be in full compliance with this requirement within the deadline.

Following the granting of planning consent for the replacement sheds, the applicant sought to vary its Environmental Permit with the Environment Agency to allow for 400,000 birds. The Environment Agency issued the permit as it was considered that it had been demonstrated to the satisfaction of the Environment Agency that the proposal would result in less pollution than the applicants former permit. This application seeks to vary the Condition No 7 of planning permission Ref: 2009/1410 in order to allow the sheds to house 400,000 chickens.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 2 (CONT'D)

APPLICATION NO. 2011/1257

### Site History

As stated above, planning consent was approved under Ref: 2009/1410 for three replacement chicken sheds and one packaging shed. The environmental permit at the time prevented the previous buildings from holding more than 295,680 birds and following concerns relating to a potential increase in traffic if additional birds were accommodated within the buildings it was considered necessary to condition that the buildings hold a maximum of 295,680 in line with their Environmental Permit in order to ensure the proposal would have an acceptable impact on highway safety.

It should be noted that the chicken sheds and packaging shed were completed without compliance with Conditions 6, 10 and 11 of planning permission Ref: 2009/1410. A subsequent Section 73 application was submitted under Ref: 2014/0282 in order to vary Conditions 6, 10 and 11 of planning permission Ref: 2009/1410 to allow for the submission of BREEAM certificates and further drainage information. The detail provided was sufficient in order to satisfy the content of these conditions and the application was approved and therefore the development on site has been regularised.

There is also a concurrent planning application under consideration for the retention of water and feed silos application Ref: 2011/0069.

### Main Issues

Given the principle of the chicken farm is clearly established and the proposal will involve no external alterations which would affect the wider countryside and Gower AONB in visual terms, the main issues for consideration during the determination of this application relates to the increased number of birds and its resultant impact upon highway safety, the residential amenities of the neighbouring properties and the Gower Woods SAC Pwll Du Head and Bishopston Valley and The Gower Commons SAC Fairwood Common Component having regard for the principles of the Swansea UDP. Given the proposal will involve no physical alterations the Supplementary Planning Guidance document entitled 'A Gower Design Guide' is not considered relevant during the consideration of this application.

### Highway Safety

Having consulted the Head of Transportation and Engineering it is acknowledged that this application proposes the increase in the number of birds on site from the previously conditioned 295,680 to 400,000.

Consideration of the previous application for new poultry sheds included traffic associated with the business which accommodated 295,680 birds. Confirmation was given by the applicant at that time that the additional accommodation was not for an increase in the number of birds. The applicant has confirmed with this application that the need to increase the number of birds has arisen due to market forces.

Much local concern has been raised regarding the likelihood of additional birds generating the need for an increase in commercial traffic movements at the farm. The applicant contends that this will not be the case as the previously approved traffic movements to serve the 295,680 will not increase as a result of the revised number of 400,000 birds.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 2 (CONT'D)

APPLICATION NO. 2011/1257

This can be achieved due to more efficient use of the agreed transport arrangements by ensuring that for example, a delivery lorry will not leave the site empty and arrangements made so that a vehicle delivering packaging to the premises can also be used to transport the packaged eggs off site thus negating the need for a separate delivery lorry to be engaged. The applicant contends that apart from this method being a more efficient use of resources, fuel savings will also be possible and indeed are necessary due to recent rises in cost and VAT.

Additionally, investment into up to date technology will reduce waste from the site and thus reduce the need to transport the waste off the site, again reducing traffic movements.

In considering the merits of these assurances, regard must be given to what evidence is available to support such claims. Clearly any challenge would also need to be supported by a clear reference to evidence and there are not sufficient grounds which exist to challenge this. Whilst an element of trust is necessary, the information given by the applicant is feasible and therefore on balance there are no objections to the proposal on traffic grounds.

It has been assessed whether a condition restricting HGV movements to that approved under the previous application is feasible, however in order to enforce this officers of this Authority would have to be present for whole days and possibly weeks to establish the total movements and therefore this is not feasible or realistic. The listed movements of large HGV on a regular weekly basis within the travel plan amount to 20 feed deliveries, 5 packaging deliveries and 18 for egg collection. Based on a 5 day week this could be spread out to 9 HGV movements a day. In the worst case scenario of HGV movements increasing pro rata with the increase in birds of 35%, this would amount to an increase of 3 movements a day totalling 12 HGV. This is not a significant increase in daily movements and therefore reinforces the conclusions that the proposal would not result in significant movements over and above what is currently experienced and as such there are no objections to the proposal from a highway safety aspect.

The existing consent includes a Travel Plan and this plan has also been submitted in support of the current application to change bird numbers. The Travel Plan is intended to encourage more sustainable travel habits at the farm and also includes a section to help control the route that any commercial traffic will use. The intention of this being that all commercial movements should be to and from the A4118 Fairwood and Upper Killay direction and no large commercial vehicles should be travelling via the B4436 through Kittle. However, some confusion has been identified due to road classification references in the relevant clause and therefore in order to clarify this an amended condition is recommended in order to remove such confusion.

As such the proposal subject to an appropriately worded condition with respect the Travel Plan it is considered to respect the principles of Policies EV1, EV3, AS1 and AS10 of the Swansea UDP.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 2 (CONT'D)

APPLICATION NO. 2011/1257

### Residential Amenity

The proposal would not give rise to any issues relating to overbearing, overshadowing or overlooking. It must be acknowledged that the then Environment Agency has already granted the Environmental Permit which has allowed the housing of 400,000 birds within the chicken sheds. During the consideration of issuing the revised permit the Environment Agency assessed whether the proposal met the requirements of the IPPC Directive which are embodied through the Environmental Permitting Regulations.

The assessment was carried out using detailed modelling which demonstrated that the newly constructed buildings holding 400,000 birds would produce lower than the original buildings containing 295,680 birds. This was mainly due to improved technology being utilised in the new buildings. The company proposed a manure belt system with air drying which would result in significantly reduced ammonia emissions compared with the old housing system. Whilst the issuing of the permit is outside the remit of planning control, the relevant environmental legislation was adhered to under the consideration and issuing of this revised permit.

Having consulted both the Councils Pollution Control Department and the then Environment Agency and the recently formed Natural Resource Wales, it is considered that the increase in the number of chickens to 400,000 would not give rise to unacceptable pollution by virtue of noise and smell than what was previously under the older chicken sheds with 295,680 birds. Indeed it is considered that the level of technology utilised in the new sheds has improved the environment of the area and as such it is considered that the Local Planning Authority could not warrant a refusal on the basis of unacceptable noise and smell. As such the proposed increase in numbers would respect the residential amenities of the neighbouring properties and would not result in a significant impact over and above what was experienced under the previous sheds. Therefore the proposal will comply with the principles of Policies EV1 and EV40 of the Swansea UDP.

### Environmental Implications

The proposal will result in the introduction of an additional 104,320 chickens and as such was deemed Schedule 1 Development under the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and an Environmental Impact Assessment requested by the Local Planning Authority and submitted by the applicant. There was some concern raised with regard the proposals impact upon the adjacent Special Areas of Conservation namely The Gower Ash Wood and the Gower Commons.

The Councils Ecologist has undertaken a Habitats Regulations Assessment in consultation with Natural Resource Wales and concluded that the proposed increase in bird numbers would not adversely affect the integrity of any European site either alone or in combination with other projects. As such the proposal is considered to comply with the provisions of Policies EV25 and EV27 of the Swansea UDP.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 2 (CONT'D)

APPLICATION NO. 2011/1257

### Response to Consultations

Notwithstanding the above, 35 letters of objection were received raising concerns in relation to the principle of the increase, proposals visual impact, the justification for the proposed works, visual impact on the Gower AONB and on the landscape, traffic and highway safety implications, impact upon the SAC, noise, pollution and malodours, drainage, overbearing and incongruous nature, road infrastructure, numbers of birds, environmental implications. All of these issues have, it is considered, been addressed above.

Concern has been raised with regard the previous permission and that the 3rd shed of this consent should be removed. This application is for the variation of a condition and the Local Planning Authority cannot rescind a planning permission. Therefore this could not be taken into account during the determination of this application.

Additional concerns has been raised with respect the trustworthiness of the applicant. This again is not a material planning consideration and cannot be taken into account during the determination of this application.

### Conclusion

In conclusion, it is considered that the scale and siting of the proposed development will have an acceptable impact upon the character and appearance of this rural location and subject to conditions the proposal will have an acceptable impact upon the Gower AONB the amenities of neighbouring residents and highway safety and thereby be in accordance with Policies EV1, EV3, EV22, EV25, EV26, EV27, EV21 and AS1 of the Swansea UDP. Approval is therefore recommended.

### **RECOMMENDATION**

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

- 1 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 two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.



**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM 3

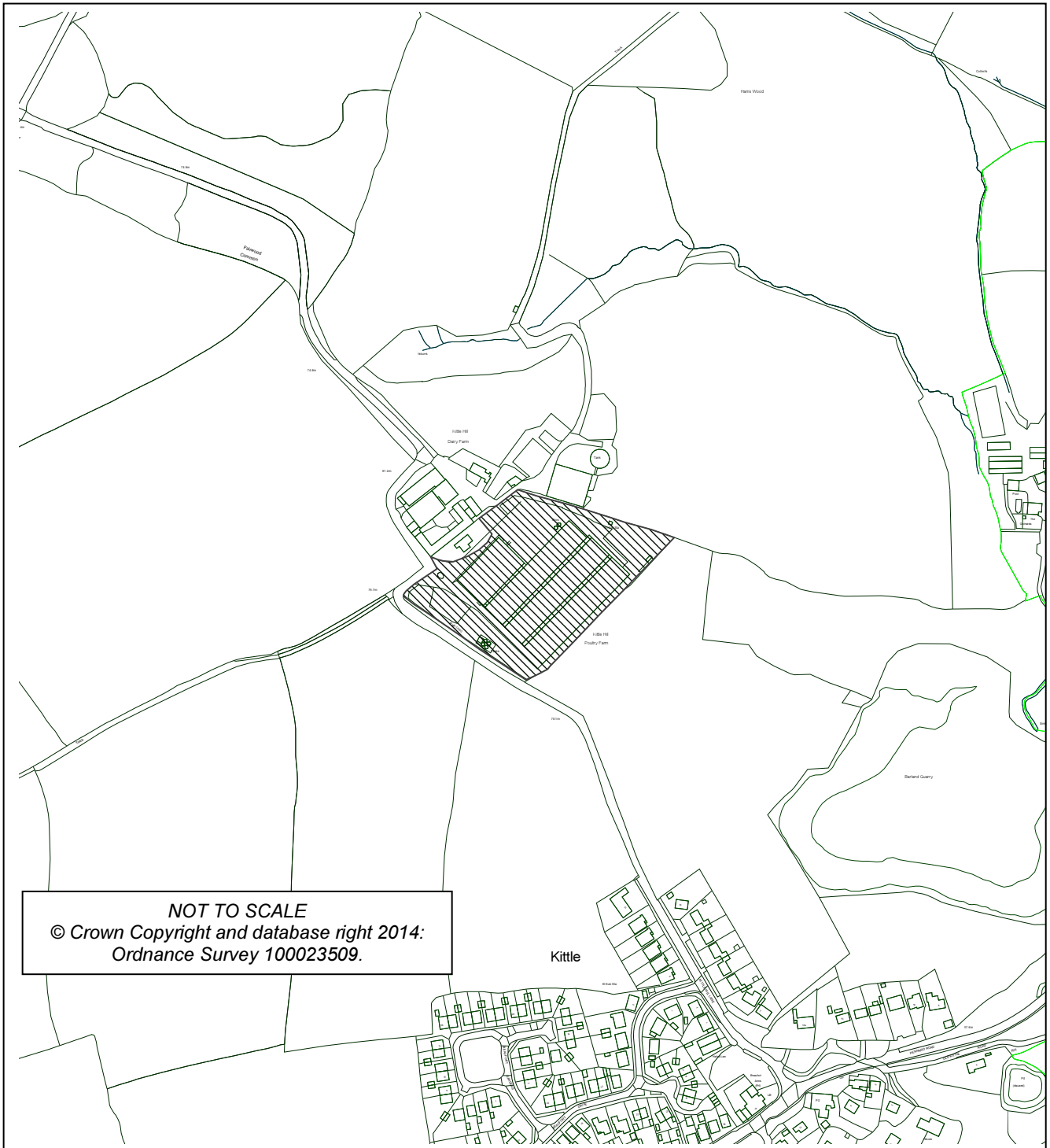
APPLICATION NO. 2011/0069

WARD: Pennard  
Area 2

**Location:** Kittle Hill Poultry Farm, Kittle, Swansea SA3 3JQ

**Proposal:** Retention of eight silos and water silos (Amended plans and description)

**Applicant:** Stonegate



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 3 (CONT'D) APPLICATION NO. 2011/0069

### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
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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 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 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 EC14	Agricultural developments requiring planning permission or prior approval should give proper consideration to the protection of natural heritage and the historic environment and be sympathetically sited, designed and landscaped. (City & County of Swansea Unitary Development Plan 2008)

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 3 (CONT'D) APPLICATION NO. 2011/0069

### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2011/1257	Variation of condition 7 of planning permission 2009/1410 granted on 18th March 2010 to allow an increase in the number of laying birds to be accommodated within the buildings to 400,000 Decision: Officer Consideration Decision Date: 09/06/2014
94/0783	ERECTION OF STEEL FRAMED AGRICULTURAL BUILDING FOR STORAGE OF FARM IMPLEMENTS AND CROPS Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 13/09/1994
81/0847/03	HOUSING DAIRY COWS IN CUBICLES WITH FEED YARD AND 4 LOOSE BOXES Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 30/07/1981
82/0391/03	AGRICULTURAL BUILDING FOR DAIRY CATTLE, FEED AREA AND LOOSE BOXES Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 11/05/1982
82/0182/11	CHANGE OF USE OF FARM SHOP TO INCLUDE SALE OF GENERAL FARM AND DAIRY PRODUCTS Decision: *HRP - REFUSE PERMISSION Decision Date: 29/04/1982
82/0546/11	CHANGE OF USE OF FARM SHOP TO INCLUDE SALE OF CHICKEN, BUTTER AND CHEESE Decision: *HRP - REFUSE PERMISSION Decision Date: 24/06/1982
87/1805/03	ERECTION OF A FARM PRODUCE SHOP. Decision: Withdraw Decision Date: 21/10/1993
94/0023	ERECTION OF 6NO (8.6M HIGH) FEED SILOS, RECLADDING AND ADDITION OF RIDGE VENTS AND SIDE EXTRACTOR FANS TO 3 LAYING SHEDS AND UPGRADE INTERNAL ACCESS ROAD Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 01/03/1994



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM	3 (CONT'D)	APPLICATION NO.	2011/0069
84/0001/03	EXTENSION OF USE OF FARM SHOP PRESENTLY SELLING EGGS AND POULTRY TO THE PUBLIC TO INCLUDE; FRESH VEG/POTATOES, BUTTER CHEESE YOGHURT MILK ECT Decision: *HGPCU - GRANT PERMISSION UNCONDITIONAL Decision Date: 25/10/1984		
83/1779/03	PERMISSION TO SELL FRESH VEGETABLES, POTATOES, BUTTER, CHEESE, YOGHURT, MILK + HONEY. Decision: Withdraw Decision Date: 30/12/1983		
94/0889	ALTERATION TO EXTERNAL ELEVATION OF HEN HOUSE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 13/09/1994		
95/0730	ERECTION OF EQUIPMENT STORE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 08/09/1995		
95/1172	RETENTION OF 6No. FEED SILOS & PUMPS, 42No AIR INTAKE VENTILATORS AND REPOSITIONED DOORS TO SOUTH WEST AND NORTH EAST ELEVATIONS, REVISED EXTRACTOR FANS TO SOUTH EAST ELEVATION AND REDESIGNED RIDGE VENTILATORS Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 01/12/1995		
2010/0667	Construction of an Anaerobic Digestion (AD) facility to process biodegradable organic waste for the production of renewable energy, including a reception building (1544m2 footprint), 1 no. storage tank, 4 no. digestion tanks, ancillary plant equipment, educational building, together with new access road, parking, associated landscaping and reprofiling works Decision: CALLED IN Application (Swansea) Decision Date: 26/05/2010		
2002/0258	Construction of agricultural barn Decision: Withdrawn Decision Date: 11/03/2008		
2009/1410	Three replacement chicken sheds and one packaging shed Decision: Grant Permission Conditional Decision Date: 18/03/2010		

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM	3 (CONT'D)	APPLICATION NO.	2011/0069
A01/0098	Erection of 15 metre high telecommunications mast with three cross polar antennae, two microwave dishes and an equipment cabin Decision: Withdrawn Decision Date: 22/07/2005		
2014/0282	Variation of conditions, 6, 10 and 11 of planning permission 2009/1410 granted 18th March, 2003 to allow the submission of BREEAM certificates and further drainage information. Decision: Approve Conditional (S73) Decision Date: 03/06/2014		

### RESPONSE TO CONSULTATIONS:

**Neighbours:** The application was advertised on site in the form of a Site Notice and all neighbouring dwellings were individually consulted. Two letters of objection were received which are summarised below:

1. Proliferation of factory like buildings in an Area of Outstanding Natural Beauty.
2. Proposal represents an Industrial Estate.
3. Unacceptable impact upon the Gower AONB.

**Highways:** This proposal is for the erection of 8 feed silos adjacent to the recently approved replacement chicken sheds. The applicant indicates that consent has previously been granted for 6 silos and that the proposal for 8 will not affect the agreed pattern of feed deliveries to the site. This aspect is covered under the approved Travel Plan which is also submitted with this application. The travel plan also controls which direction HGV vehicles under the control of the applicant are to access and egress the site – this is to prevent unsuitable vehicles travelling through Kittle village by directing traffic towards the A4118 through Fairwood.

I recommend that no highway objections are raised subject to the development being operated in accordance with the approved Travel Plan.

**Countryside Council for Wales (CCW):** Following discussions with an Environment Agency Agriculture Technical Advisor and local Environment Agency Environment Officers, we are satisfied that this application is not going to result in an increase in poultry production or emissions.

The proposal is within the Gower AONB. Therefore we would remind you of your Council's duty under Section 85 of the Countryside and Rights of Way Act 2000, which requires Local Authorities to have regard to the purposes of conserving and enhancing the natural beauty of the AONB. The statutory purposes of Areas of Outstanding Natural Beauty are conservation and enhancement of natural beauty.

To conclude CCW does not object to the proposal, but recommends the above modifications and conditions to improve the impact of the scheme.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 3 (CONT'D) APPLICATION NO. 2011/0069

**Pollution Control:** No comments to make regarding the silos, they will be sited between the units and so shielded from sight and this will have an effect upon the noise element. The only noise is likely to occur during the delivery of the feed.

**The Environment Agency (EA):** We would advise that the site is located partly on a major aquifer. However, we have no objections to the repositioning of the silos, which we note have been previously approved under application Ref: 2009/1410. We would recommend that you consult with CCW due to the proximity of the Gower Commons SAC/Fairwood, Pengwern and Welshmoor Commons SSSI.

Due care must be taken during the repositioning works to ensure there is no risk of pollution to the environment.

If any waste material is generated as a result of the works on site, then this must be disposed of at a suitably authorised facility and conveyed by a registered waste carrier. The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes.

**FOLLOWING A SITE VISIT IT BECAME APPARENT THAT A WATER TOWER (SILOS) HAD ALSO BEEN CONSTRUCTED ON SITE WITHOUT PLANNING PERMISSION. IN ORDER TO REGULARISE DEVELOPMENT ON SITE ADDITIONAL PLANS WERE REQUESTED BY THE LPA. THE DESCRIPTION WAS AMENDED AND ALL PREVIOUS CONSULTS RECONSULTED. THE FOLLOWING RESPONSES WERE RECEIVED:**

**National Resource Wales:** No further comment.

### **APPRAISAL:**

This application is reported to Committee for decision at the request of Councillor's Keith Marsh and Lynda James in order to assess the visual impact and highway safety.

### Description

Full planning permission is sought for the retention of 8 silos and water tower at Kittle Hill Poultry Farm, Kittle. The silos measure 8.6m in height and three are positioned between sheds 1 and 2, three between sheds 2 and 3 and two on the south eastern end of shed No 3. The silos are of a similar size and scale to those which were approved under Ref: 95/1172.

The water tower will include 4 cylinder water silos and pump shed and is sited on the south western side of the site.

The site has had a long history as a chicken farm and as such the proposal will not introduce a new use into the landscape. The site is situated approximately 187m to the north of village of Kittle and planning permission was granted under Ref: 2009/1410 for three replacement chicken sheds and one packaging shed in March 2010.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 3 (CONT'D)

APPLICATION NO. 2011/0069

The applicants stated that the increase in size was required in order to comply with EU Directive 1999/74/EC which enforces minimum standards for the protection of laying hens and states that, from 1 January 2012, the rearing of laying hens in conventional (known as 'unenriched') cages will be prohibited throughout the EU. From that date, laying hens will only be allowed to be reared in enriched cages or using alternative systems such as barn or free range. Enriched cages must allow at least 750 cm<sup>2</sup> per hen, and contain a nest, litter, perch and clawing-board. All Member States have been urged to step up their efforts in the phasing out of conventional cages, so as to be in full compliance with this requirement within the deadline.

The silos and water tower are required in order to operate the chicken farm and were installed a while ago. There was a delay during the determination of this application as the applicant did not include the water silos as part of this application and as such additional information was requested. Furthermore it was noticed that the construction of the water silos had compromised the planting scheme agreed as part of planning permission Ref: 2009/1410. This current submission is accompanied by a revised landscaping scheme.

### Site History

In terms of the site's recent history relating to the chicken sheds, planning permission was granted in December 1995 (Ref: 95/1172) for the retention of 6 No. feed asilos and pumps, 42 No. air intake ventilators and repositioned doors to southwest and northeast elevations, revised extractor fans to southeast elevation and redesigned ridge ventilators. As stated above, planning consent was approved under Ref: 2009/1410 for three replacement chicken sheds and one packaging shed.

There is also a concurrent planning application under consideration to vary condition 7 of planning permission 2009/1410 granted on 18th March 2010 to allow an increase in the number of laying birds to be accommodated within the buildings to 400,000.

### Main Issues

The main issues to be considered in this instance are the impact of the new silos and water tower/silos on the visual amenities of the surrounding landscape and environment, the residential amenities of the neighbouring occupiers and highway safety having regard to the prevailing policies of the Development Plan and National Planning Policy Guidance which seek to protect the open countryside from inappropriate development, and conserve and enhance the character and quality of the surrounding countryside and natural beauty of the Gower AONB. It is not considered that the provisions of the Human Rights Act raise any other overriding considerations.

Within the Gower AONB, Policies EV22 and EV26 of the Swansea Unitary Development Plan (UDP) ensure that the primary objective of this designation is the protection and enhancement of the area's natural beauty. This is supported by national planning policy guidance provided by Planning Policy Wales 2012 which recognises that AONBs, whilst small in area, are of such a fine landscape quality that they are on a par with National Parks and there is a national as well as a local interest in keeping them so.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 3 (CONT'D)

APPLICATION NO. 2011/0069

Furthermore UDP Policy EV21 restricts development in the open countryside except where it is essential for the rural economy, or it can be demonstrated to meet the social or economic needs of the local community. Policy EV21 in its amplification requires acceptable development to be in keeping with the landscape and character of the area and not include any new building development which would either individually or cumulatively significantly harm the landscape.

As required by the above Development Plan policies and Central Government policy guidance, it is required that new development in the open countryside has a proven rural need. Moreover, Central Government guidelines advise that Local Planning Authorities need to be satisfied that any stated agricultural intentions in the open countryside are genuine, are reasonably likely to materialize, are capable of being sustained for a reasonable period, and would be economically viable.

### Justification

The Poultry Farm is a long established business and as such the proposal will not result in the introduction of a new use but the modernisation of an existing business which is beneficial to the rural economy. The silos and water tower are critical to supply the poultry sheds and their siting will allow for optimum uses. The proposal will therefore be in compliance with Policy EV21 of the Swansea UDP, will be beneficial to the rural economy and rural employment and supports the viability of the existing agricultural unit. Therefore in principle the proposal is considered an appropriate form of development at this rural location.

### Visual Impact

Policy EC14 of the Swansea UDP requires agricultural development to be sympathetically sited, design and landscaped in order to minimise their impact upon the landscape. Six of the proposed silos are situated between the chicken sheds and as such do not prove visually prominent when viewed from the wider landscape. The two silos on the south eastern section of the site would be read against the backdrop of the approved chicken sheds and will not therefore appear domineering or prominent when viewed from the wider landscape. The water tower is sited on the south western side of the site. The structure is relatively minimal in size and will also be viewed against the backdrop of the chicken sheds and will not therefore appear visually prominent. The structure is shielded from the wider landscape by the dense planting on the south western boundary and as such is considered acceptable. Whilst it is acknowledged a landscaping scheme has been submitted with this proposal it is considered additional planting is required to further mitigate the impact and will be agreed via an appropriately worded condition.

Issues relating to the ground levels have been approved under planning permission Ref: 2009/1410 and on the basis of the above the silos are considered to be visually acceptable and will have an acceptable impact upon the Gower AONB. In addition the proposal will not capture any open countryside and is on previously developed land. As such on balance in visual terms the application is considered to comply with the provisions of Policies EV1, EV2, EV22, EV26, EV21 and EC14 of the Swansea UDP.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 3 (CONT'D)

APPLICATION NO. 2011/0069

### Highways

Having consulted the Head of Transportation and Engineering it is considered that given consent has previously been granted for 6 silos and the applicant has confirmed that the proposal for 8 silos will not affect the agreed pattern of feed deliveries to the site agreed under the approved Travel Plan. For clarity the applicant has submitted the approved Travel Plan. The travel plan also controls which direction HGV vehicles under the control of the applicant are to access and egress the site – this is to prevent unsuitable vehicles travelling through Kittle village by directing traffic towards the A4118 through Fairwood.

As such there are no highway objections raised subject to the development being operated in accordance with the approved Travel Plan.

### Pollution and Residential Amenity Implications

Turning to the impact upon residential amenity, the nearest neighbouring properties are situated some 187m to the south of the Poultry Farm and as such it is not considered that the development will have an unacceptable impact upon the residential amenities of the neighbouring occupiers by virtue of overlooking, overbearing or overshadowing impacts.

It is acknowledged that there is a SAC approximately 270m away, however given the existing use and recent approval and the fact the silos and water structures will be contained within the site, combined with the distance it is not considered the proposal will have a detrimental impact upon it.

Having consulted the Council's Pollution Control Division there are no objections to the positive determination of this application. Furthermore it should be noted that National Resource Wales (NRW) are the regulatory authority for the site and they have issued a permit covering the process. Having consulted the NRW there are no objections to the proposal.

### Response to Consultations

Notwithstanding the above, 2 letters of objection were received raising concerns in relation to the proposals visual impact, the impact on the Gower AONB and on the landscape. All of these issues have, it is considered, been addressed above.

### Conclusion

In conclusion, it is considered that the scale and siting of the proposed silos and water structures will have an acceptable impact upon the character and appearance of this rural location and will have an acceptable impact upon the Gower AONB, the amenities of neighbouring residents and highway safety and is thereby in accordance with Policies EV1, EV2, EV3, EV22, EV26, EV21 and EC14 of the Swansea UDP. Approval is therefore recommended.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 3 (CONT'D)

APPLICATION NO. 2011/0069

### RECOMMENDATION

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

- 1 Within 9 months from the date of this planning permission a revised and fully comprehensive landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. The landscaping scheme shall be carried out within 12 months from the approval of the details. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.

### 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, EV22, EV26, EV21 and EC14)
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

### PLANS

Design and access statement, site location plan, 10394/1- survey, 10467/2- proposed elevations received 17th January 2011 and Additional Information - Travel Plan dated 7th March 2011 and 10467/1A- proposed layout, dated 9th September 2013

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**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM 4

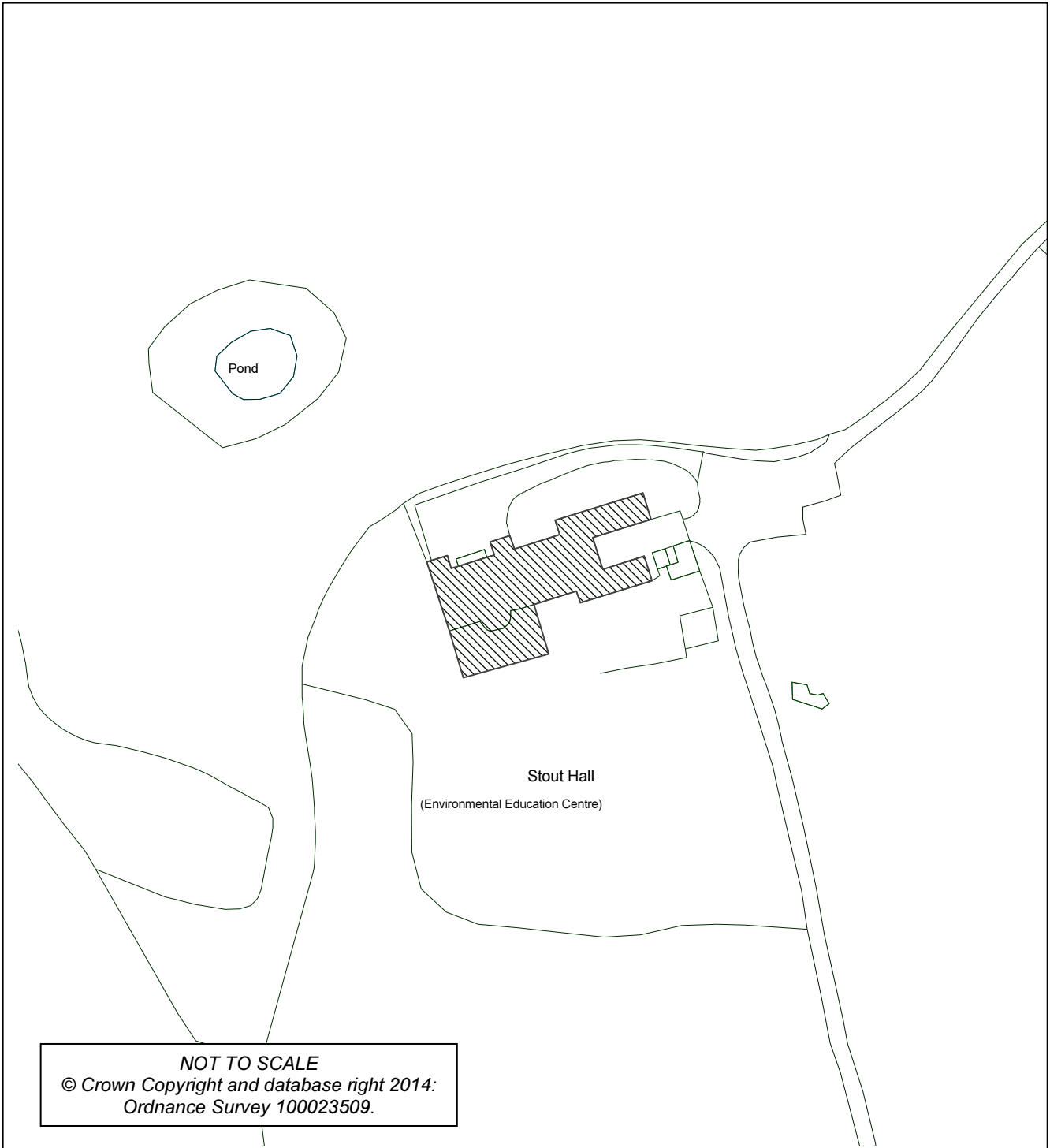
APPLICATION NO. 2014/0621

WARD: Gower  
Area 2

**Location:** Stouthall, Reynoldston, Swansea SA3 1AN

**Proposal:** Use of existing residential field studies centre to include an activity centre, residential activity courses, events venue and siting of a teepee

**Applicant:** Miss Ceri Butcher





## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 4 (CONT'D) APPLICATION NO. 2014/0621

### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
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 EC18	Development that improves the range and quality of serviced tourist accommodation will be permitted subject to specific criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV7	Extensions or alterations to a Listed Building will only be approved where they safeguard the character and historic form of the building. (City & County of Swansea Unitary Development Plan 2008)
Policy HC26	Proposals for informal recreation in the countryside and within the urban green space will be supported subject to compliance with a defined list of criteria. (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>
2014/0619	Renovation of full interior including repairing walls, painting throughout, remodelling of bathrooms, demolition of partition wall, new door openings, reinstate lift, repair staircase, installation of kitchen, new chandeliers, repair bookcase and new flooring (application for Listed Building Consent) Decision: Officer Consideration Decision Date: 18/07/2014

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM	4 (CONT'D)	APPLICATION NO.	2014/0621
2008/1854	Installation of wood wool boards fixed to the internal face of the eastern elevation walls to the upper floors and installation of waterproofing system to the basement walls (application for Listed Building Consent) Decision: Grant Listed Build Consent (C) Decision Date: 27/04/2009		
75/0703/03	ERECTION OF A SINGLE STOREY HUTTED CLASSROOM TO BE USED FOR EDUCATIONAL USE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 31/07/1975		
84/0233/03	REBUILDING + INCORPORATION OF EXISTING BUILDING INTO PROPOSALS FOR NEW DWELLING HOUSE. Decision: *HRP - REFUSE PERMISSION Decision Date: 26/04/1984		
85/1090/04	RENEWAL OF TEMPORARY PERMISSION FOR HUTTED CLASS ROOMS. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 29/08/1985		
87/0799/13	LISTED BUILDING CONSENT FOR ESSENTIAL MAINTENANCE AND REPAIRS Decision: GRANT CONSENT WITH CONDITIONS Decision Date: 14/07/1987		
93/1144	CHANGE OF USE FROM STORAGE OF VEHICLES TO USE AS A DEPOT FOR RECEIPT AND DELIVERY OF AGRICULTURAL PRODUCE AND FORMATION OF NEW ACCESS TO HIGHWAY Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 08/02/1994		
94/1199	ERECTION OF OUTBUILDING FOR USE AS A TOOL STORE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 02/05/1995		
94/1385	ADDITION OF OFFICE ACCOMMODATION AND RECLADDING EXTERNAL ELEVATIONS Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 07/02/1995		
94/1396	INTERNAL REFURBISHMENT TO PROVIDE DISABLED WC AND STAIR LIFT (APPLICATION FOR LISTED BUILDING CONSENT) Decision: *HGCC - GRANT CONSENT WITH CONDITIONS Decision Date: 20/03/1995		

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM	4 (CONT'D)	APPLICATION NO.	2014/0621
95/0639	ERECTION OF WORKBASE INCLUDING GROUND FLOOR WORKSHOP, STORES, OFFICES AND ANCILLARY ACCOMMODATION AND 12 NO. FIRST FLOOR BEDROOMS Decision: *HRP - REFUSE PERMISSION Decision Date: 18/08/1995		
98/0221	ERECTION OF SINGLE STOREY BUILDING FOR THE STORAGE, PACKING AND DESPATCH OF VEGETABLES (CLASS B8) Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 07/04/1998		

### Response to consultations

The Application was advertised on site and in the local press as development which might materially affect the setting of a Listed Building. ONE letter of SUPPORT received which is summarised as follows:

- As a resident of Gower for 24 years, witnessing the rise and fall of Stouthall, the application must be supported as unless the building is brought back in to use it will continue to disintegrate.

**Glamorgan Gwent Archaeological Trust** – The proposal will require archaeological mitigation. Standard condition recommended.

**Highways** – Access to the site is established and there is sufficient room for parking. No highway objection raised.

### APPRAISAL

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

Full planning permission is sought for the use of an existing field studies centre, to include an activity centre, residential activity courses, events venue and siting of a tepee at Stouthall, Reynoldston.

### Background

The application site will operate as a residential activity centre, offering residential adventure holidays for the schools market. In addition to this it is intended to offer English and Foreign language courses, corporate team-building and private events products that are typically popular outside of school adventure booking times, such as holidays and weekends.

The schools adventure programmes will be offered to schools within a 3 hour commute, while corporate tem-building courses will offered during quiet periods of operation on a daily and residential basis. English and Foreign Language course will be offered to youth groups during Easter and summer periods, and in addition to the above principle use of the centre it is intended to offer the venue as a unique wedding venue.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 4 (CONT'D) APPLICATION NO. 2014/0621

In order to attract wedding parties planning permission is sought to site a Teepee style tent to accommodate large receptions on the main grassed area forward of the building. The wedding package is not intended to compete with hotel style wedding packages, rather will target a specific market in offering an adventure centre setting and a wedding product to include exclusive use of the site with an activity package for guests.

Stouthall built circa 1790 for the Lucas family of Gower, sold in the 1920's to the Morgan family of Gower. The property remained under government tenancy until the 1960's when a court order was sought to remove the then NHS from the building. It was during this time that the building suffered much damage to the original features and furnishings, including the erection of two extensions to the ground floor North elevation.

The property and grounds were then leased to the London Borough of Merton and operated as a field studies centre for children from the Borough until the late 1990's. The property has been unused since, and the state of repair has naturally deteriorated.

### **External Features –**

A Neoclassical Villa of three storeys and basement, in local rubble limestone which is rendered and painted cream with low-pitched hipped slate roofs on wide bracketed eaves. Shallow Bath stone plinth in two steps. The front elevation is to the north, although the rear elevation with plainer fenestration and incorporating a full-height three window bow is the more prominent elevation seen on approach. Extensive low service buildings, also rendered and slate roofed are attached in two ranges to the east around a central yard. The front elevation is in the three units, the middle slightly advanced. There is a Doric porch of shallow projection carried on two round and two square columns; four steps rise to a pair of three panel doors with sidelights and fanlight. Above this in a recessed panel there is a tripe window and above that a Diocletian window with two large mullions.

At the flanks of the front elevation the ground storey is concealed by flat-roofed wartime additions, above which there are large web-traceried fanlights with sash windows in the upper storeys and Bath stone string courses at first floor cill level. There are basement areas to the south and west. The rear elevation has seven windows including 3 in the bow, the west elevation has three windows and the east elevation has two windows plus two blind windows. All original windows are of concealed-frame sash style with plate glass. The windows of the bow are formed on the curve and glazed in curved glass. At ground floor level and in the first storey of the bow, and in the triplet over the entrance the windows contain equal sashes of two panes each, divided by single horizontal glazing bars. At first floor elsewhere they have unequal panes, with two-pane sash above a single pane sash. At second storey the openings are square and the sashes both single pane, including those in the Diocletian window. Shallow moulding and brackets are over the first storey windows of the bow and have an iron balustrade. A lead pipe centrally on the east elevation is the original pipe to supply water from the internal slopes of the roof to a domestic water cistern.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 4 (CONT'D) APPLICATION NO. 2014/0621

### **Internal Features –**

Entrance Hall – fine regency style handrails to stairs (part of it concealed and balustrades missing); ground floor Doric frieze, Bath stone flagging; mahogany doors; the upper part has a gallery separated by Doric columns and pilasters; moulded and enriched ceiling with central oval.

Drawing room – the south facing windows arte not original and lack casings; doorways with moulded architraves to hall and library; marble fireplace with inlaid mottled panels; moulded skirting, dado and cornice

Dining room – service area at north separated by Doric columns and pilasters; white and mottled red fireplace; moulded skirting, dado and frieze; oval ceiling panel.

Library – an oval room with fitted mahogany bookcases, incorporating a concealed door to the Drawing room (the false book spines having title humorously alluding to the fact); mahogany door to hall; fireplace to east. The rich scheme of decoration on the main rooms extends to the rooms on the first floor but not to those of the second floor.

The grounds are also of significance and feature of the Cadw Register of Landscapes, Parks and Gardens with a grading of II. Described as ‘unremarkable’ Small Park and wooden pleasure grounds, the grounds also contain an ice house which has a separate listing to the main house; however this proposal does not include any works to the ice house. The grounds have not been particularly well maintained for several years and all pathways and plantings have become overgrown by native species. The pathways through the woodland will be trimmed back, cleared and resorted

### **Main issues**

The main issue for consideration in this instance is the impact of the proposal upon the character and appearance of this significant historic Grade 2\* listed building and grounds, and the wider AONB, as well as any impact upon residential and general amenity, traffic movement and highway safety having regard to Policies EV1, EV7, EV26, EC17, EC18 and HC26 of the Swansea Unitary Development Plan 2008. There are in this instance considered to be no additional issues for consideration under the provisions of the Human Rights Act.

The principle consideration is whether the proposed additions and alterations have full regard to conserving the listed building, its setting or any feature of special architectural or historic interest, in the context of national planning policy guidance and prevailing development plan policies. Para.70 of Welsh Office Circular 61/96 “Planning and the Historic Environment: Historic Buildings and Conservation Areas” states that applications for listed building consent should be assessed against the importance of the building in terms of its architectural and historic interest, the particular features of the building which justify its inclusion in the list, the building’s setting and contribution to the local scene and the extent to which the proposal would bring benefits for the community. (A concurrent Listed Building consent application is reported on this agenda as a separate item for determination).

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 4 (CONT'D) APPLICATION NO. 2014/0621

Policy EV7 states that any proposed extension or alteration to a listed building should have full regard to the character of the existing building, architectural or historic features which are important to the character of the building, and the historic form and structural integrity of the building. Furthermore it adds that regard will also be had to the desirability of preserving the setting of any listed building. In addition to this Policy EV1 of the UDP ensure the historic environment is preserved from inappropriate development. Policy EV26 sets the primary objective of conservation and enhancement within the Gower AONB.

Policy EC17 supports 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 provided they:

- (i) Are in keeping with the scale and character of the surrounding area and are of a high standards of design,
- (ii) Do not have significant adverse effects on landscape or nature conservation interests,
- (iii) Do not create a significantly harmful level of visitor pressure at sensitive locations,
- (iv) Can provide safe access for a variety of modes of transport without harming the character of adjacent lanes, and
- (v) When located on a farm would not lead to the loss of the best and most versatile agricultural land

Policy EC18 supports improvements to the range and quality of serviced tourist accommodation where required to upgrade facilities at existing tourism operations. Policy HC26 promotes opportunities for informal recreation in the countryside and within the urban greenspace system provided that:

- (i) there would be no significant adverse harm to the character or appearance of the countryside or urban greenspace
- (ii) there would be no significant loss of amenity to people living in the vicinity or to the enjoyment of other countryside users
- (iii) there would be no significant adverse harm to sites of importance in terms of natural heritage and the historic environment and
- (iv) Access can be provided by a choice of modes of travel, but particularly on foot, by cycle and public transport.

With regard to the refurbishment of the main building, Stouthall is a Georgian mansion, listed as a grade 2\* structure and set within substantial grounds. These are also scheduled as a grade 2, landscape of special historic interest in Wales.

As a grade 2\* structure, it highlights the particularly important interior and is among the top 5% of listed buildings of special architectural or historic interest within the United Kingdom. The building was originally designed by William Jenergan in 1790 it is typical of Gentlemen's residence built at that time and is one of the remaining small number in the west of Swansea.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 4 (CONT'D) APPLICATION NO. 2014/0621

The property has suffered a significant amount of physical change in this time. Much of this change has taken place prior to the building being included on the list of buildings of special architectural or historic interest. The major areas of change are the basement, first floor and second floor which have been altered to provide mass catering, bedrooms and washing facilities. The ground floor has been altered to a degree – the removal of certain room divisions and the installation of a lift which has been placed in the corner of one of the original drawing rooms. However, the library, the bookshelves within it and the secret door into the adjoining room remain largely intact.

### **Like for like repairs**

Throughout the basement it is proposed to renew existing safety floor surfaces, repair existing wall finishes with lime mortar and paint. Where skirting is missing or damaged, this will be repaired using existing profiles as reference. Existing fire doors will be repaired and repainted.

On the ground floor, all window shutters will be overhauled, the existing floor will be repaired using like for like materials, repairs to the existing walls and ceilings will be carried out using lime and painted using flat matt emulsion. The same methodology is applied to all mouldings, cornices, existing Doric columns, balconies, glass screen frames, spindles and staircase and the main entrance doors.

The library is considered to be the most historically sensitive element of Stouthall. The proposed works to this room are repairs to the existing bookcase, including specialist repair to the faux book spines. Repairs to walls include lime mortar repair and repaint with matt emulsion. The floor is to be repaired and varnished and part recovered with wool carpet. Throughout the first and second floor, the methodology of like for like repairs featuring the walls, ceiling, windows and shutters, doors, stairways and spindles is the same for the basement and ground floor.

All of the above like for like repairs are considered to be appropriate in the choice of materials.

### **Alterations that do not affect the character of the listed structure**

Basement: installation of a new two way switch on the basement stair, and installation of new light fittings into existing electric connections. Neither of these is considered to have a negative impact on the original historic fabric and is therefore supported.

On the ground floor, a new host station is to be installed in the entrance hall. Exact details of its form are required and this can be achieved by way of condition.

An existing GPO telephone box is also being removed. Whilst this is indeed considered part of the fixture and fittings of Stouthall as it is kept in place by its own weight, it is certainly not part of the original house which is Georgian. As such its removal is supported.

Also on the ground floor is the refitting of the toilets. This will involve the removal of existing but not original toilet fittings, latterly installed partitions and light fittings.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 4 (CONT'D) APPLICATION NO. 2014/0621

The original existing room formations will be retained and safety flooring, new wall tiling and repainting will take the place of the 1970's/1980's additions.

Similarly, throughout the remaining boys and girls showers, toilets and bedrooms on the first and second floors, latterly installed sinks, W.C's and showers and associated plumbing and fittings are also being removed and replaced with new fittings.

The removal of previously installed partitions and sanitary ware is supported and the reordering of the room layouts is welcomed as a much more logical intervention.

The works that include potential new waste and soil routes will not be known until removal of the former pipes and associated kit. The details of this are required and can be dealt with by condition.

On the first floor, a tuck shop is proposed and involves a hinged counter and 4 shelves. All of this is entirely reversible and considered not to affect the historic character.

Both the east and west staircases are being overhauled with repairs to spindles and nosings and include the installation of P.I.R sensors. Again this is considered to be an alteration that will not affect the historic or architectural character of the original structure and is therefore supported.

### **Alterations that may affect the character of the Listed Building**

There are currently no alterations proposed that affect the character of the listed building within this application. The applicant has made a considerable effort to submit an application that will retain all of the original historic fabric that still remains in spite of inappropriate alterations carried out in the 1970's and 1980's by previous tenants.

There is the most minor of alterations which include mainly, previously altered spaces such as toilets and bathrooms. Overall, the application details a very light touch and potentially heralds the resurrection of Stouthall to parts of its former architectural glory and a use that has proven historically to suit it and the historic landscape within which it resides. The proposal is not considered to have a detrimental affect upon the listed building to which it relates and, subject to appropriately worded conditions seeking approval of type and colour of paint to be used, details and position of any soil or waste installations, and details of the proposed host station on the ground floor. The proposal is considered to satisfy Policy EV7 of the Swansea Unitary Development Plan 2008.

Turning now to the siting of the Tepee, it is acknowledged that this is a significant structure made up of three linked Tepee pods all decahedral in shape, with the first largest Tepee measuring some 10m in width and some 5m in height, with the second and third some 8m in diameter with a maximum height of some 4.4m. It is only intended to utilise two Tepee pods in the immediate future with permission for a third sought in the event that the Tepee proves popular. The choice of Tepee over other temporary event space is linked to the natural outdoor adventure ethos of the centre and in a sand colour canvas with wooden frame these natural materials also complement the packages on offer at the venue.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 4 (CONT'D)

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The Tepee structure would be sited on a grassed area south of the main Hall, set well back from the main public carriageway and completely screened by surrounding mature planting the Tepees would not be widely visible from public vantage points immediately surrounding the site, however distant views of the building are achieved from Cefn Bryn. Whilst this is noted, the Tepees are sited to the south of the main building on a grassed area enclosed by dense woodland, and given the comparative low lying nature of the Tepees, coupled with the ample screening that exists; it is not considered that the important views of this building from Cefn Bryn would be unduly affected. In terms of the impact of such a structure upon the setting of the host Listed Building, they would be used for a few short weeks in the height of the summer season principally with occasional use only outside peak season; the Tepees can be erected and dismantled in some 4 hours. The Tepees need to be dismantled regularly for maintenance purposes and will be taken down and dried regularly and will not be erected when not in use. Furthermore no concrete base or ground works are required and as such once the Tepee is dismantled the grounds and setting of the building remain unaffected. On the basis that the Tepees are temporary structures proposed for seasonal and occasional use, it is not considered that their siting will have any significant demonstrable harm upon the setting of the Listed Building to which it relates, the grounds of the Listed Building or the wider AONB and is therefore considered to accord with the provisions of Policies EV1, EV7 and EV26 of the Swansea UDP. Notwithstanding this, an appropriately worded condition ensuring seasonal use is recommended.

### **Residential amenity**

In terms of residential amenity, the application site is a remote and relatively concealed location with no immediate neighbouring residents to consider.

### **Highway safety**

The Head of Transportation and Engineering is satisfied that the site is established and there is sufficient room for parking within the site and raises no highway objections.

### **Conclusions**

In conclusion and having regard to all material considerations the proposal is considered an acceptable form of development which would not unduly impact upon the integrity of this Grade II\* Listed Building, or the wider Gower AONB. The proposal will not compromise current highway safety standards and will contribute to offering an improved range and quality of tourist accommodation while promoting opportunities for informal recreation in the countryside the scheme therefore complies with the requirements of Policies EV1, EV26, EC7, EC17, EC18 and HC26 of the Unitary Development Plan 2008 and approval is recommended.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 4 (CONT'D) APPLICATION NO. 2014/0621

### 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 Tepee hereby approved shall only be on site from Good Friday or 1st April (whichever is the earlier) to the 31st October during any one calendar year unless otherwise agreed in writing by the Local Planning Authority  
Reason: To safeguard the integrity of the host Grade II\* Listed Building.
- 3 Details of any new soil or waste routes shall be submitted to and approved in writing by the Local Planning Authority prior to installation.  
Reason: To protect the architectural and historic integrity of the listed structure.

### INFORMATIVES

- 1 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 2 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
  - Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild birdCare should be taken when working on buildings particularly during the bird nesting season March-August.
- 3 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 4 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV7, EV26, EC17, EC18 and HC26 of the Swansea Unitary Development Plan 2008.



**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM 5

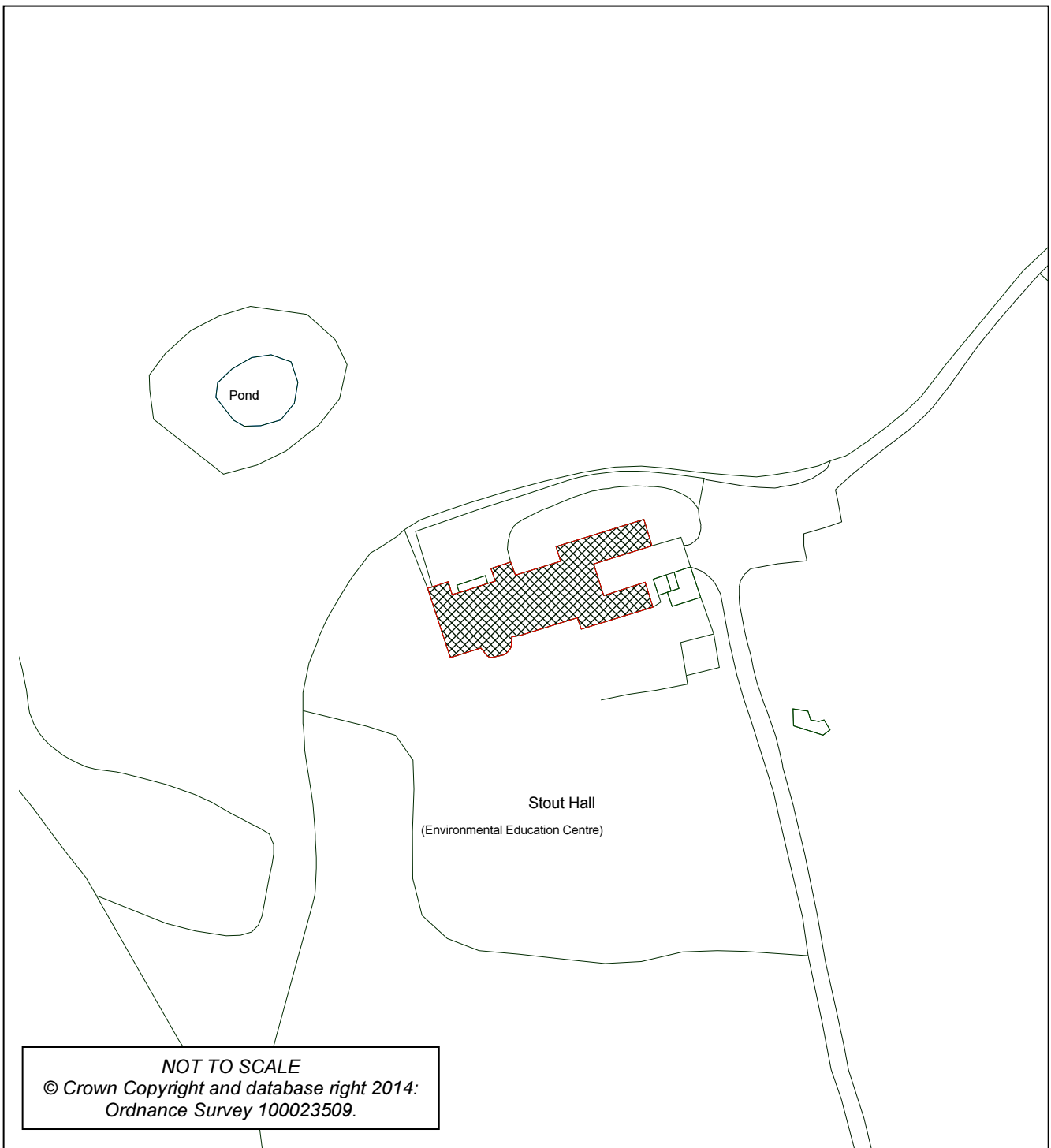
APPLICATION NO. 2014/0619

WARD: Gower  
Area 2

**Location:** Stouthall, Reynoldston, Swansea SA3 1AN

**Proposal:** Renovation of full interior including repairing walls, painting throughout, remodelling of bathrooms, demolition of partition wall, new door openings, reinstate lift, repair staircase, installation of kitchen, new chandeliers, repair bookcase and new flooring (application for Listed Building Consent)

**Applicant:** Miss Ceri Butcher



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 5 (CONT'D) APPLICATION NO. 2014/0619

### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy 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 EV7	Extensions or alterations to a Listed Building will only be approved where they safeguard the character and historic form of the building. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2008/1854	Installation of wood wool boards fixed to the internal face of the eastern elevation walls to the upper floors and installation of waterproofing system to the basement walls (application for Listed Building Consent) Decision: Grant Listed Build Consent (C) Decision Date: 27/04/2009
75/0703/03	ERECTION OF A SINGLE STOREY LUTTED CLASSROOM TO BE USED FOR EDUCATIONAL USE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 31/07/1975
84/0233/03	REBUILDING + INCORPORATION OF EXISTING BUILDING INTO PROPOSALS FOR NEW DWELLING HOUSE. Decision: *HRP - REFUSE PERMISSION Decision Date: 26/04/1984
85/1090/04	RENEWAL OF TEMPORARY PERMISSION FOR HUTTED CLASS ROOMS. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 29/08/1985
87/0799/13	LISTED BUILDING CONSENT FOR ESSENTIAL MAINTENANCE AND REPAIRS Decision: GRANT CONSENT WITH CONDITIONS Decision Date: 14/07/1987

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM	5 (CONT'D)	APPLICATION NO.	2014/0619
93/1144	CHANGE OF USE FROM STORAGE OF VEHICLES TO USE AS A DEPOT FOR RECEIPT AND DELIVERY OF AGRICULTURAL PRODUCE AND FORMATION OF NEW ACCESS TO HIGHWAY Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 08/02/1994		
94/1199	ERECTION OF OUTBUILDING FOR USE AS A TOOL STORE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 02/05/1995		
94/1385	ADDITION OF OFFICE ACCOMMODATION AND RECLADDING EXTERNAL ELEVATIONS Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 07/02/1995		
94/1396	INTERNAL REFURBISHMENT TO PROVIDE DISABLED WC AND STAIR LIFT (APPLICATION FOR LISTED BUILDING CONSENT) Decision: *HGCC - GRANT CONSENT WITH CONDITIONS Decision Date: 20/03/1995		
95/0639	ERECTION OF WORKBASE INCLUDING GROUND FLOOR WORKSHOP, STORES, OFFICES AND ANCILLARY ACCOMMODATION AND 12 NO. FIRST FLOOR BEDROOMS Decision: *HRP - REFUSE PERMISSION Decision Date: 18/08/1995		
98/0221	ERECTION OF SINGLE STOREY BUILDING FOR THE STORAGE, PACKING AND DESPATCH OF VEGETABLES (CLASS B8) Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 07/04/1998		
79/1176/03	ENLARGEMENT OF EXISTING CLASSROOM TO BE USED FOR EDUCATIONAL PURPOSES Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 25/10/1979		

### RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press as development for Listed Building Consent. No response

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 5 (CONT'D)

APPLICATION NO. 2014/0619

**The Georgian Group** - The property currently is not in use, and is at risk of falling into further neglect. We welcome that the house will be brought back into use, however, in the long term we hope a more appropriate use of the house may be found. Inappropriate features and construction should be removed at this point. The current proposals are very similar to its previous use. Whilst it offers limited conservation benefit, we are glad that it has found a use. Our main concerns regard the sitting and scale of the Giant Tipi. Thorough monitoring by the county council will be needed in order to enforce the relevant conditions on the tipi.

**Royal Commission on the Ancient and Historical Monuments of Wales** - The remit of the Royal Commission permits us to comment only on the historical significance and context of a monument or structure and on the adequacy or otherwise of the record. Stouthall is listed grade II\* for its special significance as a neo-classical villa retaining period detail dating from the 1790s and designed by the Swansea architect, William Jernegan. The house has been disused for some years and the proposals for renovation are in principle very much to be welcomed. The advice of Cadw on the repair rather than replacement of period features must be observed of course.

**Glamorgan Gwent Archaeological Trust** – The proposal will require archaeological mitigation. Standard condition recommended

### APPRAISAL

This application is reported to committee for decision and a site visit has been requested by Councillor Richard Lewis to assess the impact on the AONB.

Listed Building consent is sought to repair and renew shutters and sandstone walls, renovation of full interior including repairing walls, painting throughout, remodelling of bathrooms, demolition of partition wall, new door openings, reinstatement of lift, repair staircase, installation of kitchen, new chandeliers, repair bookcase and new flooring at Stouthall, Reynoldston Gower.

### Main Issues

The main issue to consider is whether the proposal has full regard to preserving the listed building, its setting or any feature of special architectural or historic interest, in the context of national planning policy guidance and prevailing development plan policies.

Para.70 of Welsh Office Circular 61/96 "Planning and the Historic Environment: Historic Buildings and Conservation Areas" states that applications for listed building consent should be assessed against the importance of the building in terms of its architectural and historic interest, the particular features of the building which justify its inclusion in the list, the building's setting and contribution to the local scene and the extent to which the proposal would bring benefits for the community.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0619

Policy EV7 states that any proposed extension or alteration to a listed building should have full regard to the character of the existing building, architectural or historic features which are important to the character of the building, and the historic form and structural integrity of the building. Furthermore it adds that regard will also be had to the desirability of preserving the setting of any listed building. In addition to this EV1 and EV26 of the UDP ensure the historic environment and Gower AONB is preserved from inappropriate development.

### **Background information**

Stouthall is a Georgian mansion, listed as a grade 2\* structure and set within substantial grounds. These are also scheduled as a grade 2, landscape of special historic interest in Wales. As a grade 2\* structure, it highlights the particularly important interior and is among the top 5% of listed buildings of special architectural or historic interest within the United Kingdom. The building was originally designed by William Jenergan in 1790 by the Lucas family of Gower Swansea. It is typical of Gentlemen's residence built at that time and is one of the remaining small number in the west of Swansea. The ownership changed hands as has its use, from convalescent home for military personnel, a cottage hospital and latterly, in the ownership of Merton Borough Council, a residential activity centre for school age children. The property has suffered a significant amount of physical change in this time. Much of this change has taken place prior to the building being included on the list of buildings of special architectural or historic interest. The major areas of change are the basement, first floor and second floor which have been altered to provide mass catering, bedrooms and washing facilities. The ground floor has been altered to a degree –the removal of certain room divisions and the installation of a lift which has been placed in the corner of one of the original drawing rooms. However, the library, the bookshelves within it and the secret door into the adjoining room remain largely intact.

### **External Features –**

A Neoclassical Villa of three storeys and basement, in local rubble limestone which is rendered and painted cream with low-pitched hipped slate roofs on wide bracketed eaves. Shallow Bath stone plinth in two steps. The front elevation is to the north, although the rear elevation with plainer fenestration and incorporating a full-height three window bow is the more prominent elevation seen on approach. Extensive low service buildings, also rendered and slate roofed are attached in two ranges to the east around a central yard. The front elevation is in the three units, the middle slightly advanced. There is a Doric porch of shallow projection carried on two round and two square columns; four steps rise to a pair of three panel doors with sidelights and fanlight. Above this in a recessed panel there is a tripe window and above that a Diocletian window with two large mullions.

At the flanks of the front elevation the ground storey is concealed by flat-roofed wartime additions, above which there are large web-traceried fanlights with sash windows in the upper storeys and Bath stone string courses at first floor cill level. There are basement areas to the south and west. The rear elevation has seven windows including 3 in the bow, the west elevation has three windows and the east elevation has two windows plus two blind windows. All original windows are of concealed-frame sash style with plate glass. The windows of the bow are formed on the curve and glazed in curved glass.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 5 (CONT'D) APPLICATION NO. 2014/0619

At ground floor level and in the first storey of the bow, and in the triplet over the entrance the windows contain equal sashes of two panes each, divided by single horizontal glazing bars. At first floor elsewhere they have unequal panes, with two-pane sash above a single pane sash. At second storey the openings are square and the sashes both single pane, including those in the Diocletian window. Shallow moulding and brackets are over the first storey windows of the bow and have an iron balustrade. A lead pipe centrally on the east elevation is the original pipe to supply water from the internal slopes of the roof to a domestic water cistern.

### **Internal Features –**

Entrance Hall – fine regency style handrails to stairs (part of it concealed and balustrades missing); ground floor Doric frieze, Bath stone flagging; mahogany doors; the upper part has a gallery separated by Doric columns and pilasters; moulded and enriched ceiling with central oval.

Drawing room – the south facing windows are not original and lack casings; doorways with moulded architraves to hall and library; marble fireplace with inlaid mottled panels; moulded skirting, dado and cornice

Dining room – service area at north separated by Doric columns and pilasters; white and mottled red fireplace; moulded skirting, dado and frieze; oval ceiling panel.

Library – an oval room with fitted mahogany bookcases, incorporating a concealed door to the Drawing room (the false book spines having title humorously alluding to the fact); mahogany door to hall; fireplace to east. The rich scheme of decoration on the main rooms extends to the rooms on the first floor but not to those of the second floor.

### **Consideration of whether listed building consent is required.**

The parameters of Listed Building Consent are set out in paragraphs 66 and 67 of Welsh Office Circular 61/96:

*66. Once a building is listed (or is the subject of a Building Preservation Notice) under Section 1 of the Act, Section 7 provides that consent is normally required for its demolition, in whole or in part, and for any works of alteration or extension which would affect its character as a building of special architectural or historic interest. It is a criminal offence to carry out such works without consent, which should be sought from the local planning authority.*

*67. Controls apply to works, both external and internal, that would affect a building's special interest, whether or not the particular feature concerned is specifically mentioned in the list description. Consent is required where painting or repainting the exterior or interior of a listed building would affect the building's character. Consent is not normally required for repairs, but, where repairs involve alterations which would affect the character of the listed building, consent is required. Whether repairs actually constitute alterations which require consent and whether proposed works constitute alterations or demolition is a matter of fact and degree which must be determined in each case.*

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 5 (CONT'D) APPLICATION NO. 2014/0619

*Fixtures and curtilage buildings - i.e. any object or structure which is fixed to the building, or which is within the curtilage and forms part of the land and has done so since before 1 July 1948 -are also treated as part of the building for the purposes of listed building control.*

In light of the above paragraphs, works to a listed building can typically be split into the following groups:

1. Like for like repairs which do not require listed building consent
2. Alterations which do not affect the character of the building, therefore listed building consent is not required
3. Alterations which do affect the character of the building, therefore listed building consent is required

### **Like for like repairs**

Throughout the basement it is proposed to renew existing safety floor surfaces, repair existing wall finishes with lime mortar and paint. Where skirting is missing or damaged, this will be repaired using existing profiles as reference. Existing fire doors will be repaired and repainted.

On the ground floor, all window shutters will be overhauled, the existing floor will be repaired using like for like materials, repairs to the existing walls and ceilings will be carried out using lime and painted using flat matt emulsion. The same methodology is applied to all mouldings, cornices, existing Doric columns, balconies, glass screen frames, spindles and staircase and the main entrance doors.

The library is considered to be the most historically sensitive element of Stouthall. The proposed works to this room are repairs to the existing bookcase, including specialist repair to the faux book spines. Repairs to walls include lime mortar repair and repaint with matt emulsion. The floor is to be repaired and varnished and part recovered with wool carpet. Throughout the first and second floor, the methodology of like for like repairs featuring the walls, ceiling, windows and shutters, doors, stairways and spindles is the same for the basement and ground floor.

All of the above like for like repairs are considered to be appropriate in the choice of materials and as such, listed building consent is not required for these works.

### **Alterations that do not affect the character of the listed structure**

Basement: installation of a new two way switch on the basement stair, and installation of new light fittings into existing electric connections. Neither of these is considered to have a negative impact on the original historic fabric and is therefore supported.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 5 (CONT'D) APPLICATION NO. 2014/0619

On the ground floor, a new host station is to be installed in the entrance hall. Exact details of its form are required and this can be achieved by way of condition. An existing GPO telephone box is also being removed. Whilst this is indeed considered part of the fixture and fittings of Stouthall as it is kept in place by its own weight, it is certainly not part of the original house which is Georgian. As such its removal is supported.

Also on the ground floor is the refitting of the toilets. This will involve the removal of existing but not original toilet fittings, latterly installed partitions and light fittings.

The original existing room formations will be retained and safety flooring, new wall tiling and repainting will take the place of the 1970's/1980's additions. Similarly, throughout the remaining boys and girls showers, toilets and bedrooms on the first and second floors, latterly installed sinks, W.C's and showers and associated plumbing and fittings are also being removed and replaced with new fittings.

The removal of previously installed partitions and sanitary ware is supported and the reordering of the room layouts is welcomed as a much more logical intervention.

The works that include potential new waste and soil routes will not be known until removal of the former pipes and associated kit. The details of this are required and can be dealt with by condition.

On the first floor, a tuck shop is proposed and involves a hinged counter and 4 shelves. All of this is entirely reversible and considered not to affect the historic character.

Both the east and west staircases are being overhauled with repairs to spindles and nosings and include the installation of P.I.R sensors. Again this is considered to be an alteration that will not affect the historic or architectural character of the original structure and is therefore supported.

Finally the installation on a **temporary** basis of a Tepee is not considered to affect the character of the listed building or its setting. It is therefore supported.

### **Alterations that do affect the character of the listed Building**

There are currently no alterations proposed that affect the character of the listed building within this application.

The scheme is provisionally assessed against The City and County Unitary Development Plan (adopted November 2008) Policy EV7, alteration and extension to listed buildings, also the Planning (Listed building and Conservation Areas) Act 1990 and Welsh Office Circular 61/96, Planning and the Historic Environment.

The applicant has made a considerable effort to submit an application that will retain all of the original historic fabric that still remains in spite of inappropriate alterations carried out in the 1970's and 1980's. by previous tenants. There is the most minor of alterations which include mainly, previously altered spaces such as toilets and bathrooms. Overall, the application details a very light touch and potentially heralds the resurrection of Stouthall to parts of its former architectural glory and a use that has proven historically to suit it and the historic landscape within which it resides.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 5 (CONT'D)

APPLICATION NO. 2014/0619

### Responses to Consultations

The comments received are noted and an appropriately worded condition is recommended pursuant to the comments of Glamorgan Gwent Archaeological Society, and the comments made by the Georgian Group in relation to the siting of the Tepee are controlled via an appropriately worded condition ensuring the Tepee use is seasonal under the concurrent planning application 2014/0621.

### Conclusions

In conclusion and having regard to all material considerations the proposal is considered an acceptable form of development which would not unduly impact upon the integrity of this Grade II\* Listed Building, or the wider Gower AONB. The application is supported for approval subject to conditions requiring:

1. Details of the host station on the ground floor being submitted and agreed prior to installation.
2. Details of any new soil or waste routes being submitted and agreed prior to installation
3. Details of colours and type of paint submitted prior to commencement of work on site

The proposal therefore complies with the requirements of Policies EV1, EV26, and EC7, 6 of the Unitary Development Plan 2008 and the scheme is recommended for approval subject to referral to Cadw as the building is scheduled as a grade II\* structure.

### RECOMMENDATION

#### **APPROVE, subject to the following conditions and referral to CADW;**

- 1 No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed with the local planning authority, to be carried out by a specialist acceptable to the local planning authority and in accordance with an agreed written brief and specification.  
Reason: As the building is of significance the specified records are necessary to mitigate the impact of the proposed development.
- 2 Details of the host station on the ground floor shall be submitted to and approved in writing by the Local Planning Authority prior to installation.  
Reason: To protect the architectural and historic integrity of the listed structure.
- 3 Details of any new soil or waste routes shall be submitted to and agreed in writing by the Local Planning Authority prior to installation.  
Reason: To protect the architectural and historic integrity of the listed structure.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

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- 4 Details of the colours and type of paint to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any internal painting work commencing.

Reason: To protect the architectural and historic integrity of the listed structure.

### INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV7 and EV26 of the Swansea Unitary Development Plan 2008.

### PLANS

Site location plan, block plan, CARREG.EBG.01 existing basement and ground floor plan, CARREG.EFS.01 existing first and second floor plans dated 28th April 2014. CARREG.PBG.01 proposed basement and ground floor plans, CARREG.PFS.02 proposed first and second floor plans dated 7th May 2014.

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**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM 6

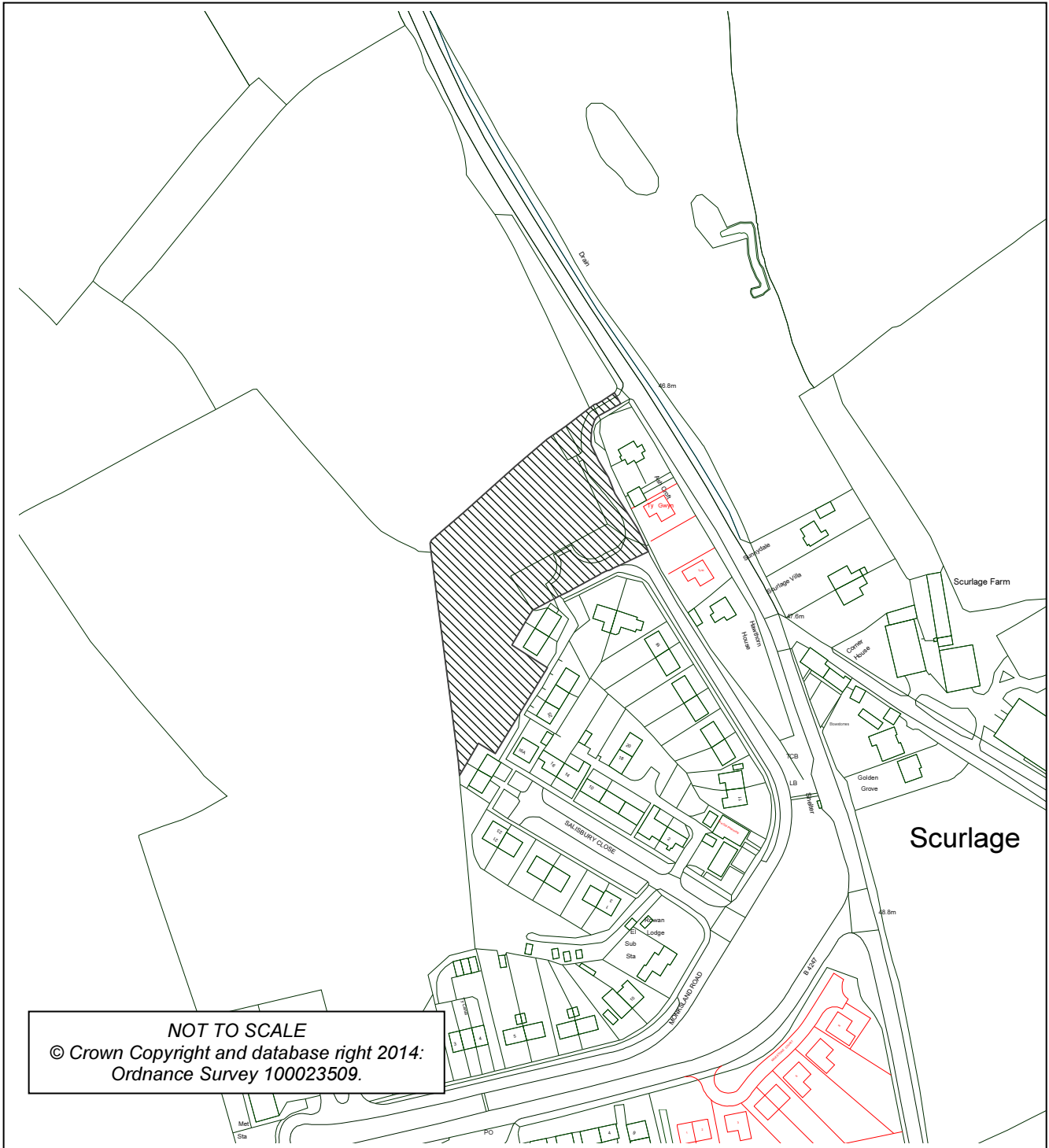
APPLICATION NO. 2014/0417

WARD: Gower  
Area 2

**Location: Land off Monksland Road, Scurlage, Gower, Swansea SA3 1AY**

**Proposal: Construction of 14 no. residential dwellings and associated works**

**Applicant: Mr Lyn Davies**



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### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy 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 EV16	Within the small villages identified on the Proposals Map, small-scale development will be approved only where it is appropriate to the location in terms of the defined criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EV18	In exceptional circumstance permission maybe granted for the development of small local needs affordable housing sites within and adjoining settlements. (City & County of Swansea Unitary Development Plan 2008)
Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)

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Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)		
Policy HC17	The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)		
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)		
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)		

### SITE HISTORY

App No.	Proposal
75/1599/03	ERECTION OF 135 DWELLINGS AND ONE SHOP Decision: Withdraw Decision Date: 25/08/1976

### RESPONSE TO CONSULTATIONS:

**Neighbours:** The application was advertised on site in the form of a site notice and in the press as a departure from the provisions of the Development Plan. In addition to this 11 properties were individually consulted. 11 LETTERS OF OBJECTION were received which raised the following issues:

1. Overdevelopment.
2. Drainage.
3. Lack of amenities.
4. Vehicular traffic.
5. Contrary to the provisions of the Development Plan.
6. Sewerage concerns.
7. Congestion.
8. No provision for affordable housing.
9. Lack parking.
10. Concern that housing would not be allocated to local people.
11. Development would put a strain on local amenities and facilities.
12. Flooding.
13. Inaccuracies and discrepancies with the submission.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

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14. Concern that the dwellings will become holiday homes.
15. No work in Gower for residents of these proposed houses.
16. Proposal does not conform to minimum highway standards.
17. Loss of privacy.
18. Development fails to comply with Councils separation distances.
19. This development will tilt the balance of Scurlage towards social housing.
20. Unacceptable impact on character and appearance of the area.
21. Lack of rear amenity space for future occupiers.
22. Garden areas below minimum standards.
23. No need demonstrated for affordable dwellings provided.
24. Access road etc not to adoptable standards.
25. Parking spaces are not wide enough.
26. Properties are too small.
27. Roof design not in accordance with the Gower AONB Design Guide.
28. Scheme fails to comply with Gower Design Guide.
29. Concern over loss of natural wildlife and habitats.
30. Too much hardstanding proposed.
31. Lack of public transport to serve the development.
32. Lack of natural surveillance.
33. Inconvenience for neighbours during construction.
34. Noise and air pollution.
35. Inadequate private amenity space.

**Welsh Water/Dwr Cymru:** No objection subject to conditions and informatives.

Glamorgan Gwent Archaeological Trust: Scurlage and the surrounding area over the last few years has produced thousands of worked flint implements, ranging in date from the Mesolithic period to the later Bronze Age, which approximates to 8,000 years. The area is clearly of great importance; although as yet no structures relating to settlement have been located in the area, the concentration of the amount of flints and the range of tool types and ages shows that it was a centre utilising what may be material deposited by the retreat of the ice sheets during the period approximately 10,000 years BC. However, archaeological evaluation nearby has shown limited evidence for this. As the application area is within the known areas of flints, towards the northern known extent, which in the main have been found by walking ploughed areas, it is possible that such material may be found during the proposed works.

The area is also within the Registered Historic Landscape of West Gower, within character area HLCA040 Scurlage and Berry, characterised as: Post-medieval/medieval agricultural landscape and former manorial centres (Scurlage Castle - secular; Berry - monastic): post-medieval semi-regular fieldscape; shrunken medieval/post-medieval clustered settlement of Scurlage Castle and linear settlement of Berry; relict and buried archaeology; limestone extraction and processing. The development will be of residential nature within a residential setting and of a scale not inappropriate and it is our opinion that the proposals will not require an Assessment of the Impact of a Development on a Historic Landscape; however, Cadw should be consulted as to their opinion.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

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It is therefore our opinion as the archaeological advisors to your Members that we recommend a condition for an archaeological watching brief to be attached to any consent granted in respect of the current application. This recommendation is made following the advice given in Welsh Office Circular 60/96, Section 22.

**The Coal Authority:** No Comment.

**Drainage Officer:** We have reviewed the application as submitted and based on the information contained therein must recommend that the application be withdrawn or deferred.

The application has failed to demonstrate a sustainable and viable means of draining the site in accordance with TAN15, all planning applications submitted must include a Drainage Strategy appropriate to the size and nature of the development.

We acknowledge we have had some discussions with the applicant's consultants however we have not agreed any strategy as of yet. Our last discussions involved looking at discharging all surface water arising as a result of the development to the local watercourse network at the greenfield rate of run off and with the permission of the riparian landowner, who has not been identified. This application indicates that soakaways are proposed to use to drain this site however we understand from the pre application discussions this is not a recommend solution due to the risk of dissolution features forming.

Further comments - We have reviewed the application and the additional information and find it acceptable, therefore we recommend no objections subject to conditions.

**Pollution Control:** No objection subject to conditions.

The Gower Society: We refer to the above application and supporting documents that we have studied closely and we have the following comments to make:

1. As a Housing Association Development we expect that:
  - The houses will remain within the Associations ownership in perpetuity.
  - Wherever possible the houses will only be available for local people from Gower.
  - Under no circumstances must any house be allowed to become second home or be sub let for holiday purposes.
2. The sewerage system and treatment works at Fairy Hill is already overloaded and Welsh Water must be satisfied that there network will accept the additional demand along with the recent eight new dwellings in the Sports Field and additional loading from the Gower Holiday Village.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

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3. The dry stone walling as shown does not indicate the type of stone to be used. It is essential that a none vernacular construction is not allowed or built, as at the North Gower Hotel Whitford View site. The stonework there is entirely unsatisfactory. It is also pointed out that the drawing does not reflect the local style either because a cock and hen capping cannot be achieved in this way with the local limestone. We would also have thought that a concrete block wall with a faced rubble limestone finish and a rendered and wet dashed finish on the inside would have achieved all that is required in this location.

Following concerns expressed by the Councils Urban Design and Highways Officers amended plans were submitted in order to address these concerns. All previous consults were carried out and the following responses were received:

**Neighbours:** No letters of response received.

**Gower Society:** Original comments still apply.

### Highways:

#### 1 Background

1.1 This proposal is for the erection of 14 new dwellings on land at the end of Monksland Road, Scurlage. In terms of the number of dwellings, this is a relatively small development and does not qualify for needing a formal transport assessment.

1.2 Monksland Road currently terminates at a turning head and it is intended to continue the road onwards in the form of a shared surface road to access a new turning head at the end of the development. A further Access in the form of a shared private drive will serve 5 of the new dwellings.

#### 2 Traffic Impact

2.1 Monksland Road varies in width and is approximately 4.5m wide on the approach to the site. Most estate roads are 5.5m wide and this access therefore is below that standard. On street parking by residents does create some congestion and often cars are seen to be parked straddling the kerb.

2.2 Monksland Road currently serves in the region of 52 dwellings along its length and in Salisbury Close, more recently consent was granted for additional dwellings near to this application site.

2.3 Comparison with national data for residential traffic, it is estimated that the development would likely generate 8 two-way movements in each peak hour. This would be made up of 5 movements out and 3 movements in during the morning peak and the reverse in the afternoon peak. I consider this to be a low number of traffic movements unlikely to have any detrimental impact.

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### 3 Access Alterations

3.1 In order to extend Monksland Road to serve the site, the existing turning head will be removed and this will necessitate stopping up of that part of the highway no longer required. The applicant will need to apply to Welsh Government under recognised procedures for this aspect.

3.2 Monksland Road will be widened from the bend just before the turning head to 5.5m wide in order to satisfactorily accommodate movements and more easily allow for on-street parking in that vicinity. The new extension of the road will then go on at a standard width of 5.5m, albeit that this will be a shared surface which is an option recommended in current guidelines. The road is intended to be offered for adoption.

3.3 From the bend previously referred to, Monksland Road enters into a lane which joins onto the main A4118. This lane is currently unrestricted and is part of the highway network, so provides an alternative for vehicles leaving Monksland Road. The lane is currently unmade and of uneven surface and the applicant will be required to improve this by resurfacing the lane to avoid any further deterioration through any additional use that might be brought about by the new development. This will also be of benefit to existing users.

### 4 Parking

4.1 Parking is provided within each plot in accordance with adopted parking standards. Each two bedroom property has two spaces and the three bedroom properties located off the shared private drive have access to three parking spaces. The third space in each case can be used for visitor parking or to assist turning. As all access roads within the development are to be 5.5m wide, on street parking for visitors is also available whereas on the existing estate this is far more difficult due to the narrower road.

### 5 Conclusion and Recommendation

5.1 Additional traffic movements will be generated by this development, however the number of movements associated with the erection of 14 dwellings is quite small and in itself unlikely to result in unacceptable safety implications. Improvements to the road and access are proposed at the development site and parking is being provided in accordance with adopted standards.

5.2 I recommend no highway objection subject to the following;

- i. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

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- ii. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- iii. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
- iv. No work shall commence on that part of the site which requires the highway to be stopped up until the stopping up procedure has been completed. (current turning head).
- v. No soakaway shall be sited with 5m of any adopted highway.
- vi. The site shall not be brought into beneficial use until the lane connecting Monksland Road with the A4118 to the east of the site has been resurfaced in accordance with details to be agreed. (Note this is work to the existing highway which will need to be secured through a Section 278 Agreement and undertaken by the Highway Authority at the expense of the developer).
- vii. Notwithstanding the submitted plans, the service strip opposite plots 7 and 8, shall be repositioned to follow the realigned kerb line.

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

Pollution Control: I have no additional conditions to attach. My main concern related to the construction activities and colleagues have responded regarding drainage etc.

### **APPRAISAL:**

This application is reported to Committee for decision as a Departure from the provisions of the Development Plan and at the request of Councillor Richard Lewis in order to assess the intensity of the development upon the visual amenities of the area.

### **Description**

Full planning permission is sought for the erection of 14 semi-detached two storey properties at land off Monksland Road, Surlage. The proposal will also involve the creation of a new access to serve the properties. The site currently forms part of the countryside which surrounds the designated named settlement of Surlage which is situated within the heart of the Gower AONB.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

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### Main Issues

The main issues for consideration during the determination of this application relate to the principle of development at this location and any subsequent planning obligations and the resultant impact of development upon the visual amenities of the area and the wider Gower AONB, the residential amenities of the neighbouring properties, highway safety, drainage and ecology having regard for the provisions of the City and County of Swansea Unitary Development Plan 2008 (UDP) and the Supplementary Planning Guidance documents entitled 'Gower AONB Design Guide', 'Planning Obligations' and 'Residential Design Guide'.

### Principle of Development

The site is situated outside the village, on the periphery of Scurlage and the proposal would result in the rounding off of the northern end of the village. The site forms part of larger parcel of land which was identified in the previously extant Swansea Local Plan Review No1 for affordable housing. Whilst Policy EV16 allows for small scale development within named settlements such as Scurlage, this policy alone would not render the proposal acceptable in principle. However when read in conjunction with Policy EV18 – Local Needs Affordable Housing and in particular Amplification 1.6.9, this acknowledges that Scurlage has the potential to provide local needs affordable housing on land adjacent to the Health Centre.

Having consulted the Director of Regeneration and Housing, it is acknowledged that there is a high demand for affordable housing in the Gower area and as a consequence there is support for bringing forward this site for affordable housing as a departure from the provisions of the Development Plan. It would be a requirement however that the affordable housing units would be flexible to meet the tenure requirement at occupation (i.e tenure neutral). All affordable housing units would have to be DQR compliant.

In terms of sustainability the site is situated adjacent to the identified small village of Scurlage along a main bus route to Swansea and is within close proximity to the local school and other community facilities and as such the future residents would not be solely reliant on private car as a method of transport.

Therefore given the identified need for affordable housing in the area subject to the proposal satisfactorily addressing issues relating to ecology, residential amenity, visual amenity, ecology, drainage and highway safety the principle of local need affordable housing at this location is considered acceptable in this instance and the release of this land as a departure from Policy EV16 is supported in principle.

Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990, and these provisions should be fairly and reasonably related in scale and kind to the individual development. It is noted that the Council has adopted Supplementary Planning Guidance on S106 negotiations in March 2010. As referred to above the Housing Service supports the provision of local need affordable housing at this site and any successful scheme would be subject to a Section 106 agreement which would retain these affordable units in perpetuity.

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In terms of any other likely planning obligations with the proposed development, in light of the fact that the site will be for 100% affordable housing and the drainage costs associated with the redevelopment of the site it is considered too onerous to request any further Section 106 obligations for this site.

It is recommended, however, that the Section 106 Agreement will specifically require the occupiers to strictly adhere to the set criteria identified below:

- Applicants who are resident within the area who have been resident for a continuous period of at least 5 years immediately before making an application

or

- Applicants who have been resident within the area for any period of (or periods totalling) 7 years or more within the previous 10 years immediately before making an application,

or

- Applicants who were previously resident in the area and who have an immediate family member(s) currently resident in the area and where the immediate family member(s) have been resident within the area for a continuous period of at least 10 years immediately before the housing application was made and intend to remain. "Immediate family" means a parent or parents, a child or children, or a sibling or siblings."
- Applicants who currently live in the area needing separate accommodation, for example married couples and people living in tied accommodation on retirement.
- Applicants who work either full-time, or, part-time within the area. Part-time in this case is defined as being a minimum of 10 hours each week.
- Applicants who need to move into the area to take up full or part-time employment (a minimum of 10 hours per week) within the area.
- Applicants who need to move to the area to enable them to either give or receive support to or from an immediate family member. "Immediate family" means a parent or parents, a child or children, or a sibling or siblings or other relationships where a genuine need to give or receive support is demonstrated to the satisfaction of the City & County of Swansea.

In the event that none of the above can be met by the applicants, the Authority may consider individuals from surrounding areas, communities that border the area. This will be defined on a site by site basis if necessary.

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### Character and appearance of the area

The site comprises of a roughly L-shaped parcel of land abutting the northern edge of the small village of Scurlage. The site is accessed via Monksland Road which comes off the western side of the main A4118 road running roughly north – south through the village. Monksland Road serves as the main access road for the majority of the village providing either direct frontage access to dwellings or access via secondary roads coming off this. To the east the application site incorporates land which directly abuts the northernmost part of this road. To the north and west the site backs onto open agricultural fields. Due to its L-Shaped form the southern boundary of the site is staggered and backs onto the rear of existing one and two storey dwellings in its western part and is bounded by an existing turning head coming off Monksland Road in its eastern part.

The village of Scurlage comprises of a mixture of detached and semi-detached dwellings as well as a few instances of short rows of terraced dwellings. The majority of dwellings are 2 storeys in nature although there are some bungalows. The dwellings are traditional in character and form and predominantly comprise of pitched roof properties with roofs running parallel to the road. The majority of dwellings have chimneys. Front boundaries along Monksland Road comprise of a low red brick wall whilst boundaries to the properties fronting onto Salisbury Close comprise of a mixture of stone, blockwork, wooden fencing and open boundary treatments.

The application proposes the construction of 14 no. 2 storey dwellings as well as associated access, landscaping, parking and other external works. The site measures approximately 0.5 ha and the scheme would have a density of 28 dwellings per hectare. The density is considered necessary in order to fully utilise the sites accessibility potential and the provision of a large area of open space for residents will provide a high level of environmental quality for residents.

The development comprise of seven pairs of semi-detached dwellings finished in render with a traditional pitched roof, pitched roof porches faced in stone and rendered chimneys. The scheme comprise of 2 bed/4person and 3 bed/5 person house types. Given the limited opportunities for vehicle connections around the site the access takes the form of two short cul-de-sacs terminating at turning heads. Pedestrian connections are provided within the site. Parking for the dwellings is predominantly in the form of side drives with some instances of orthogonally orientated bays abutting the access road. It is proposed that the boundary between the road edge and the houses is to be finished with a 1200mm natural dry stone boundary wall with cock and hen capping. A green open space area is proposed to the eastern most boundary of the site.

### Layout

The site presents a strong building line parallel to the western and northern edges of the site which creates a sense of legibility and strong building line. Critically the revised scheme ensures plot 1, 2, 3, 4, 5 and 6 overlook the areas of public realm which helps improve natural surveillance whilst also improving the outlook from these properties. Furthermore the removal of visitor parking and re-siting of properties has helped create a large informal area of public open space which helps improve the visual appearance of the proposal.



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Where possible the proposal incorporates areas of front garden space which helps improve the setting and relate to its rural context through the provision of low lying front boundary walls, which helps soften and personalise the public realm.

The proposed roadway will be treated as a shared home zone surface which helps it form part of the communal public realm.

### Garden and Amenity Space

The scheme proposes some variety in garden sizes which helps create a more informal layout appropriate to its rural setting. However it is noted that whilst plots 1, 2, 3, 4, 5, 6, 7 and 14 have amenity spaces well in excess of the minimum standards required by the Supplementary Planning Guidance documents entitled 'Residential Design Guide', Plots 8, 9, 10, 11, 12 and 13 only just about meet the minimum requirements set out within this guide. It is noted that garden depth with units 7-14 are reduced by the hedge which is being retained. This hedge is an important ecological habitat and visual landscape feature which softens the relationship of the development with the wider countryside. If considered acceptable a condition is considered necessary in order to ensure the hedge is retained and further details required for its long term management.

In order to address the minimal area of rear amenity space for the properties a large area of public open space is proposed which will provide an area for recreation for the future residents.

### House Types

The proposed scale and form of the proposed houses are considered to be appropriate to their Gower context and take reference from the simple form and detailing of traditional pitched roof Gower houses within Gower as defined within the Gower AONB Design Guide. The rough cast render and riven edge slates are welcomed, as are the clipped eaves and mucked eaves. This is a welcome approach in general given that the development is for a Housing Association.

The revised scheme incorporates one house type which will match the appearance of traditional semi-detached dwellings in the locality and the wider Gower area. The proposed natural stone porches are considered proportionate to the size, scale and design of the proposed dwellings and as such are appropriate to the Gower vernacular. In addition to this the porches incorporate a timber lintel which is welcome.

The primary elevations of the proposed dwellings incorporate a pattern of fenestration with vertical windows which is supported and helps create a more harmonious elevation. The meter cupboards are located in the side elevations off the drives, away from the prominent front elevations which helps reduce visual clutter.

The proposed natural dry stone boundary walls are welcomed to provide character to the scheme and to enhance the nature of the Gower location. The exact source of the natural stone and detailing will need to be conditioned.

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As such it is considered that the proposal responds to the character of its rural setting and incorporates Gower vernacular in accordance with the Gower AONB Design Guide. Therefore the proposal is considered to respect the visual amenities of the area and the wider Gower AONB and whilst not fully in accordance with the provisions of Policy EV16 of the Swansea UDP the scheme is considered to comply with the provisions of Policies EV1, EV2, EV18, EV22 and EV26 of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Gower AONB Design Guide'.

### Residential Amenity

Turning to the impact of the proposal upon residential amenity, it is considered that ground floor overlooking will be mitigated via the proposed boundary treatment and furthermore the majority of side ground floor windows will mainly overlook the parking bays which will improve natural surveillance. It is considered that plots 2, 3, 4, 5, 6, 7 and 8 are all sited a significant distance from the boundaries with the adjoining neighbouring properties and as such these units will not impinge upon the residential amenities of these neighbouring properties by virtue of overbearing, overshadowing or overlooking.

In terms of the impact on one another, plots 2, 3, 4, and 5 are staggered in terms of their relationship with one another and as such the flank facing 1st floor habitable room windows will not directly overlook private amenity space or into adjacent habitable room windows to unacceptable degree. Again plots 7-8 and 9-10 are staggered and will have an acceptable relationship with one another and will not result in unacceptable overlooking. Plots 9-10, 11-12 and 13-14 however will run parallel with one another and will have 1st floor flank windows which will overlook into the adjacent rooms. Furthermore Plot 14's gable facing 1st floor windows would be within 10m from the boundary with the neighbouring property and as such a condition recommended requiring these secondary bedroom windows to be obscurely glazed and fixed shut in order to mitigate unacceptable overlooking.

The primary front and rear windows of Plot 1 will overlook the rear amenity space of the proposed dwelling and the area of public open space. Ground floor overlooking will be mitigated via an agreed boundary treatment and the east facing windows which overlook Ash Croft and the adjacent property are in-excess of 14m from the curtilage of these properties which is considered a sufficient distance from these properties in order to mitigate any potential unacceptable overlooking. As such Plot 1 is considered to respect the residential amenities of the neighbouring properties and will not result in unacceptable overbearing, overshadowing or overlooking.

The rear windows of Plots 9, 10, 11, 12, 13 and 14 will overlook the private amenity space of the proposed dwellings and as such these will raise no issues relating to overlooking. Plots 9, 10, 11, 12, 13 and 14 are all sited a minimum of 12m from the boundaries with the adjoining properties which is considered a sufficient distance in order to ensure there will not be unacceptable overbearing, overshadowing or overlooking which could warrant the refusal of this application.

Therefore subject to conditions, it is considered that the proposed development would have an acceptable impact upon the residential amenities of the neighbouring properties in compliance with Policies EV1 and EV18 of the Swansea UDP.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

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### Highways

Having consulted the Head of Transportation and Engineering it is acknowledged that Monksland Road currently terminates at a turning head and the proposal will continue the road onwards in the form of a shared surface road to access a new turning head at the end of the development. A further access in the form of a shared private drive will serve 5 of the new dwellings.

Monksland Road varies in width and is approximately 4.5m wide on the approach to the site. Most estate roads are 5.5m wide and this access therefore is below that standard. On street parking by residents does create some congestion and often cars are seen to be parked straddling the kerb. Monksland Road currently serves in the region of 52 dwellings along its length and in Salisbury Close, more recently consent was granted for additional dwellings near to this application site.

Comparison with national data for residential traffic, it is estimated that the development would likely generate 8 two-way movements in each peak hour. This would be made up of 5 movements out and 3 movements in during the morning peak and the reverse in the afternoon peak. It is considered that this is a low number of traffic movements which is unlikely to have any detrimental impact.

In order to extend Monksland Road to serve the site, the existing turning head will be removed and this will necessitate stopping up of that part of the highway no longer required. The applicant will need to apply to Welsh Government under recognised procedures for this aspect.

Monksland Road will be widened from the bend just before the turning head to 5.5m wide in order to satisfactorily accommodate movements and more easily allow for on-street parking in that vicinity. The new extension of the road will then go on at a standard width of 5.5m, albeit that this will be a shared surface which is an option recommended in current guidelines. The road is intended to be offered for adoption.

From the bend previously referred to, Monksland Road enters into a lane which joins onto the main A4118. This lane is currently unrestricted and is part of the highway network, so provides an alternative for vehicles leaving Monksland Road. The lane is currently unmade and of uneven surface and the applicant will be required to improve this by resurfacing the lane to avoid any further deterioration through any additional use that might be brought about by the new development. This will also be of benefit to existing users.

Parking is provided within each plot in accordance with adopted parking standards. Each two bedroom property has two spaces and the three bedroom properties located off the shared private drive have access to three parking spaces. The third space in each case can be used for visitor parking or to assist turning. As all access roads within the development are to be 5.5m wide, on street parking for visitors is also available whereas on the existing estate this is far more difficult due to the narrower road.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 6 (CONT'D)

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Additional traffic movements will be generated by this development, however the number of movements associated with the erection of 14 dwellings is quite small and in itself unlikely to result in unacceptable safety implications. Improvements to the road and access are proposed at the development site and parking is being provided in accordance with adopted standards.

Therefore there are no highway objections subject to conditions and the proposal is considered to respect highway safety and provide sufficient car parking in compliance with Policies EV1, EV3, AS1 and AS6 of the Swansea UDP.

### Drainage

The applicant commissioned a drainage consultant to conduct permeability testing on the application site. Furthermore a CCTV drain survey was carried out on a collapsed pipe feeding into the existing soakaway located on the site. The submitted evidence suggests that the site is capable of accommodating soakaways and having consulted the Councils Drainage Officer there is no objection to the positive determination of this application subject to appropriately worded planning conditions. Therefore the proposal is considered to comply with the provisions of Policies EV33 and EV35 of the Swansea UDP.

### Ecology

Having consulted the Councils Ecologist to assess the submitted ecological survey in support of this application, it is considered that subject to a condition protecting the future retention of the hedgerows on site the proposal will have an acceptable impact on ecology and biodiversity in compliance with Policy EV2 of the Swansea UDP.

### Response to Consultations

Notwithstanding the above, 11 letters of objection and 15 letters of comment were received which raised concerns relating to the impact of the proposal upon residential amenity, visual amenity, principle of development, drainage, ecology, highway safety, parking, congestion, impact on Gower AONB, type of affordable housing, compliance with Policy and Gower AONB Design Guide. The material issues pertaining to which have been addressed above.

Concern was raised that the properties would be used as holiday lets. The dwellings are local need affordable housing which will be ensured in perpetuity via a Section 106 Agreement.

Concern has been raised regarding inaccuracies with the applicants submission, however it is considered that sufficient information has been provided by the applicant in order to enable the Local Planning Authority to reach a decision on this proposal.

In addition to this concern has been raised with respect inconvenience associated with the construction of the development. This is a temporary measure and will not be a long term issue associated with this development.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

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### Conclusion

Therefore subject to the signing of a Section 106 obligation restricting the housing availability to low cost purchase or rent, and for the retention of the housing in the long term as low cost housing to meet local needs and appropriately worded conditions it is considered that the development of this small site adjoining the settlement of Scurlage would fulfil a proven local need within the locality. Furthermore the proposal in terms of its design, form, elevational treatment, detailing and use of materials is considered to be sympathetic to the character of the village. The proposal is identified as countryside and would not result in the loss of land of important recreational, natural heritage or amenity value. The submitted information that the scale of the development would be in accord with the character of the area and that the site would be developed without giving rise to an unacceptable impact upon the residential amenities of the neighbouring properties, drainage, ecology and highway safety in compliance with the provisions of Policies EV1, EV2, EV3, EV18, EV22, EV23, EV33, EV34, EV35, HC17, AS2 and AS1 of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Planning Obligations' and as such is recommended for approval as a Departure from the provisions of Policy EV16 of the Swansea UDP.

### **RECOMMENDATION**

**The application be referred to DEVELOPMENT MANAGEMENT & CONTROL COMMITTEE with a recommendation that it be APPROVED ad a departure from the provisions of the Development Plan subject to the following conditions and to the developer entering into a Section 106 Obligation in respect of the provision of 100% affordable housing which should be DQR compliant:**

### **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. Prior to the commencement of the stonework on site, a sample panel showing the stonework shall be submitted to and/or constructed on site and approved by the Local Planning Authority in writing. The boundary walls and pillars shall be implemented in accordance with the approved details.
- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Classes A and E of Part 1 of Schedule 2 shall not apply.  
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 3 Samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.  
Reason: In the interests of visual amenity.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

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- 4 The first floor window(s) in the side elevations of plots 9, 10, 11, 12, 13 and 14 as indicated on the approved plans shall be obscurely glazed and unopenable below a height of 1.7m from internal floor level, and shall be retained as such at all times unless otherwise agreed in writing with the Local Planning Authority.
- Reason: To safeguard the privacy of the occupiers of neighbouring residential properties.
- 
- 5 Prior to the commencement of construction works on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the LPA. The CPMP is to include the following:
- a) Construction programme and timetable
  - b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
  - c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
  - d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
  - e) Proposed working hours;
  - f) Principal Contractor details, which will include a nominated contact for complaints;
  - g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
  - h) Details of on site dust mitigation measures having regard to BPM;
  - i) Details of on site noise mitigation measures having regard to BPM;
  - j) Details of waste management arrangements (including any proposed crushing/screening operations); and
  - k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.
- Reason: To ensure minimal nuisance impact on local residents/businesses from construction activities.
- 
- 6 The hedgerows on the northern and western boundaries of the site shall be retained in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Should any part die or be damaged during the course of development, replacement planting shall be undertaken in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.
- Reason: Permission is granted having regard to the present screening and boundary planting in existence, the retention of which will ensure a satisfactory visual appearance.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

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- 7 Prior to the commencement of the stonework on site, a sample panel of the stonework shall be submitted to and/or constructed on site and approved by the Local Planning Authority in writing. The boundary walls and pillars shall be implemented in accordance with the approved details.  
Reason: In the interests of visual amenity.
- 8 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].  
Reason: In the interest of highway safety.
- 9 No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.  
Reason: In the interest of highway safety.
- 10 Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.  
Reason: In the interest of highway safety.
- 11 No work shall commence on that part of the site which requires the highway to be stopped up until the stopping up procedure has been completed.  
Reason: In the interest of highway safety.
- 12 No soakaway shall be sited within 5m of any adopted highway.  
Reason: In the interest of highway safety.
- 13 The site shall not be brought into beneficial use until the lane connecting Monksland Road with the A4118 to the east of the site has been resurfaced in accordance with details to be agreed. (Note this is work to the existing highway which will need to be secured through a Section 278 Agreement and undertaken by the Highway Authority at the expense of the developer).  
Reason: In the interest of highway safety.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

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- 14 Notwithstanding the submitted plans, the service strip opposite plots 7 and 8, shall be repositioned to follow the realigned kerb line in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.  
Reason: In the interest of highway safety.
- 15 Prior to the commencement of work on site the results of the soakaway tests shall be submitted to and carried out in strict accordance with BRE Digest 365 or the equivalent CIRIA document. Any surface water drainage system must be designed to accommodate the 1 in100 year critical storm including an appropriate allowance for climate change unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that an appropriately designed surface water management system is implemented so as to avoid creating surface water flood risk to the development itself and adjacent third parties.
- 16 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.
- 17 The dwelling(s) shall be constructed to achieve a minimum of Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category "Ene1 - Dwelling Emission Rate" in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (November 2010 - Version 3). The development shall be carried out entirely in accordance with the approved assessment and certification.  
Reason: In the interests of sustainability.
- 18 The construction of the dwelling(s) hereby permitted and any external works shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).  
Reason: In the interests of sustainability.



**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM          6 (CONT'D)                                  APPLICATION NO.          2014/0417

19          Prior to the occupation of the dwelling(s) hereby permitted, a Code for Sustainable Homes "Final certificate" shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).

Reason: In the interests of sustainability.

20          Prior to the commencement of construction works on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the LPA. The CPMP is to include the following:

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

Note:    items g - j inclusive need to take particular account of the potential for statutory nuisance arising from site related activities [see Informatives].

Note: If, during the writing of the CPM, any specific issue needs to be discussed/clarified the applicant should contact the Pollution Control Division, Housing and Public Protection Service, Rm 401 Guildhall SA1 4PE 01792 635600

Reason: To ensure minimal nuisance impact on local residents/businesses from construction activities.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 6 (CONT'D) APPLICATION NO. 2014/0417

21 The proposed landscaping shall be carried out using the native species which are identified in the Extended Phase 1 Habitat and Species Assessment by Just Mammals Consultancy unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and biodiversity.

### 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, EV16, EV22, EV26, EV33, EV35, EV18, HC17, AS1, 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 1 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.

The Local Authority has the power to impose the specified hours by service of an enforcement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

2 Smoke/ Burning of materials

No burning of any material to be undertaken on site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

3 Dust Control:

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk ] recommendations

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

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

5 Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

No surface water shall be allowed to connect either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

Land drainage run-off shall not be permitted to discharge, either directly or indirectly into the public sewerage system.

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

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal you should contact them on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

Welsh Government introduced the Welsh Ministers Standards on the 1st October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Developer Services Section of our website - [www.dwrcymru.com](http://www.dwrcymru.com)

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 6 (CONT'D) APPLICATION NO. 2014/0417

5 Further information on the Welsh Ministers Standards Can be found on the Welsh  
CTD Government website - [www.wales.gov.uk](http://www.wales.gov.uk)

### Sewage Treatment

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

### Water Supply

No problems are envisaged with the provision of water supply for this development.

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under sections 40-41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

Our response is based on the information provided by our application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

6 Birds may be present. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

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

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

## PLANS

3335/PA/001 location plan, 3335/PA/002 A existing topographical survey, 3335/PA/005 boundary & external works details, 3335/PA/006 porch details dated 19th March, Geotechnical and Geo-environmental report, Soakaways (2), 18443/01 - Existing Site Survey Plan, 18443/04 Rev A site cross/long section, 3335/SK/002 - Existing topographical survey, Drintech Survey dated 28th March 2014, 3335/PA/004 REV B - Floor Plans and Elevations, 18443/03 REV B - Autotrack Swept Plans dated 5th June 2014 and 18443/02 Rev F- Proposed Engineering Site Plan, 3335/PA/003 REV H - Proposed Site Plan dated 7th July 2014.

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**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM 7

APPLICATION NO. 2011/1546

WARD: Newton  
Area 2

**Location:** Land adjacent to 34 Southward Lane, Newton, Swansea, SA3 4QD

**Proposal:** Detached dwelling

**Applicant:** Mr & Mrs B Johnson



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 7 (CONT'D) APPLICATION NO. 2011/1546

### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
Policy EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy HC2	Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, loss of residential amenity, adverse effect on the character and appearance of the area, loss of urban green space, harm to highway safety, adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)
Policy 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>
2010/1271	One detached dwelling with integral garage Decision: Refuse Decision Date: 17/11/2010
86/0252/01	ERECTION OF SHOP UNIT + LIVING ACCOMMODATION. Decision: *HRP - REFUSE PERMISSION Decision Date: 06/05/1986

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 7 (CONT'D)

APPLICATION NO.

2011/1546

### RESPONSE TO CONSULTATIONS:

#### ORIGINAL SCHEME

The application was advertised on site and the local press as a development within the Newton Conservation Area and six individual properties were consulted.

THREE LETTERS OF OBJECTION were received which are summarised as follows:

1. The new design is even closer to my property and gives an even more oppressive, domineering and overbearing appearance over my new property.
2. The proposed design does not, in any way, fit in or complement the existing properties.
3. The section details do not correspond to the siting and correct elevations of my property
4. The property will have views over the complete west elevation of my house and our private outdoor space and the full height windows will overlook the front and rear areas of my property.
5. The proposed development will result in an oppressive, domineering and overbearing development
6. The land is contaminated with Japanese Knotweed.
7. We are not opposed to modern design but it would not have a positive contribution to area's character or appearance.
8. It will be extremely conspicuous from Underhill Park and Newton Road.
9. Give the visual impression of overintensification of land use due to footprint to land ratio.
10. This plot acts as a natural break in the overall form of the settlement. EV1 and Section 72 of the Listed Buildings and Conservation Areas Act 1990 supports the view that open and green spaces enhance and are an essential and important part of the character and appearance of the Conservation Area.
11. The site is historically important as it is known as composers view as it is said to have inspired the composer Dr Daniel Jones OBE who lived at no.53
12. The site is a registered geocache site. Geocache is a high tech internationally played treasure hunt game.
13. The elimination of the open green area will spoil the general street scene and landscape.
14. An additional driveway on this section of Southward Lane will pose a significant threat to road safety.
15. The house does not resemble a house at all, is wholly out of place and could be considered an eyesore.

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

**Highways:** This proposal for a new dwelling will require direct access onto Southward Lane. There are numerous properties with direct access onto this road and the indicated layout accommodates 3 parking spaces and turning facilities within the site. Safe access and egress is therefore possible.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 7 (CONT'D) APPLICATION NO. 2011/1546

No highway objection subject to the construction of a vehicular crossing to Highway Authority Specification.

Note: The Developer must contact the Team Leader - Highways Management, City and County of Swansea (Highways), Penllergaer Offices c/o Civic Centre, Swansea, SA1 3SN (Tel 01792 636091) before carrying out any work.

### AMENDED SCHEME

The application was advertised on site and ten individual properties were consulted. FOUR LETTERS OF OBJECTION which re-iterate previous objection and ONE LETTER OF SUPPORT have been received. The letter of support is summarised as follows:

1. This is an exciting and innovative design takes into account the contours of the land and its general surroundings.
2. The design has made strenuous efforts to be as unobtrusive as possible on this infill site.
3. Having a building in this unused land will enhance the security and privacy of the surrounding houses.

**Highways observations** - The revised layout indicates a much tighter forecourt and parking area. However, details of vehicle tracking have been submitted (autotrack) which confirm that vehicles will be able to enter and leave the parking area in forward gear.

I am satisfied that safety is not unduly compromised by the layout. No highway objection subject to the construction of a vehicular crossing to Highway Authority Specification.

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

### APPRAISAL:

#### Description

This application is reported to Committee for decision and a site visit has been requested by Councillor Miles Thomas to assess concerns with regard to impact upon visual and residential amenity and highway safety.

Full planning permission is sought for one detached dwelling with integral garage at land adjacent to No 34 Southward Lane, Newton, Swansea. The land falls steeply away from the highway and forms the garden area of No 34 Southward Lane, within both the established residential area of Newton and the Newton Conservation Area.

The dwelling would consist of 4 layers of accommodation that follows the slope of the land. The pavilion style accommodation at road level would consist of an entrance lobby and parking and turning area with three floors of living accommodation below which includes three en-suite bedrooms.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 7 (CONT'D)

APPLICATION NO. 2011/1546

The entrance lobby would measure approximately 5m x 12m and have a modest 3m high flat roof. Each floor below would have an approximate depth of between 7m and 9m and have an approximate width of between 11m and 14m. Each storey is off-set to each other which provides an unusual layout and design. External materials would consist of glass with vertical timber batten brise soleil appearance, natural stone retaining walls and grass roofs. 1.2m high railings are proposed to replace the existing front boundary treatment onto Southward Lane. The proposed materials would consist of natural stone, white render with the use of timber battens, curtain walling, Corten steel and green roofs, which will also form the external amenity space.

The design of the dwelling house in its current form has been the subject of protracted negotiations between the applicant and Local Planning Authority. The scheme has also been considered by the Design Commission for Wales, for which they were broadly supportive of the very modern stance taken to build on this difficult site within the Conservation Area. They made some suggestions for minor changes to the scheme which included a pavilion style entrance lobby, which has now been included in the scheme.

### Issues

The main issues for consideration with regard the determination of this application are whether the scheme:

- Relates appropriately to its local context in terms of scale, height, massing, elevational treatment, materials and detailing layout, form, mix and density,
- Integrates effectively with adjacent spaces and the public realm to create good quality townscape,
- Does not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements
- Preserves or enhances the character or appearance of the Conservation Area,
- Is acceptable in terms of highway safety, access and the Councils parking requirements,
- Has an acceptable impact on the ecology of the area,
- Impact upon the protected trees.

Regard must be given to Policies EV1, EV2, EV3, EV9, EV30, and HC2 of the City and County of Swansea's Unitary Development Plan 2008 (UDP). There are not considered to be any overriding issues for consideration under the provisions of the Human Rights Act.

### Visual Amenity

Policy EV1 of the UDP is an 'all embracing' policy which amongst other things seeks to ensure that new development is appropriate to its local context and have regard to the setting of any listed building. Policy EV2 on the other hand requires new development to have regard to the physical character and topography of the site and its surroundings and have regard to existing features including buildings, trees and hedgerows and the historic environment.

Policy HC2 of the UDP supports proposals for housing development within the urban area provided that amongst other things the proposal does not have a significant adverse effect on the character and appearance of the area.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 7 (CONT'D)

APPLICATION NO. 2011/1546

The site is situated within the Newton Conservation Area and as such under Policy EV9 new development must preserve or enhance the character and appearance of the area.

Policy EV30 of the UDP encourages the protection of trees and hedgerows where they are important for their visual amenity.

The site comprises the residential curtilage of No 34 Southward Lane, which incorporates a number of mature trees that are subject to Tree Preservation Orders. The site lies in the Newton Conservation Area and forms the backdrop to an important public vantage point through the Conservation Area to the coast. The area around the site comprises a variety of houses of different size, age and style. This variety is reflected in the Conservation Area note:

*“...the special character of Newton comprises the mixed use core of the village, its narrow streets fronted by picturesque natural stone boundary walls and many excellent terraced cottages. This interspersed with some fine individual buildings and beautiful mature trees.”*

This part of the Conservation Area comprises a mixture of large two storey detached dwellings of a variety of styles and design, semi-detached dwellings, terraced properties and to the immediate south of the site three large detached modern vernacular dwellings which are of limited architectural merit.

Given the variety of dwellings within the street it is not considered that a dwelling of this highly unusual and individual siting, scale and design would have an unacceptable impact upon the built form or the character and appearance of the Conservation Area. The design proposes to minimise the visual impact of the development through breaking up of the mass of the dwelling into a series of boxes with timber battens comprising the main sections of the façade. The materials proposed also helps the scheme to nestle into the landform with limited visual impact and, it is considered, that this contemporary approach is appropriate to the context of the site.

However, it is considered that this gap acts as an important visual break in the overall form of the settlement and represents an intrinsic part of the special character and form of this Conservation Area. Furthermore, it is considered that this site, situated on the eastern side of the road, not only adds to the attractive setting of the area, but also allows important views through to the village below and sea. With this very much in mind, the design of the dwelling is such that the majority of the built form is below road level with only a small amount of built form at road level which incorporates an entrance hall and a covered car parking area. Views from Southward Lane towards the sea would still be achieved. The pavilion entrance design has been arrived at after the scheme was put to the Design Commission for Wales who then suggested that instead of the whole dwelling being below road level, an entrance area or top floor pavilion at road level should be provided and “could be seen from the street demonstrating that the site is occupied and providing a more direct entrance to the house”.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 7 (CONT'D)

APPLICATION NO. 2011/1546

Previous plans indicated the construction of a front stone boundary wall which was strongly welcomed by the Conservation Officer: *“the stone boundary wall proposed along the back edge of the pavement at street level is strongly welcomed as stone walls are highlighted as being an important element in the overall character of the conservation area. This would replace a low set of railings which have become overgrown with vegetation and which are not characteristic of the conservation area. It will be important to ensure that the correct stone is used to relate the scheme to the context. The final stone selection and the stonework coursing will need to be controlled by means of a sample panel condition”*. However, this stone walling detail has been replaced on the current plans with 1.2m high railings. In light of this, it is recommended that a condition be imposed to require the applicant to reinstate this aspect of the scheme in place of the proposed railings. The proposed external materials also include the use of Corten steel for the pavilion structure at road level. However, it is considered that the use of this material for the whole of the structure would give a hard and abrasive appearance to the dwelling/street entrance element of the scheme, given the prevalence of white and soft pastel coloured render of the surrounding dwellings. It is considered therefore that the use of Corten steel should be limited to the flat roof, vertical supporting beams and horizontal car barrier beam of the pavilion structure only. An appropriately worded condition is therefore also recommended.

### Residential Amenity

Turning to the impact upon residential amenities it is considered that given the proposed dwelling is set in from the boundaries of the neighbouring properties and it is set down at a much lower level from the main road, it will not prove unacceptably overbearing or overshadowing upon the residential amenities of No's 34, 32, 55 or 53 Southward Lane nor the dwelling to the east at no.8 Newton Villas.

Turning to overlooking, it is considered that the separation distances between the proposed dwelling and the properties opposite (No's 53 and 55 Southward Lane) coupled with the dwelling being sited below road level will ensure that there would be no undue impact in terms of loss of privacy. With regard the impact upon Nos. 32 and 34 Southward Lane, there are no windows in either side elevations facing these properties and as such the proposal will not result in any undue impact upon their residential amenities through loss of privacy or direct overlooking. The design of the dwelling with its staggered height also ensures that there would be no undue impact in terms of loss of light or overshadowing.

A new dwelling has been constructed to the rear of the plot and is known as No. 8 Newton Villas. It is acknowledged that there is much glazing on the rear elevations facing this property, but the separation distances are such that they comply with the minimum distances between dwellings to prevent undue direct overlooking and loss of privacy. In addition, it is proposed that external timber battens are erected outside all three lower ground level windows which allows light into the rooms but also restricts full views out towards No.8. It should also be noted that there is already a degree of overlooking of No.8 Newton Villas from this existing garden area as well as from the rear terrace of No.7 Newton Villas and Southward Lane itself.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 7 (CONT'D)

APPLICATION NO. 2011/1546

It is not considered therefore that the proposal would unduly exacerbate an already unacceptable situation with overlooking at this location to an extent that would warrant or sustain a recommendation of refusal on this particular issue alone. The proposal is therefore considered to comply with the overall requirements of Policies EV2 and HC2 of the UDP 2008

### Trees

The Councils Tree Officer raised concerns about the impact of the originally submitted scheme on the important protected tree on the boundary with No.34 at the north western corner of the site. The current scheme now shows the removal of just over 2% of part of the roots of the tree in the north eastern section of the site. Section 5.4 of the "Report on trees in relation to construction" submitted as part of the overall proposal states that "a breach of this amount is unlikely to have any significant long terms effects on this tree." In addition, this arboricultural report submitted also shows that great care will be taken to ensure no unnecessary damage to the tree with specialist foundations being used as well as protective fences and the laying out of a construction exclusion zone. The Councils Tree Officer has therefore raised no further objections.

### Highway Safety

The Head of Transportation and Engineering raises no highway objection as the submitted plans indicate that cars can enter and leave the site in a forward gear.

### Response to Consultations

Notwithstanding the above, letters of objection were received which raised concerns relating to visual impact, residential amenity, highway safety, stability of the highway, TPO's and the principle of development in light of the Policies with the UDP, the material issues pertaining to which have been addressed above in the main body of the report.

### Conclusion

In conclusion it is considered that the proposed development would have an positive and enhancing impact upon the character and appearance of the Conservation Area and would not unduly impact upon the residential amenities of either the neighbouring properties or future occupiers of the dwelling. As such the proposal is considered to comply with the overall requirements of Policies EV1, EV2, EV3, EV9 and HC2 of the City and County of Swansea's Unitary Development Plan 2008 and approval is therefore recommended.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 7 (CONT'D) APPLICATION NO. 2011/1546

### RECOMMENDATION

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Parts 1 and 2 of Schedule 2 of Article 3 shall not apply.  
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 3 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.
- 4 Unless otherwise agreed in writing by the Local Planning Authority, the dwelling(s) shall be constructed to achieve a minimum of Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category "Ene1 - Dwelling Emission Rate" in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (November 2010 - Version 3). The development shall be carried out entirely in accordance with the approved assessment and certification.  
Reason: In the interests of sustainability.
- 5 Unless otherwise agreed in writing by the Local Planning Authority, the construction of the dwelling(s) hereby permitted and any external works shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).  
Reason: In the interests of sustainability.
- 6 Unless otherwise agreed in writing by the Local Planning Authority, prior to the occupation of the dwelling(s) hereby permitted, a Code for Sustainable Homes "Final certificate" shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).  
Reason: In the interests of sustainability.

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

- | ITEM | 7 (CONT'D) | APPLICATION NO. | 2011/1546 |
|------|------------|-----------------|-----------|
|------|------------|-----------------|-----------|
- 
- 7 Foul water and surface water discharges shall be drained separately from the site.  
Reason: To protect the integrity of the Public Sewerage System.
- 8 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
- 9 Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.  
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.
- 10 Samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.  
Reason: In the interests of visual amenity.
- 11 Notwithstanding the details shown in the approved plans, unless otherwise agreed in writing by the Local Planning Authority, details at the scale of 1:5 of the following shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced.  
" Typical window in its opening  
" Door details  
The development shall be carried out in accordance with the agreed details.  
Reason: In the interests of visual amenity within the Conservation Area
- 12 Notwithstanding the details shown in the approved plans, unless otherwise agreed by the Local Planning Authority, all details of external ventilation and rainwater goods shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The development shall be carried out in accordance with the agreed details.  
Reason: In the interest of visual amenity within the Conservation Area.
- 13 Notwithstanding the details on the submitted plans, the front boundary railings shall be replaced by a stone boundary wall, details of which shall be submitted to an approved in writing by the Local Planning Authority prior to the commencement of works.  
Reason: In the interest of visual amenity within the Conservation Area

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

- | ITEM | 7 (CONT'D)  | APPLICATION NO. | 2011/1546 |
|------|---|-----------------|-----------|
| 14   | <p>A sample panel of the stonework shall be erected on site for final approval by the Local Planning Authority prior to the works commencing on the building of the front boundary wall.</p> <p>Reason: In the interest of visual amenity within the Conservation Area</p>  |                 |           |
| 15   | <p>Notwithstanding the details on the plans hereby approved, the use of Corten steel shall be restricted to the roof of the pavilion entrance, the vertical supporting beams and the horizontal car barrier. Details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.</p> <p>Reason: In the interest of visual amenity within the Conservation Area</p> |                 |           |
| 16   | <p>The tree protection measures as indicated in the "Report on trees in relation to construction" ref:TW1051/2 submitted on 20th May 2014 shall be implemented unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: For the avoidance of doubt and to ensure the TPO trees on site are protected during construction.</p>   |                 |           |

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application:EV1, EV2, HC2, EV9, AS6.

### PLANS

45/10 site survey, tree location plan received 10th November 2011. Amended plans BBA 471.p.01-site location plan, BBA 471.P.05 A-2 floor plan, BBA 471.P.06-A 3 floor plan, BBA 471. 10B street scene received 19th February 2014, BBA 471.P.02D- site plan, BBA 471.P.03D -ground floor plan, BBA 471.P.04-D floor plan, P.07 C-sections, P.08 D -West elevation, BBA 471.P.09 D -side elevations, BBA 471.P11, arboricultural report TW1051/2 dated 20th May 2014.

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**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM 8

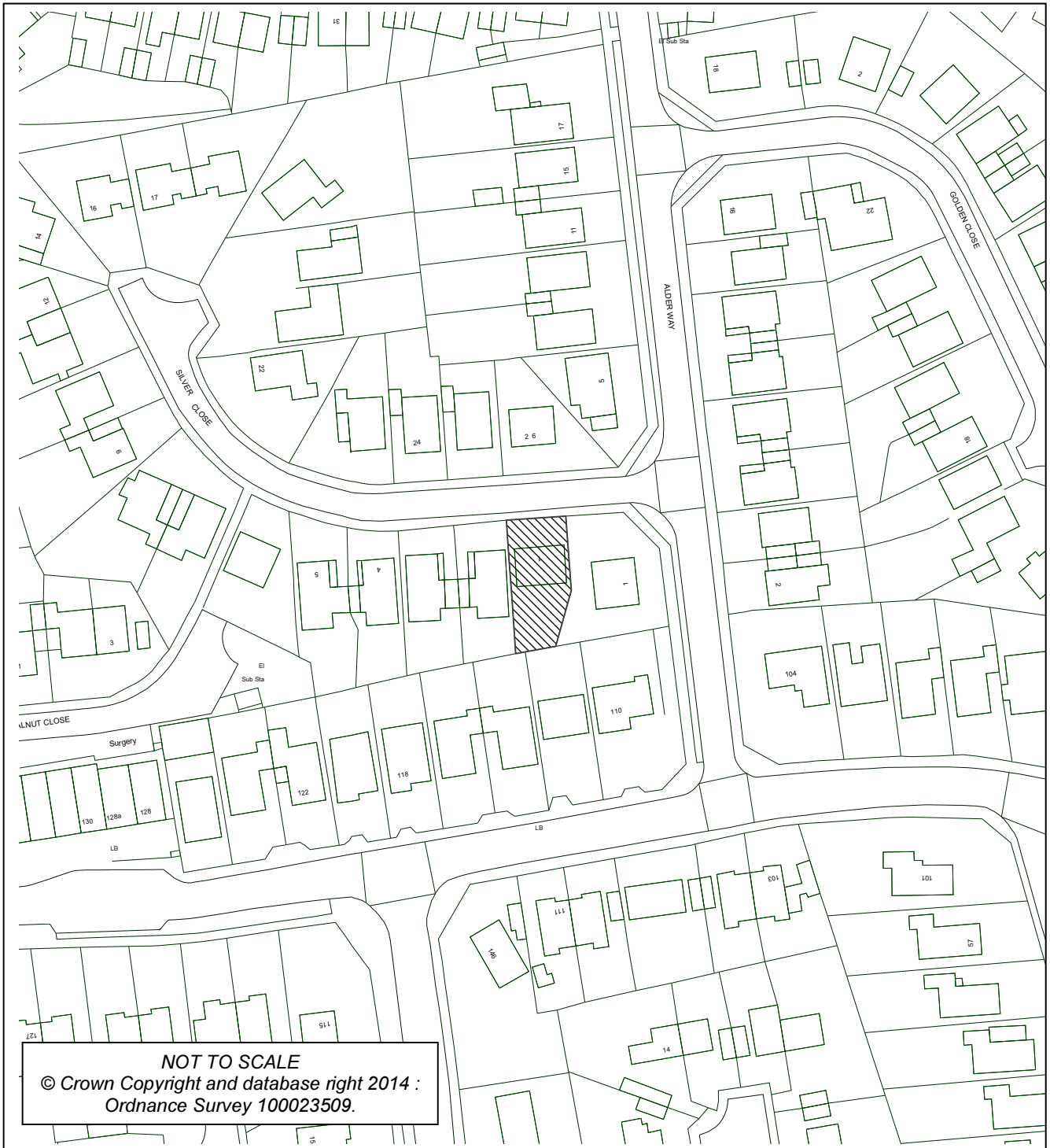
APPLICATION NO. 2014/0507

WARD: West Cross  
Area 2

**Location: 1 Silver Close, West Cross, Swansea SA3 5PQ**

**Proposal: Retention of front boundary wall/fence and increased land level of rear garden by 0.4m**

**Applicant: Mr Kazim Ismail**





## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 8 (CONT'D)

APPLICATION NO. 2014/0507

### **BACKGROUND INFORMATION**

This application was DEFERRED at Area 2 Committee on 1<sup>st</sup> July 2014 for a SITE VISIT to assess the impact upon the area.

### **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 assessed 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)

### **SITE HISTORY**

None

### **RESPONSE TO CONSULTATIONS**

The neighbouring occupants at No. 2 Silver Close, No. 1 Alder Way and Nos. 112 and 114 West Cross Lane were sent letters of consultation on 9<sup>th</sup> April 2014. THREE LETTERS OF OBJECTION have been received which are summarised below:

- The rear wall has removed light from neighbouring properties
- The contractors have removed fencing and have caused damage to the original boundary wall at No. 1 Alder Way.
- The foundations of the rear are not sufficient
- The wall to the rear may be dangerous in years to come

**Mumbles Community Council** have responded with an Objection to the proposal. They have stated that No. 26 Silver Close has an identical wall without planning permission.

### **Highway Observations**

The Head of Transportation and Engineering was sent a letter of consultation on 9<sup>th</sup> April 2014 and responded with the following comments:

*Parking provision is unaffected by the proposed boundary alterations. I recommend no highway objection.*

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 8 (CONT'D)

APPLICATION NO. 2014/0507

### APPRAISAL

This application is reported to Committee for decision and a site visit has been requested by Councillor Des Thomas in order to assess the impact of the proposal on neighbouring properties and the surrounding street scene.

The application seeks full planning permission for the retention of a front boundary wall/fence and the increase in land level of the rear garden by 0.4 metres at No. 1 Silver Close, West Cross. The front boundary wall measures approximately 0.9 metres in height with a fence above measuring approximately 1.8 metres in total height. The pillars will measure approximately 2 metres in height.

The primary issues in the consideration of this application relate to the impact of the proposed development on residential and visual amenity, having regard to Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan 2008. The application is also considered with regard to the Council's Supplementary Planning Guidance (SPG) document entitled 'A Design Guide for Householder Development'. There are no overriding issues with regard to the Human Rights Act.

The application property is situated on a prominent plot at the entrance to Silver Close; the wall with fencing above is therefore highly visible from public vantage points. The boundary treatments along Silver Close are characterised by low brick walls and hedges which do not rise above approximately 1 metre in height. The wall with fencing above is considered to have a detrimental impact on the character and appearance of the streetscene.

The wall with fencing above due to its height and appearance is considered to be unacceptable especially given that this form of development does not form the prevailing character of the area. As such it does not comply with the provisions of the Design Guide for Householder Development which states that 'frontage boundary treatments should match the height, materials and type of properties on either side'.

Whilst it is noted that the property opposite, at No. 26 Silver Way, has a similar wall with fencing above; this has not been granted planning permission and does not represent the prevailing character of the area. The development is therefore considered to be unacceptable at this location and is contrary to Policies EV1 and HC7 of the Unitary Development Plan and the Design Guide for Householder Development.

The raising of the land level to the rear is not considered to have a detrimental impact on the character and appearance of the host dwelling, given the relatively minor increase.

The raising of the land level of the rear of the property is not considered to have an adverse impact on the residential amenity of any adjoining neighbour by virtue of any overlooking, overbearing or overshadowing impact. The land levels at this location are such that the application property is at a higher level than those along West Cross Lane and Alder Way. Therefore it is not considered that the raising of the rear garden by 0.4 metres has created an unacceptable level of overlooking, overbearing or overshadowing over and above that which is already experienced.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 8 (CONT'D)

APPLICATION NO. 2014/0507

With regard to the objections received, issues relating to the design have been assessed in the report above. Issues relating to disruption and the construction of the boundary treatment are not material to the consideration of this application.

With regard to Highway Safety, no highway objections have been raised.

In conclusion it is considered that the retention of the existing front boundary wall with fencing above represents an unacceptable form of development by virtue of its impact on the appearance and character of the street scene and the surrounding area. Therefore the retention of the front wall with fencing above is contrary to Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan 2008 and the SPG 'A Design Guide for Householder Development'.

### RECOMMENDATION

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

- 1 The wall with fence above by virtue of its siting, height and design is out of keeping with the character and appearance of existing boundary treatments in this area and detrimental to the character and appearance of the streetscene along Silver Close, contrary to Policies EV1 and HC7 of the Unitary Development Plan and the Supplementary Planning Guidance document 'A Design Guide for Householder Development'.

### 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 and HC7

### PLANS

Site plan, block plan, side elevation, front and rear elevations dated 2nd April 2014.

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**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM 9

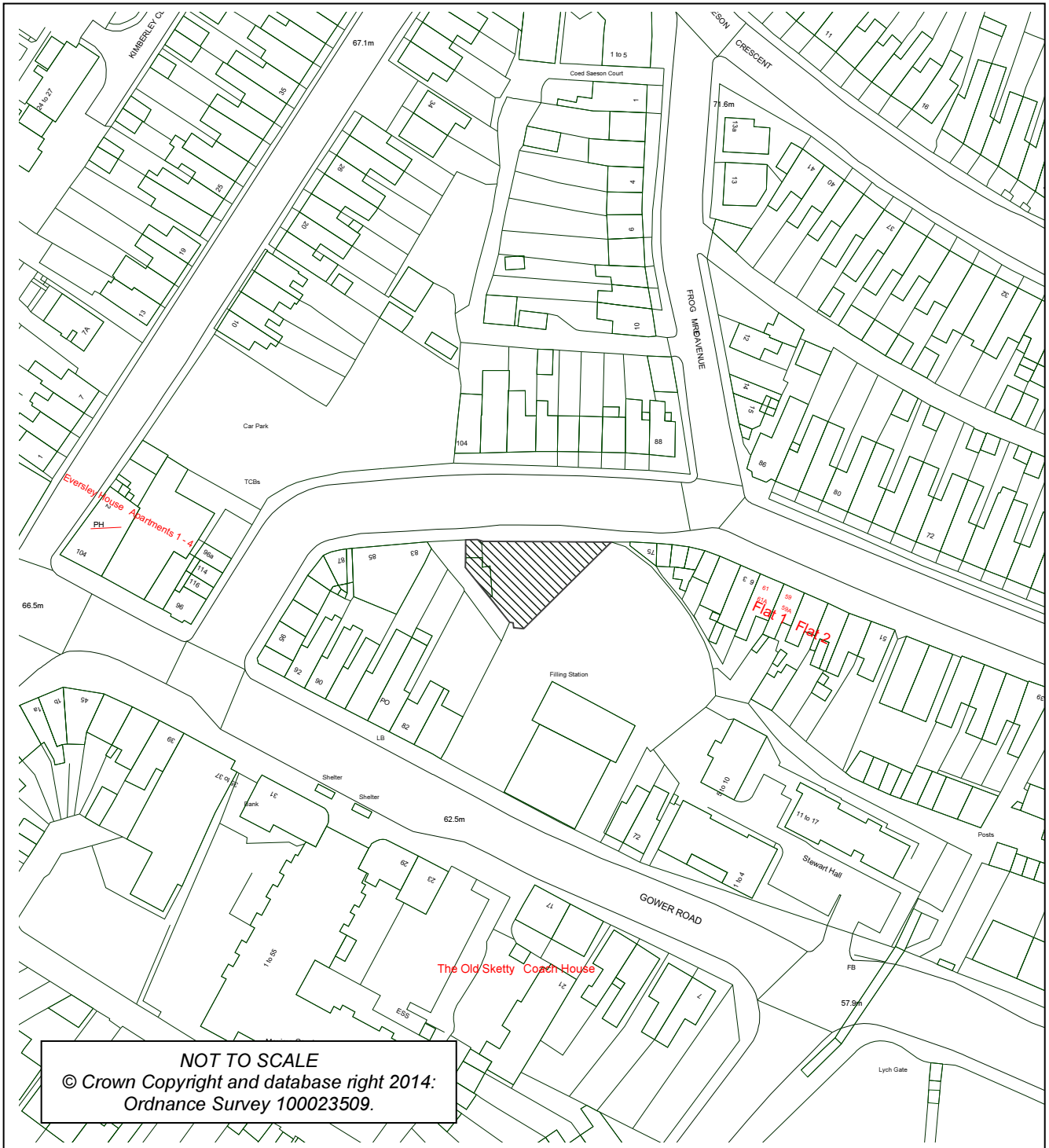
APPLICATION NO. 2014/0571

WARD: Sketty  
Area 2

**Location:** Former petrol station, Eversley Road, Sketty, Swansea, SA2 9DF

**Proposal:** Change of use from vacant petrol filling station to a hand car wash and valet and installation of covered canopy area

**Applicant:** Mr Darbaz Rasheed Mohammed



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 9 (CONT'D)

APPLICATION NO. 2014/0571

### **BACKGROUND INFORMATION**

This application was DEFERRED by Councillors at the Area 2 Committee held on the 1<sup>st</sup> July 2014 for a site visit in order to assess the impact of the proposal upon parking and highway safety.

### **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 EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
Policy 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 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 EV40	Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 9 (CONT'D) APPLICATION NO. 2014/0571

Policy ECNR Proposals for non retail uses at ground floor level within shopping centres will be assessed against defined criteria, including their relationship to other existing or approved non retail uses; their effect upon the primary retail function of the centre; the proposed shop front and window display; the time the unit has been marketed for A1 uses, and its likelihood of continuing to be vacant; its location in relation to the primary shopping area; and its impact upon the vitality, viability and attractiveness of the centre. (City & County of Swansea Unitary Development Plan 2008)

Policy AS1 Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)

Policy AS6 Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

App No.	Proposal
2004/1169	Retention and completion of detached lock up storage garage Decision: Grant Permission Unconditional Decision Date: 05/08/2004

### RESPONSE TO CONSULTATIONS

**Neighbours:** The application was advertised on site in the form of a site notice and all adjoining neighbouring properties were individually consulted and 18 LETTERS OF OBJECTION and 3 LETTERS OF COMMENT were received which are summarised below:

1. Water pollution.
2. Traffic issues.
3. Lack of parking.
4. Opening hour concern.
5. Concern over empty fuel tanks below.
6. Chemical issue.
7. Proposal to use this site as a taxi rank has been rejected. Why?
8. Proposal will result in noise and air pollution.
9. Highway safety concerns.
10. Proposal will discourage shoppers.
11. Application site should be a car park.

In addition to this one letter of support was received as the re-use of this vacant site is welcomed. Furthermore the proposal will attract footfall into the District Centre.

**Dwr Cymru/Welsh Water:** No objections subject to conditions/informatives

**Trading Standards:** From our records the fuel tanks were filled with RG22 foam on 5th September 2001 rendering them safe.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 9 (CONT'D)

APPLICATION NO.

2014/0571

**Highways:** This site is a former petrol filling station and as such could re-open for that use at any time. This aspect of the fall-back position must be taken into account as a material factor in considering the current proposal to change the use of the site to a car wash facility. As a petrol filling station the site would generate car use, with no control over the number of vehicles using the site and in situations where fuel is competitively priced, can lead to congestion on forecourts and consequent queuing back onto the highway. Petrol filling stations also attract commercial vehicles for refuelling and tankers to deliver fuel to the site.

The current proposal to provide a car wash facility is also one which attracts vehicles, although commercial vehicles are unlikely to visit the site. Every vehicle needs fuel, although not every vehicle will visit a car wash facility. Where such facilities exist, such as on Gower Road, issues can arise and in addition to water run-off from the site initially, at busy periods delay on entering the site can occur with vehicles waiting on Gower Road which causes obstruction to through traffic.

The layout plan submitted as part of this proposal indicates a one-way system of entry and exit utilising the established access points. Access is intended from the eastern point and exit via the western point. This would ensure that no conflict occurs between entering and exiting vehicles. Parking on the site is indicated for 9 vehicles. Although not specific, it would appear that the layout is providing 4 car wash spaces, 2 valeting spaces and a further 3 for waiting customers or staff parking. In addition to the bays, there is a customer waiting area and store room.

The impact of a car wash facility will vary depending on location and how well the facility is run. On the main distributor road system this is more critical although issues can arise at any location. In order to object to a development, clear evidence must be available to support an objection and it is unclear in this instance as each site is unique and its impact will vary. Whilst concerns can be identified, there is no clear evidence that such concerns will materialise and to what extent. On balance therefore I consider that the way to determine the effect of this proposal would be to monitor it during use. I would therefore recommend that consent should be granted for a temporary period, with strict conditions so that any adverse impact can be minimised and in the event that any unacceptable impact does occur, this can be taken into consideration if and when renewal is applied for.

No highway objection subject to the following;

1. Consent shall be granted for a temporary period of one year.
2. The site shall not be brought into beneficial use until a detailed site management plan has been submitted and approved.
3. No more than 9 vehicles shall be present at the site at any one time.
4. Parking bays for 9 vehicles shall be marked out on site prior to beneficial use commencing.
5. The applicant shall ensure that no water from the site shall flow out on to the highway.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 9 (CONT'D) APPLICATION NO. 2014/0571

6. Signing shall be erected on site in accordance with details to be submitted and approved.

Signs shall include;  
Entry and Exit signing  
'No queuing on the Highway' sign at the access point.

**National Resource Wales:** Natural Resources Wales has no objection to this proposal providing the following issues are addressed through the implementation of appropriate planning conditions and/or obligations.

### Drainage

With regards to drainage from the site we would recommend that the site operators obtain drainage plans to ensure that all drainage is treated appropriately. All drainage from the car wash should either be re-circulated or discharged to the foul sewer.

Any trade effluent from vehicle washes or similar processes that include detergents or degreasers must connect to main foul sewer. The applicant should be made aware that an authorisation for discharge to the main public sewer will be required from Dwr Cymru/Welsh Water.

Detergents and vehicle washings, including steam cleaning, should not be allowed to discharge into the surface water drainage system as this may have outfalls to the environment and could cause pollution. Furthermore, such discharges should not be discharged via any petrol interceptors as the detergents will render the interceptor ineffective.

To ensure that all surface water is directed to the appropriate drainage system, the infrastructure of the vehicle washing area should be suitably designed, for example to include a fall to encourage effective drainage and a kerbed perimeter to prevent water escaping from the site.

### Storage of fuels/oils/detergents

Given the proposed nature of the new activity it is likely that hazardous substances such as detergents/oils etc. will be stored on site. These have the potential to cause pollution through spills or leaks. Containers (full and empty) must be stored appropriately to prevent accidental damage (for example through vehicle collisions or vandalism) and to limit loss of product in the event of a spill or leak by using a secondary containment system.

The following condition is recommended.

### Condition

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 9 (CONT'D) APPLICATION NO. 2014/0571

Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

### Reason

To prevent pollution of the water environment.

Pollution prevention guidance can be found in the following Pollution Prevention Guidelines (PPGs), which we recommend the applicant refer to:

PPG 3 - Use and Design of Oil Separators in Surface Water Drainage Systems

PPG 13 - High Pressure Water and Steam Cleaners

PPG 26 - Storage and Handling of Drums and Intermediate Bulk Containers

PPG 27 - Installation, Decommissioning and Removal of Underground Storage Tanks

Pollution Control: Can we condition the hours as follows:

Monday-Friday 08.00-18.00

Saturday 08.00-17.00

Sunday 10.00-16.00

## APPRAISAL

This application is reported to Committee for decision at the request of Councillor Mike Day to assess the impact on the area.

### Description

Full planning permission is sought for the change of use from the vacant petrol filling station to a hand car wash and valet and for installation of a covered canopy area at the former petrol station, Eversley Road, Sketty.

The site has been derelict for a number of years since the closure of the petrol station and the application seeks to bring this vacant plot back into economic use.

### Main Issues

The main issues for consideration during the determination of an application such as this relates to the principle of this form of development at this location and the resultant impact of the new business upon the visual amenities of the area, the residential amenities of neighbouring properties, highway safety, drainage and any environmental implications having regard for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'District Centres, Local Centres and Community Facilities'.

### Principle of Development

The site is situated within the urban area as identified under the provisions of the Swansea UDP Proposals Map and also falling within Sketty District Centre under the Supplementary Planning Guidance document entitled District Centres, Local Centres and Community Facilities.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 9 (CONT'D)

APPLICATION NO. 2014/0571

The proposal will replace a former non-retail use with another non-retail use. The business will operate during daytime hours and could attract additional footfall into the District Centre and have a positive impact on the vitality and viability of the centre. Given its brownfield nature the principle of a car wash at this location is considered acceptable in this instance subject to compliance with other Policies within the UDP.

### Impact upon the character of the area

Given the limited scale of the proposal, its former garage use and the dilapidated nature of the site, it is not considered that the scheme will have an unacceptable impact upon the visual amenities of the area which could warrant the refusal of this application.

### Residential Amenities

The proposal will not give rise to unacceptable overlooking, overbearing or overshadowing impacts. Furthermore, given the nature of the lawful use and level of activity associated with a garage it is considered that the new use would be compatible with the existing uses associated with the site and as such would have an acceptable impact upon the residential amenities of the neighbouring properties

### Pollution Implications

Having consulted the Councils Pollution Control section there is no objection from a pollution perspective to the proposed use subject to a condition restricting hours of operation. Therefore the proposal is considered to respect the principles of Policies EV1 and EV40 of the Swansea UDP.

### Highways

Having consulted the Head of Transportation and Engineering it is acknowledged that the site is a former petrol filling station and as such could re-open for that use at any time. This aspect of the fall-back position must be taken into account as a material factor in considering the current proposal to change the use of the site to a car wash facility. As a petrol filling station the site would generate car use, with no control over the number of vehicles using the site and in situations where fuel is competitively priced, can lead to congestion on forecourts and consequent queuing back onto the highway. Petrol filling stations also attract commercial vehicles for refuelling and tankers to deliver fuel to the site.

The current proposal to provide a car wash facility is also one which attracts vehicles, although commercial vehicles are unlikely to visit the site. Every vehicle needs fuel, although not every vehicle will visit a car wash facility. Where such facilities exist, such as on Gower Road, issues can arise and in addition to water run-off from the site initially, at busy periods delay on entering the site can occur with vehicles waiting on Gower Road which causes obstruction to through traffic.

The layout plan submitted as part of this proposal indicates a one-way system of entry and exit utilising the established access points. Access is intended from the eastern point and exit via the western point. This would ensure that no conflict occurs between entering and exiting vehicles. Parking on the site is indicated for 9 vehicles.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 9 (CONT'D) APPLICATION NO. 2014/0571

Although not specific, it would appear that the layout is providing 4 car wash spaces, 2 valeting spaces and a further 3 for waiting customers or staff parking. In addition to the bays, there is a customer waiting area and store room.

The impact of a car wash facility will vary depending on location and how well the facility is run. On the main distributor road system this is more critical although issues can arise at any location. In order to object to a development, clear evidence must be available to support an objection and it is unclear in this instance as each site is unique and its impact will vary. Whilst concerns can be identified, there is no clear evidence that such concerns will materialise and to what extent. On balance therefore I consider that the way to determine the effect of this proposal would be to monitor it during use. I would therefore recommend that consent should be granted for a temporary period, with strict conditions so that any adverse impact can be minimised and in the event that any unacceptable impact does occur, this can be taken into consideration if and when renewal is applied for.

Therefore subject to conditions the proposal will respect highway safety in accordance with the provisions of Policies EV1, EV3, AS6 and AS1 of the Swansea UDP.

### Drainage

Having consulted Natural Resource Wales no objection has been raised to this proposal subject to condition.

All drainage from the car wash should either be re-circulated or discharged to the foul sewer. Any trade effluent from vehicle washes or similar processes that include detergents or degreasers must connect to main foul sewer. The applicant will be made aware that an authorisation for discharge to the main public sewer will be required from Dwr Cymru/Welsh Water.

Detergents and vehicle washings, including steam cleaning, should not be allowed to discharge into the surface water drainage system as this may have outfalls to the environment and could cause pollution. Furthermore, such discharges should not be discharged via any petrol interceptors as the detergents will render the interceptor ineffective.

To ensure that all surface water is directed to the appropriate drainage system, the infrastructure of the vehicle washing area should be suitably designed, for example to include a fall to encourage effective drainage and a kerbed perimeter to prevent water escaping from the site.

Given the proposed nature of the new activity it is likely that hazardous substances such as detergents/oils etc. will be stored on site. These have the potential to cause pollution through spills or leaks. Containers (full and empty) must be stored appropriately to prevent accidental damage (for example through vehicle collisions or vandalism) and to limit loss of product in the event of a spill or leak by using a secondary containment system. Therefore subject to conditions the proposal will respect the principles of Policies EV34 and EV35 of the Swansea UDP.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 9 (CONT'D)

APPLICATION NO. 2014/0571

### Response to Consultations

Notwithstanding the above, 21 letters of response were received which raised concerns relating to visual amenity, pollution, traffic, parking, impact on shopping centre, hours of operation, drainage and water quality,

Concern has been raised by a third party with respect the potential hazard from the disused petrol tanks, however having consulted the Authority's Trading Standards Section it has been confirmed that there are no safety issues un this respect..

Further concern has been raised that the site should be used as a car park to help the lack of provision in the area. The Council cannot impose what third party land can be used for and as such this is not a material planning consideration and could not therefore be taken into account during the determination of this application.

A third party has raised concern with respect a refusal previously on this land for its use as a taxi rank, however the Local Planning Authority have never refused an application or even considered an application on this land for its use as a taxi rank.

### Conclusion

In conclusion the proposed development is an acceptable form of development at this District Centre location and subject to conditions will have an acceptable impact on visual amenity, residential amenity, highway safety and drainage in compliance with the provisions of Policies EV1, EV2, EV35, EC5, EV40, EV34, ECNR, AS1, AS6 and EV3 and the Supplementary Planning Guidance document entitled 'District Centres, Local Centres and Community Facilities.

### **RECOMMENDATION**

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

- 1 Notwithstanding the provisions of Section 91 of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995, this permission is for a limited period only, expiring on 1st July 2015 when the use shall cease and any works carried out under this permission shall be removed and the land reinstated in accordance with a scheme to be agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.

- 2 The premises shall not be used by customers before 08.00 hrs nor after 18:00 hrs Monday to Friday, before 08:00hrs nor after 17:00hrs Saturday or before 10:00hrs nor after 16:00hrs on any Sunday or Bank Holiday.

Reason: To safeguard the amenities of neighbouring residents.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

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- 3 The site shall not be brought into beneficial use until a detailed site management plan has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed in accordance with the approved management plan.  
Reason: In the interest of highway safety.
  - 4 No more than 9 vehicles shall be present on site at any one time.  
Reason: In the interest of highway safety.
  - 5 Prior to the site being brought into beneficial use parking bays for 9 vehicles shall be marked out on site.  
Reason: In the interest of highway safety.
  - 6 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.  
Reason: To prevent pollution of the water environment.
  - 7 Prior to the use hereby approved commencing, a signage scheme for the one way system shall be implemented in accordance with details to be submitted to and approved by the Local Planning Authority. The signage scheme as approved shall be retained at all times.  
Reason: In the interest of highway safety.
  - 8 Development shall not commence until details of foul, surface and land drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved details.  
Reason: To ensure a satisfactory means of drainage.

### 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, EV35, EC5, EV40, EV34, ECNR, AS1, AS6 and EV3).

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 9 (CONT'D) APPLICATION NO. 2014/0571

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

3 Drainage  
With regards to drainage from the site we would recommend that the site operators obtain drainage plans to ensure that all drainage is treated appropriately. All drainage from the car wash should either be re-circulated or discharged to the foul sewer.

Any trade effluent from vehicle washes or similar processes that include detergents or degreasers must connect to main foul sewer. The applicant should be made aware that an authorisation for discharge to the main public sewer will be required from Dwr Cymru/Welsh Water.

Detergents and vehicle washings, including steam cleaning, should not be allowed to discharge into the surface water drainage system as this may have outfalls to the environment and could cause pollution. Furthermore, such discharges should not be discharged via any petrol interceptors as the detergents will render the interceptor ineffective.

To ensure that all surface water is directed to the appropriate drainage system, the infrastructure of the vehicle washing area should be suitably designed, for example to include a fall to encourage effective drainage and a kerbed perimeter to prevent water escaping from the site.

Pollution prevention guidance can be found in the following Pollution Prevention Guidelines (PPGs), which we recommend the applicant refer to:

PPG 3 - Use and Design of Oil Separators in Surface Water Drainage Systems

PPG 13 - High Pressure Water and Steam Cleaners

PPG 26 -Storage and Handling of Drums and Intermediate Bulk Containers

PPG 27 - Installation, Decommissioning and Removal of Underground Storage Tanks

### PLANS

01-site location plan & existing site plan, 02- proposed site plan, 03-canopy plan dated 16th April 2014.

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**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM 10

APPLICATION NO.

2014/0223

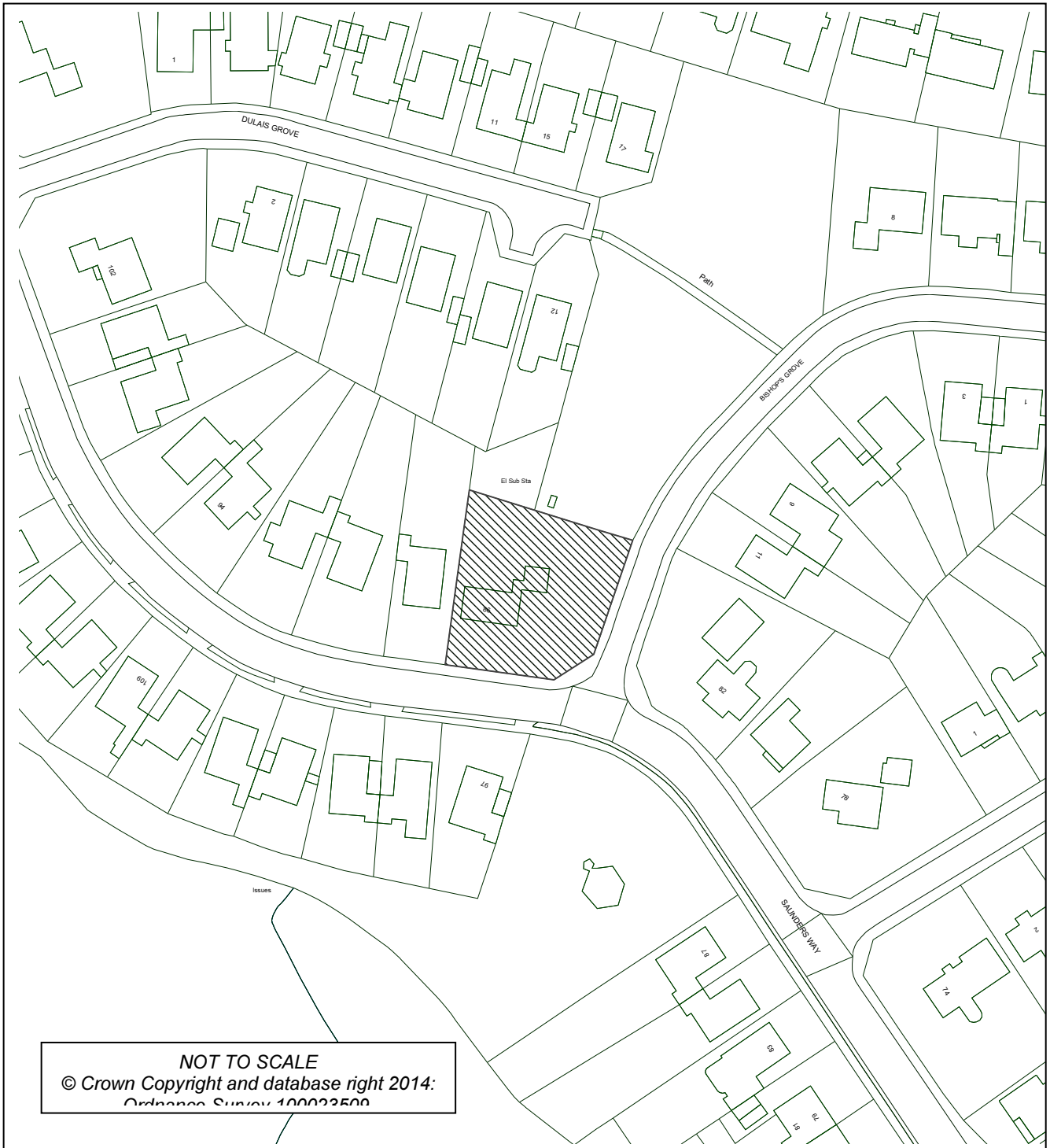
WARD:

Sketty  
Area 2

**Location:** 86 Saunders Way Sketty Swansea SA2 8BH

**Proposal:** Detached dwelling and part two storey part single storey rear extension and front canopy to No 86 Saunders Way.

**Applicant:** Mr & Mrs G Foster



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 10 (CONT'D) APPLICATION NO. 2014/0223

### BACKGROUND INFORMATION

This application was DEFERRED at the Area 2 Committee held on the 3rd June 2014 for a site visit in order to assess the impact upon neighbours.

### POLICIES

Policy	Policy Description
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy HC2	Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, loss of residential amenity, adverse effect on the character and appearance of the area, loss of urban green space, harm to highway safety, adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

App No.	Proposal
2011/1581	Two storey dwelling with detached garage (outline) Decision: Grant Permission Conditional Decision Date: 27/02/2012
2004/2229	Construction of two storey dwelling with detached garage (outline) Decision: Grant Permission Conditional Decision Date: 14/04/2005



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 10 (CONT'D)

APPLICATION NO. 2014/0223

### RESPONSE TO CONSULTATIONS

**Neighbours:** The application was advertised on site in the form of a site notice and all adjoining neighbouring properties and previous objectors were individually consulted. Six LETTERS OF OBJECTION and one LETTER OF COMMENT were received which raised the following issues:

1. Unclear where the egress point is.
2. Proposal would have an unacceptable impact on the open ethos of the locality.
3. Precedent for other development.
4. A similar application has been refused twice at Rhyd y Defaid Drive.
5. Two open spaces have been allocated as Town or Village Greens at the request of the local community.
6. Proposal out of keeping.
7. Loss of these corner plots would be detrimental to visual amenity.
8. Increase in density of housing.
9. Overdevelopment of this visually important site.
10. Highway safety concerns.
11. Proposal will lose open feel.
12. Proposal in conflict with UDP.
13. Loss of view.

**Dwr Cymru/Welsh Water:** No objection subject to conditions/informatives.

**Highways:** Proposals are for a detached 4 bed dwelling. 3 parking spaces are required and the applicant has detailed an integral garage, driveway parking and new access and egress points which will require two new vehicle crossings. I note there is another application 2014/0222 for the existing dwelling on this plot regarding demolition of the double garage and extension of the property, and confirm that these proposals will not prejudice that.

There are no highway objections subject to the construction of a vehicular crossings to Highway Authority Specification.

Following concerns expressed by the Local Planning Authority application Ref: 2014/0222 was withdrawn and the two storey extension included as part of this application. All previous consultations were carried out and the following responses were received:

**Neighbours:** Four LETTERS OF OBJECTION were received which raised the following concerns:

1. Detrimental impact on the character and appearance of the area.
2. Detract from the quality of the townscape and visual amenity.
3. Loss of view.
4. Contrary to the UDP.
5. Loss of openness around Saunders Way and Bishops Grove.
6. Proposal is crammed into the site.
7. We should prevent the development of corner plots.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 10 (CONT'D)

APPLICATION NO. 2014/0223

**Highways:** Outline consent was granted for the principle of a new dwelling at this location under a previous application. This current proposal will include removal of the existing access to no 86 and its replacement with independent access to the existing dwelling (no 86) and an access to the new dwelling in the side garden. An additional second access is proposed to the new dwelling from Bishops Grove. In order to ensure sufficient visibility for emerging drivers, the front boundaries should be kept to a maximum height of 1 metre.

Parking facilities within both the existing and new curtilages will accommodate three vehicles together with turning facilities and this aspect is acceptable. With the removal of the existing access and its replacement with new it is possible that part of the footway will need renewal and therefore the applicant should be required to cover the cost of this work.

I recommend no highway objection subject to the following;

1. Prior to completion of the development, new vehicular footway crossings shall be constructed to Highway Authority specification at the expense of the applicant.
2. Any necessary footway renewal as a result of the development works shall be at the expense of the applicant.
3. All boundaries along the Saunders Way and Bishops Grove frontages shall be maintained at a height not exceeding 1m.

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

### **APPRAISAL**

This application is reported to Committee for decision at the request of Councillor Mike Day in order to assess the impact of the proposal on highway safety and the visual amenities of the area.

#### Description

Full planning permission is sought for a detached dwelling and part two storey part single storey rear extension and front canopy to No 86 Saunders Way. This existing property is situated on the corner of Bishops Grove and Saunders Way.

#### Site History

Outline planning permission has previously been granted on this site on two separate occasions for a detached two storey dwelling and garage under Ref: 2004/2229 and 2011/1581 respectively. This proposal differs from these previously approved applications in that this is a full application and all details are to be considered at this stage, the site is larger than previously submitted and the current proposal also includes a two storey rear extension and front canopy to the existing dwelling.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 10 (CONT'D) APPLICATION NO. 2014/0223

### Main Issues

Whilst it is acknowledged that the principle of a new dwelling at this corner location has been established with the previous grants of planning permission, the proposal differs from these previous submissions. Therefore the main issues for consideration during the determination of this application are whether the proposals respect the visual amenities of the area, residential amenities of the neighbouring occupiers and highway safety and the ecology of the area having regard for the provisions of the Swansea UDP.

### Two storey part single storey rear extension and front canopy to No 86 Saunders Way

The proposal will involve the introduction of a two storey/single storey rear extension and front canopy to No 86 Saunders Way which will provide a kitchen and sitting area at ground floor and a master bedroom at 1<sup>st</sup> floor level. The proposal will also involve some internal work to the existing house which would not require formal planning permission. The proposed extensions and alterations are considered to be proportionate to and in keeping with the character and appearance of the host property and as such are considered acceptable forms of development in visual terms. The rear element of the scheme will not be unduly visible from the street-scene and as such its impact on this is considered acceptable. As such the proposal is considered to respect the principles of Policies EV1 and HC7 of the Swansea UDP and the Council's Supplementary Planning Guidance document entitled 'A Design Guide for Householder Development'.

In terms of residential amenity, the proposal will mainly affect the residential amenities of No. 88 Saunders Way and the new proposed dwelling. In terms of the impact upon No. 88 Saunders Way this property is situated at a lower level than the application site, however the proposal will respect the principles of the 45-degree code and the extension will be sited a minimum of 5.5m from the boundary with No 88 Saunders Way which will ensure the proposal will not have an unacceptable overbearing or overshadowing impact upon the amenity space of this property. It is acknowledged that there is a side habitable room kitchen window in the flank elevation of No 88 Saunders Way, however it has been demonstrated by the applicant, it is considered, that the two storey and single storey rear extension will have an acceptable impact on this room, however it is considered necessary to ensure that the proposed boundary treatment is kept to a minimum in order to ensure there will not be an unacceptable loss of light to this room.

Turning to the impact of the extension on the newly proposed dwelling, the proposed dwelling will have a similar depth to the existing dwelling (including the extension) and as such it will not prove unacceptably overbearing or overshadowing upon the residential amenities of the proposed dwelling. In terms of overlooking, there are no habitable room windows which will overlook the private amenity space of the proposed dwelling and as such the extension is considered to respect the residential amenities of this proposed scheme.

Having consulted the Head of Transportation and Engineering there are no objections to the proposal and as such this element of the scheme is considered acceptable.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 10 (CONT'D)

APPLICATION NO. 2014/0223

### New dwelling at land adjacent to No 86 Saunders Way

The proposed dwelling will result in the introduction of a modern designed property which incorporates two projecting two storey gable fronted extensions which combine to breakdown the massing of the dwelling when viewed from the street-scene. Whilst it is acknowledged that the proposed dwelling will incorporate a ridge height which is approximately 0.75m higher than the existing property, the general form of Saunders Way does tend to increase in height to the east and fall to the west and as such this is considered acceptable.

Whilst it is acknowledged that the previous outline permissions required the provision of a double fronted property at reserved matters stage and this proposal does not incorporate that feature, it is considered that each application should be considered on the basis of their own individual merit. In this instance the site is larger than previously approved and the minimal side gable width, differing projecting front gable extensions coupled with the variety in materials proposed helps to break down the massing of the property and will ensure the scheme adds interest to the character and appearance of the street-scene at this corner location. In terms of its design, it is considered that the proposal will add interest and variety to the street-scene and as such in visual terms the proposal is considered to respect the visual amenities of the area, in compliance with the provisions of Policies EV1 and HC2 of the Swansea UDP.

Turning to the impact of the proposal on residential amenity, the proposal will mainly affect the residential amenities of No's 82 and 86 Saunders Way. Whilst the proposal will not unacceptably overlook the rear amenity space of No 86 Saunders Way, the proposal would be sited within close proximity to the boundary of this property and will project beyond the existing main back wall of No 86 Saunders Way. It is therefore essential that the proposed two storey extension to No 86 Saunders Way is implemented and completed, prior to the construction of the new dwelling in order to ensure the proposed new house would not have an unacceptable overbearing or overshadowing impact upon the residential amenities of this property. A condition is recommended in this respect.

Turning to the impact on No 82 Saunders Way, the proposed dwelling will be sited on the opposite side of the road from No 82 Saunders Way and in excess of 10m from the boundary of this property. As such it is not considered that the proposal would give rise to unacceptable overbearing or overshadowing impacts sufficient to warrant the refusal of this application. In terms of overlooking in this direction, there are two habitable room windows which would face towards No 82 Saunders Way, however these are in excess of 10m from the boundary with this property and furthermore the area of land to side of No 82 Saunders Way is visible from the street and from within the public domain.

The proposed re-development of this site will leave sufficient areas of private amenity space for both properties which satisfy the Council requirements and as such the proposal will not result in an overdevelopment of the site.

As such the proposal will respect the residential amenities of the neighbouring properties in compliance with the provisions of Policies EV1 and HC2 of the Swansea UDP.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 10 (CONT'D)

APPLICATION NO. 2014/0223

### Ecology

Having consulted the Councils Ecologist there are no objections to the positive determination of this application subject to a bat and bird informative being attached to any subsequent approval.

### Highways

Having consulted the Head of Transportation and Engineering it is acknowledged that outline consent was granted for the principle of a new dwelling at this location under previous applications. This current proposal will include removal of the existing access to No 86 and its replacement with independent access to the existing dwelling (No 86) and an access to the new dwelling in the side garden. An additional second access is proposed to the new dwelling from Bishops Grove. In order to ensure sufficient visibility for emerging drivers, the front boundaries should be kept to a maximum height of 1 metre.

Parking facilities within both the existing and new curtilages will accommodate three vehicles together with turning facilities and this aspect is acceptable. With the removal of the existing access and its replacement with new it is possible that part of the footway will need renewal and therefore the applicant should be required to cover the cost of this work.

There are no highway objections subject to the following;

1. Prior to completion of the development, new vehicular footway crossings shall be constructed to Highway Authority specification at the expense of the applicant.
2. Any necessary footway renewal as a result of the development works shall be at the expense of the applicant.
3. All boundaries along the Saunders Way and Bishops Grove frontages shall be maintained at a height not exceeding 1m.

### Response to Consultations

Notwithstanding the above, 10 letters of objection were received which raised concerns relating to visual amenity, highway safety, overdevelopment, residential amenity, ecology and contrary to provisions of UDP. The issues pertaining to which have been addressed above.

Concern has been raised with regard the establishment of a precedent and the site history at No 69 Rhyd Y Defaid Drive. It is noted that an application for a detached dwelling on this site has twice been refused under Ref's 2011/0506 and 2011/1281 with the latter being also dismissed at appeal. Rarely will two sets of applications have identical sets of circumstances and as such each application is considered on the basis of their own individual merit. However it is important to note that any dwelling on the site adjacent to No 69 Rhyd Y Defaid Drive would breach the building line of properties fronting Saunders Way and as a consequence planning permission has been consistently refused for a new dwelling at this location and dismissed at appeal.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 10 (CONT'D) APPLICATION NO. 2014/0223

The situation at 86 Saunders Way however is fundamentally different in that there is no building line along this section of Bishops Grove and as consequence the context for each of these sites is different and this has dictated a different decision in respect of these application sites.

In addition to this concern has been raised with respect the loss of a view, however this is not a material planning consideration and cannot therefore be taken into consideration during the determination of this application.

### Conclusion

In conclusion it is considered that subject to conditions the proposed extension and new dwelling will have an acceptable impact upon the residential amenities of the neighbouring and future occupiers, the visual amenities of the host property and wider street-scene, the ecology of the site and highway safety in compliance with the provisions of Policies EV1, EV2, EV3, HC2, AS1 and AS6 of the Swansea UDP and the Supplementary Planning Guidance documents entitled 'A Design Guide for Householder Development' and 'Infill Backland Design Guide'.

### **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 materials used in the extensions hereby approved shall match those of the existing dwelling at No 86 Saunders Way unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of visual amenity.
- 3 Samples of all external finishes for the new dwelling 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 unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of visual amenity.
- 4 The dwelling shall be constructed to achieve a minimum of Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category "Ene1 - Dwelling Emission Rate" in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (November 2010 - Version 3). The development shall be carried out entirely in accordance with the approved assessment and certification.  
Reason: In the interests of sustainability.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

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- 5 The construction of the dwelling hereby permitted shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).  
Reason: In the interests of sustainability.
  
  - 6 Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes "Final certificate" shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).  
Reason: In the interests of sustainability.
  
  - 7 The boundary treatment erected between No's 86 and 88 Saunders Way shall be completed in accordance with Drawing No.10.85/110A received 1st April 2014 prior to the extension being brought into beneficial use. This boundary treatment shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interest of residential amenity.
  
  - 8 No development shall commence on the dwelling hereby approved until the extensions to No 86 Saunders Way have been completed in accordance with the approved plans.  
Reason: In the interest of residential amenity.
  
  - 9 Prior to the dwelling being brought into beneficial use, new vehicular footway crossings shall be constructed to Highway Authority specification. Details of which shall be submitted to and agreed in writing by the Local Planning Authority.  
Reason: In the interest of highway safety.
  
  - 10 All boundaries along Saunders Way and Bishops Grove frontages shall be maintained at a height not exceeding 1m, details of which shall be submitted to and agreed in writing by the Local Planning Authority.  
Reason: In the interest of 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, HC2, AS1, AS6)
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

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- 3 The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work to arrange for the necessary footway crossings and any footway reconstruction. Please contact the Senior Engineer (Development) , e-mails to : jim.marshall@swansea.gov.uk or the Team Leader , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091
- 4 Foul water and surface water discharges shall be drained separately from the site.
- Reason: To protect the integrity of the public sewerage system.
- No surface water shall be allowed to connect either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
- Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
- Land drainage run-off shall not be permitted to discharge, either directly or indirectly into the public sewerage system.
- Reason: To prevent hydraulic overload of the public sewerage system and pollution of environment.
- If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 917 2652.
- Some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal you should contact them on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

- |      |             |                 |           |
|------|-------------|-----------------|-----------|
| ITEM | 10 (CONT'D) | APPLICATION NO. | 2014/0223 |
|------|-------------|-----------------|-----------|
- 
- 4  
CTND
- Welsh Government introduced the Welsh Ministers Standards on the 1st October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Developer Services Section of our website - [www.dwrcymru.com](http://www.dwrcymru.com)
- Further information on the Welsh Ministers Standards Can be found on the Welsh Government website - [www.wales.gov.uk](http://www.wales.gov.uk)
- Sewage Treatment
- No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.
- Water Supply
- No problems are envisaged with the provision of water supply for this development.
- A water supply can be made available to serve this proposed development. The developer may be required to contribute, under sections 40-41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.
- Our response is based on the information provided by our application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.
- 5
- 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.
- 6
- 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).

**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM        10 (CONT'D)    APPLICATION NO.        2014/0223

**PLANS**

10.85/01A, 10.85/02, 10.85/03C, 10/85/04A, 10.85/10, 10.85/101C, 10.85/102B,  
10.85/103C and 10.85/110A dated 1st April 2014.

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**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM 11

APPLICATION NO. 2014/0295

WARD: Penclawdd  
Area 2

**Location:** Land rear of 62 Station Road, Llanmorlais, Swansea SA4 3TF

**Proposal:** Retention of agricultural building

**Applicant:** Mr M Swiston



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 11 (CONT'D)

APPLICATION NO. 2014/0295

### **BACKGROUND INFORMATION**

This application was DEFERRED FOR A SITE VISIT at the Area 2 Development Control Committee held on the 1<sup>st</sup> July 2014 to assess the extent of the agricultural use. It should be noted that the application was also Deferred at Area 2 Development Control Committee on 3<sup>rd</sup> June 2014 for clarification on the site history.

### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
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Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
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Policy EC14	Agricultural developments requiring planning permission or prior approval should give proper consideration to the protection of natural heritage and the historic environment and be sympathetically sited, designed and landscaped. (City & County of Swansea Unitary Development Plan 2008)
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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)
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### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
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98/1089	ERECTION OF STEEL FRAMED AGRICULTURAL STORAGE BUILDING (APPLICATION FOR THE PRIOR APPROVAL OF THE LOCAL PLANNING AUTHORITY)
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Decision: \*HPANREQ - PRIOR APPROVAL NOT REQUIRED

Decision Date: 21/08/1998

### **RESPONSE TO CONSULTATIONS**

ONE LETTER OF OBJECTION and ONE LETTER OF COMMENT has been received, the comments of which are outlined below:

From an amenity point, the volume of heavy plant, tractor and trailer traffic to and from the site is exceptionally high and movement to and from the site occurs frequently.

There are numerous floodlights along the developments that cause light pollution.

Due to the elevation of the land and clearance of hedgerow, the sheds are above the houses opposite and to the north. The positioning amplifies sound and light pollution considerably.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 11 (CONT'D) APPLICATION NO. 2014/0295

So the statement “The proposal aims to sustain the character of this rural site, ensuring it does not adversely affect the character of the immediate locality” is clearly incorrect.

The site itself is very small and is limited to the track and footprint of the buildings and I would ask the planning officer to present a full appraisal and clarification on the land that forms the site and the LPAs interpretation of the terms “farm” and “farmyard” In relation to the site. Also to determine the level of agriculture in justification for these buildings. This must form part of the appraisal.

I refer the planning officer to the supporting letter from PR Beynon and ask that the Officer provides a full interpretation and history on the original barn 98/1089 and the subsequent developments. The barn was originally applied for to serve Tir Gil with specific conditions.

The fact that the original barn exists and, by default is being utilised, is not a reason not to correctly present to members of the council the full facts on the development at the site. The history must be explained fully.

If the applications are to be passed there should be strict limitations on the usage, and conditions put in place to protect amenity for local residents particularly as this is in the AONB

Furthermore in a recent public inquiry, the owner of the surrounding fields at Tir Gil, produced an ownership map indicating he owned the fields up to the track and building, two of these fields are shown to form part of the holding on these current applications but were under his ownership on the map.

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

1. We are responding to both of these applications in this letter.
2. We see no agricultural justification for an agricultural building on this site. Is the property a registered farm? There are many properties called farms on Gower that are no longer legitimate farming businesses and can not justify any expansion.
3. We urge you to look very closely at all applications of this type in order to establish their genuine farming credentials. How much land is associated with this property and how much stock has the applicant?

**Highways Observations** –

Proposals are for the retention of an agricultural building. This is with regard to a small shelter for the use of agricultural workers. There is no increase in demand for parking or impact on highway safety and current parking arrangements are unaffected. There are no highway objections.

**Pollution Control** - No observations.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 11 (CONT'D)

APPLICATION NO. 2014/0295

### APPRAISAL

This application is reported to Committee for decision at the request of Councillor Robert Smith to enable the details to be considered by Councillors of the Area 2 Committee.

Full planning permission is sought for the retention of an agricultural building at land to the rear of 62 Station Road, Llanmorlais. The proposed agricultural building measures approximately 2.2m in height at the ridge, 3.25 in length and 2.25 in width. The building is located within an area to the rear of the dwelling accessed via a track to the side of the property. The site is located with a countryside location within the Gower AONB.

The site history associated with the site includes an application for an agricultural storage building, applications for a dwelling house and one application for a dwelling house and garage. A prior-notification application for the erection of the steel framed agricultural storage building at Field 5846 (98/1089) was decided in August 1998. In this respect it was concluded that the prior approval of the Local Planning Authority for the proposed agricultural building was not required and that the details of the siting, design and external appearance of the building was as a result approved. With regard to the applications for the detached dwelling at the site, an outline application (97/1091) for one dwelling was approved in September 1997 subject to conditions, however a subsequent full application for the erection of a dwelling house (99/0221) was refused in March 1999 due to the inappropriate design of the proposals and non-compliance with Local Plan Policy. A revised full application for the erection of a detached dwelling house and garage (99/0687) was, however, approved in July 1999 subject to conditions.

The main issues to be considered are the impact of the proposed building on the visual amenities and character and appearance of the Gower AONB, having regard to Policies EV1, EC14 and EV26 in the Unitary Development Plan 2008.

Policy EV1 refers to development complying with the criteria of good design and being appropriate to its local context. Policy EC14 relates to agricultural development stating that this form of development should give proper consideration to the protection of natural heritage and the historical environment and should be sympathetically sited and designed. Policy EV26 states that the primary objective of the AONB is the conservation and enhancement of the area's natural beauty.

The building is sited adjacent to existing buildings although it is noted that a shed extension included on the plans currently forms part of an application for a Certificate of Existing Lawful Use (2014/0332) which is yet to be determined by this Authority. To ensure this building does not form part of this planning permission an appropriate condition is recommended. As the proposed building is set within a group of existing buildings and is minimal in terms of its size and scale, it is not considered that it would appear as a dominant or incongruous feature. In addition, the size of the development ensures that it does not have a significant impact on the surrounding area and the overall Gower AONB. The scheme is, therefore, considered to comply with the requirements of Policies EV1, EV26 and EC14 of the UDP 2008 and the Gower AONB Design Guide.

The siting of the building would dictate that there are no residential amenity issues to consider.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 11 (CONT'D) APPLICATION NO. 2014/0295

There is no increase in demand for parking or impact on highway safety and current parking arrangements are unaffected. There are, therefore, no highway objections.

With regard to the concerns received in response to the consultation process the site forms part of an area where agricultural activities have been ongoing for a while and therefore the area is considered suitable for a building of this type especially given its sympathetic siting and scale. The issue raised regarding the amount of land and stock the applicant has is not considered relevant in this particular instance given the size and scale of this building. The issue regarding the volume of traffic is not considered to be a material planning consideration. The scale of the structure would dictate that sound and light pollution generated from any associated activities would not be significant in this instance. With regard to the history of the site the two applications associated with the site in question relate to the erection of a steel framed agricultural building (application for prior approval 98/1089) and for the erection of a detached dwelling house and garage (99/0687), neither of which are considered to present any issues with regards to this application. It is not considered pertinent in this instance to attach a condition regarding usage and protection of amenity given the size and scale of the structure. The proposed building is not considered to be located on the fields which are not within the ownership of the applicant, therefore, this is not considered to be an issue in this instance.

In conclusion and having regard to all material considerations, the proposed agricultural building is considered an acceptable form of development at this location that complies with the overall requirements of Policies EV1, EV26 and EC14 of the City and County of Swansea Unitary Development Plan 2008 and the Gower AONB Design Guide.

### RECOMMENDATION

**APPROVE, unconditional.**

### 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 EC14 of the Unitary Development Plan)
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

### PLANS

Site location plan, block plan, proposed plans dated 25th February 2014.

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**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM 12

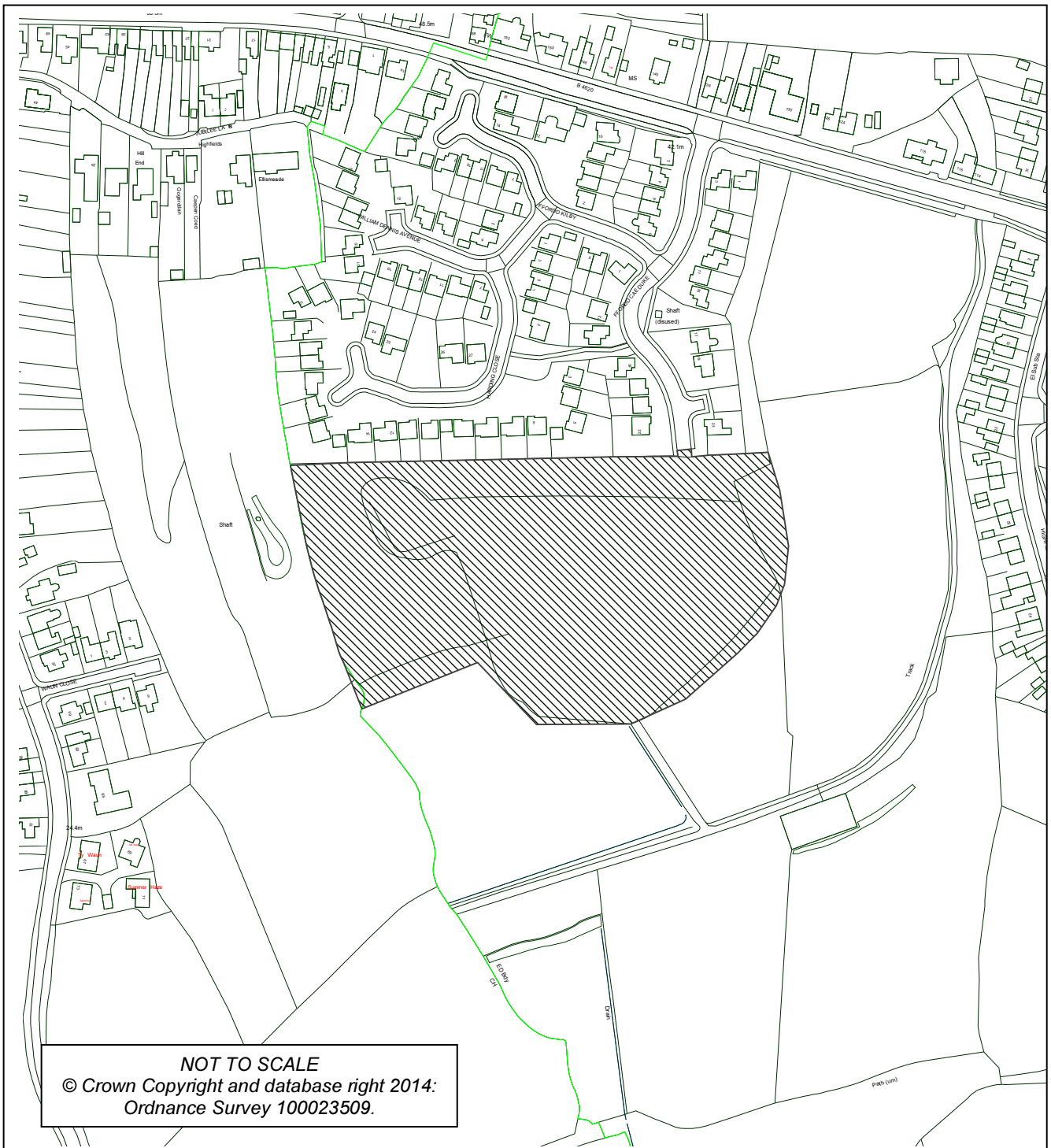
APPLICATION NO. 2014/0306

WARD: Kingsbridge  
Upper Loughor  
Area 2

**Location:** Land to the South of Ffordd Cae Duke, Loughor, Swansea

**Proposal:** Construction of a single storey changing room building, one full size rugby pitch, one training pitch, a 36 space car park and installation of 11 x 15m high floodlighting columns

**Applicant:** Mr Kelvin Lewis





## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 12 (CONT'D) APPLICATION NO. 2014/0306

### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy 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 EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
Policy EV40	Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)
Policy HC1	Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM	12 (CONT'D)	APPLICATION NO.	2014/0306
Policy HC18	New leisure facilities will be permitted at suitable locations within the urban area subject to compliance with a defined list of criteria including proven need, no harm being caused to vitality and viability of city centre and district shopping centres, passing the sequential test, acceptable access and car parking, and capacity of the local highway network. (City & County of Swansea Unitary Development Plan 2008)		
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)		
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)		
Policy HC24	Provision of public open space within new residential developments. (City & County of Swansea Unitary Development Plan 2008)		

### SITE HISTORY

App No.	Proposal
2007/2097	Construction of 209 dwellings, indoor sports barn, two outdoor sports pitches, new vehicular access off Loughor Road and associated parking, open space and landscaping works (Additional drainage plans received) Decision: Withdrawn Decision Date: 26/04/2012
2013/0261	Construction of 106 residential units and associated works, including a new access spine road, public open space, recreational space, surface water attenuation ponds & reed bed, and public footpath linking onto Waun Road Decision: Perm Subj to S106 Agree Decision Date: 25/04/2014
99/0340	RESIDENTIAL DEVELOPMENT, NEW PLAYING FIELDS, CHILDRENS PLAY AREA AND PROVISION OF SCREEN PLANTING (OUTLINE) Decision: Withdraw Decision Date: 22/10/1999
97/0061	VARIATION OF CONDITION 1 OF PLANNING PERMISSION LV/92/0293/01 GRANTED ON 20th JANUARY 1994 TO EXTEND PERIOD BY 12 MONTHS FOR THE SUBMISSION OF RESERVED MATTERS APPLICATION Decision: *HGPCU - GRANT PERMISSION UNCONDITIONAL Decision Date: 03/03/1997
LV/78/0415/02	LIGHT INDUSTRY, STORAGE AND PACKING Decision: *HGPCU - GRANT PERMISSION UNCONDITIONAL Decision Date: 26/06/1979

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM	12 (CONT'D)	APPLICATION NO.	2014/0306
96/1195	LANDFILLING, REPROFILING AND DRAINAGE WORKS TO FORM RUGBY AND CRICKET FIELDS, ERECTION OF CHANGING-ROOM BUILDING, GROUNDSMAN STORE, VEHICULAR ACCESS AND CAR PARK, AND ERECTION OF 8 NO.16 METRE HIGH FLOODLIGHTING COLUMNS Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 02/06/1997		
LV/83/0235/04	RENEWAL OF CONSENT FOR JOINERY WORKSHOP, STOCKROOM, RECEPTION/SHOWROOM Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 28/06/1983		
LV/92/0293/01	RESIDENTIAL DEVELOPMENT Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 20/01/1994		

### RESPONSE TO CONSULTATIONS

Thirty Two neighbouring properties were directly consulted and two site notices were placed close to the site. The application was also advertised as being a 'DEPARTURE' from the provisions of the Development Plan.

#### Original Plans

TWELVE LETTERS OF OBJECTION have been received. The concerns raised are as follows: (summarised)

- These facilities are not suitable in this location
- There has been approved planning for houses to be erected already behind Ffordd Cae Duke - the traffic on Loughor road is already congested, with cars and many coaches travelling to Gower college each day.
- Such facilities as proposed above will once again compound to the congestion to Loughor road and will cause extra light pollution and noise pollution to the local residents, thereby lowering their quality of life
- Loughor Road has seen an increase in traffic in the last year due to the development at Kingsbridge Fields which has planning for 89 + properties. Horizon Walk will also increase traffic with a proposed 106 properties.
- Grass verges are already being driven on and cars parking squarely on pavements, due to there being not enough parking for parents when school commences and ends.
- Students from Gower College park in Ffordd Cae Duke which is the proposed access for the rugby pitches.
- Residents of Ffordd Cae Duke will have traffic behind their property and increased traffic to the front.
- The proposed development has car parking for 28 vehicles, and any excess will park in Ffordd Cae Duke.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM	12 (CONT'D)	APPLICATION NO.	2014/0306
	<ul style="list-style-type: none"><li>• The Residents of Harding Close, will have their properties illuminated by the flood lighting as well as noise pollution.</li><li>• Gorseinon and Loughor is already gridlocked due to poor infrastructure</li><li>• The proposed changing room building is too close to my boundary, the windows in the north elevation overlook my property &amp; will allow the transmission of noise towards my property.</li><li>• The brief states that Loughor RFC intend to use the facilities on Tuesday to Fridays between the hours of 4.30pm and 8.30pm during the rugby season and that other local schools and colleges etc. will also have access to the facilities. Will this be the total number of hours of weekly use or is it intended to be "open house" over weekends and throughout the summer?</li><li>• Who will have control and monitoring of the site.</li><li>• The brief also states that the site would be gated across the entrance from Ffordd Cae Duke. Would this be policed diligently to ensure that car park would not become a gathering location by opportunists such as college students, travellers or late night 'boy racers'.</li><li>• The plans of the site indicate proposed new planting and landscape works would be introduced between the site boundary and the residential properties of Heritage Park. Who would maintain landscaping and ensure that the growth would be controlled? What type of planting would be used?</li><li>• Opening access and creating a rugby field seems an unnecessary move by Loughor RFC considering their attendances and already adequate facility on Belgrave Rd.</li><li>• Huge impact on the community with no benefit to the local residents as most rugby ground facilities are not open for use by the general public.</li><li>• The Site Sections Drawing (C-202, Section A-A) clearly shows that there would be a 30 degree embankment directly adjacent to our boundary fence at the rear of the property (and also the boundary fences of Nos. 8, 9,10, 11, 14 and 15 Harding Close) with a further 90 degree contiguous piled retaining wall some 5 metres high, equivalent to a total 'drop' directly next to our fence of 7 metres. Surely this is way too close to the housing fence boundaries, and the 30 degree embankment and drop beyond would make it impossible to safely carry out any remedial work to maintain our fences, e.g. replace fence posts, replace panels or simply paint the fence. Additionally the foundations of the existing fence would be destabilised by any groundworks or high winds in such close proximity, and any subsequent weakening could result in the fence being severely damaged.</li><li>• Mine Workings - No mention is made of the mine shaft directly behind No. 11 Harding Close. A previous survey confirmed its existence.</li><li>• Bats – No recent survey has been undertaken (last in 2007). Bats were observed close to the rear of our house during the summer of 2013. Reptiles – No recent survey has been undertaken other than what has been termed 'a general examination'. Amphibians – No thorough survey has been undertaken and again the assertion that there is 'no breeding habitat for amphibians' is erroneous. Birds – Recently some of what we regard as the more rarely spotted birds have been feeding in our garden, namely woodpeckers and jays. Barn owls and cuckoos have undoubtedly been present in the adjacent woodland over the past 8 years, and Red Kites and herons regularly fly over the site.</li><li>• Proposed retaining structure and its construction will cause substantial settlement for adjacent gardens and damage to hard-landscaping.</li></ul>		

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 12 (CONT'D) APPLICATION NO. 2014/0306

- Retaining structure proposed is not suitable for its location on the site Boundary.
- If this application is accepted then the council should consider making this residential site "residential parking only".
- The cul de sac at the end of Ffordd Cae Duke is an area for children to play but if this is successful then the road becomes unsafe for the children to play outside.
- There maybe a big detrimental affect to the value of properties within the heritage park
- I note that the Coal Board have objected due to the number of potential mine shafts under the land. This objection should trump everything else. If there is a risk of subsidence, no matter how small, then to build playing fields (which are supposed to be flat) is just asking for trouble in the future. It would be unprofessional and ill advised for Officers and Councillors to ignore what the Coal Board have to say.
- The proposed development conflicts with the relevant planning policy framework, particularly in of the fact that the application has been advertised as a departure from the adopted UDP policy HC1 (104) and there are no material planning considerations which justify making an exception to the requirements of the development plan.
- The levels of the site will be wholly disproportionate to the context of the existing residential dwellings and the Barratts properties which were granted in April 2014 (2013/0261). In order to achieve the levels of the site, the proposal will involve substantial excavation and engineering operations to cut and fill the site. The proposed pitched will be positioned approx 6m above the accepted slab level of our nearest houses and these works are considered to be wholly unacceptable and have the potential to greatly undermine the structural capacity of future properties on our development.
- The floodlighting would be sited at the same level as the eaves height of the proposed houses on out site, which will be oppressive, and could generate excessive glare and continuous light which would be detrimental to future residents.
- The development fails to respect the natural gradient or contours or geography of the land and grossly alters the landscape on site which conflicts with the objectives of policies EV1 and EV2.
- It is unclear what form of SUDS will be used to manage surface water and there doesn't appear to be any evidence provided in relation to any groundwater velocity control features. Barratts are resolute in objecting to the proposed development and refuse any change to water volumes that disturbs what has already been modelled and designed with the lagoon ponds in the lower fields at Loughor Road.
- There is no consideration of the mechanics of disposing of the foul waste to the mains system.
- The red-line boundary has been drawn incorrectly as it clearly intersects the site boundary of Barratts residential development.

**Llchwyr Town Council – No Objection**

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 12 (CONT'D)

APPLICATION NO. 2014/0306

### Amended Plans

Following negotiations with officers, amended plans were received which showed the following amendments:

1. An increase in the number of parking spaces from 28 to 36
2. An increase in distance between the slope from the rear boundaries of the houses in Harding Close to a distance of 3m.
3. An increase in the distance between the retaining wall from the rear boundaries of the houses in Harding Close to a distance of 10m.
4. Use of a 'crib-lock' retaining wall rather than a 'piled' retaining wall.

All previous objectors were reconsulted with regard to the amended plans.

A further NINE letters of objection have been received raising the following objections:

- I am afraid our views remain unchanged.
- We wish to strongly oppose the amended planning application submitted by Loughor rugby club as per the original objection letter.
- I am strongly against any such development to the land south of the Ffordd Cae Duke, the increase in road traffic into the estate will significantly affect the quiet enjoyment of my property and will significantly affect me in terms of noise pollution, light pollution and it will increase the traffic into the development which is already difficult at certain times of the day.
- We don't think that 36 parking spaces would be any where near enough to accommodate that number of players, coaches and people coming along to watch. Obviously the overflow would end up parking on Ffordd Cae Duke, adding further congestion
- This positioning of the changing rooms, in our opinion, will cause tremendous bad feelings among the residents as noise and the inevitable bad language late into the evenings would upset the residents. Surely there is a position further away from the existing houses where the changing rooms could be positioned.
- I was led to believe that the proposed site was for training purposes only and yet the provision of a full size pitch in addition to one for training would suggest that matches against visiting teams will obviously be played at this site.
- I am not objecting outright to the building of such facilities and am certainly a supporter of local sport but I have serious concerns about the close proximity of the site to the boundary of this estate and the likely traffic/parking issues that it would create.
- None of the amendments made have satisfied us neither have they offered any alternatives to the proposed design. We therefore object to the information made in the revised application and would refer to the same grounds of objection made in our previous correspondence.
- Being so close to my boundary, I will suffer loss of privacy and from noise and disturbance from within the building as well as from spectators attending matches.
- I see nothing in the proposals about dealing with any litter generated by the rugby club and its attendees. If there are no facilities provided people will tend to dispose of their litter over the fence, in people's gardens or in the street.
- I am concerned that if this application is granted, original plans for a Sports Barn, further pitches and parking for cars and coaches will follow, which will again aggravate the above problem.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 12 (CONT'D) APPLICATION NO. 2014/0306

- The adjacent land is already being developed in to housing and there will be no natural green space dividing Loughor and Kingsbridge.

**Llŵchwr Town Council – No Objection**

### **Natural Resources Wales (NRW)**

As your Authority is aware, the proposed site is located in an area where there are known foul and surface water sewerage problems. The sewerage network is hydraulically overloaded, resulting in additional pollution and nutrient loading spilling to the Burry Inlet (Carmarthen Bay and Estuaries) SAC during wet weather/storm events. This has resulted in a Memorandum of Understanding (MOU) being prepared to enable development in this area to go forward.

### **Foul Drainage**

Despite these concerns, the preferred and most sustainable method of foul drainage remains disposal to the main public sewer. We are pleased to note that mains drainage is proposed for this application. We would recommend that you consult with Dwr Cymru Welsh Water (DCWW) to ensure they are satisfied that capacity exists at this location to accommodate the flows generated without causing pollution. Please note we would object to any proposals for a private treatment system at this location.

We would also remind you of the requirements of the MOU which advises additional foul flows should only be connected if capacity is created in the sewerage network by removing surface water. We would therefore encourage the developer to work with DCWW to identify a scheme to remove surface water from the sewerage network. Any agreements/ commitments undertaken should be recorded on your Authority's Hydraulic Register.

In addition to capacity and hydraulic overload issues, the Burry Inlet is understood to be sensitive to nutrient enrichment, notably to Phosphorus – a constituent of sewage-related discharges. Consequently, in addition to the Habitats Regulations considerations in respect of Phosphorus, the UK has an obligation under the Water Framework Directive to protect sensitive water bodies from deterioration. We would therefore recommend that a corresponding amount of Phosphorus is removed at the Llannant WWTW to that expected to be produced by this development at the time of completion. This would help prevent further deterioration in levels of Phosphorus in the Burry Inlet

### **Surface Water Drainage**

Due to the sewerage capacity issues in this area it is imperative that no surface water from this proposal is allowed to enter the existing infrastructure.

We are pleased to note from the application form that sustainable drainage systems (SUDS) are to be implemented to manage surface water. It is unclear however what form of SUDS is to be used. The Design and Access statement makes reference to site drainage and states that the drainage solution has been "...drawn up in conjunction with advice from the City and County of Swansea's drainage department the outfall ties in with the housing site proposal and based on the discharge rate they've provided to us by the City and County of Swansea".

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From this, it is understood that surface water will discharge to a watercourse via an attenuation tank and hydrobrake. Ideally, SUDS such as grassed swales /soakways etc should be investigated and implemented on site rather than hard engineering solutions like an attenuation tank. If however your Authority's drainage engineers are satisfied with the proposals we would no further comments in this regard.

Whatever surface water management system is implemented it should be designed to ensure there is no increase in surface water run-off from the site in all events up to and including the 1% (1:100 year) storm with an appropriate allowance for climate change. The full details of the surface water system should be submitted and approved to the satisfaction of the Local Authority to ensure there is no increased flood risk elsewhere.

### Ecology

We note the recommendations outlined in section 5 of the survey report 'Eco Report, Cae Duke' *Amber Environmental Consultancy, 2014* and advise that, where appropriate, their implementation is secured by condition attached to any permission your authority issues.

### Pollution Prevention

All appropriate pollution control measures must be adopted on site during the construction phase and we would recommend that the guidance provided in the relevant Pollution Prevention Guidance Notes (PPGs) should be followed. The PPGs are available from the environment agency website at:

### Dwr Cymru / Welsh Water (DCWW)

We would request that if you are minded to grant Planning Consent for the above development that the conditions and advisory notes provided below are included within the consent to ensure that no detriment to existing residents for the environment and to Dwr Cymru Welsh Water's assets.

Dwr Cymru has no objection to the proposed development

### Coal Authority

#### Initial Comments

The Coal Authority Response: **Substantive Concern**

The Coal Authority recommends that the LPA advise the applicant that the coal mining information as submitted in the Mining Risk Assessment (Ref. 9833/AF/07) does not provide sufficient information to determine whether or not issues of land instability can be satisfactorily overcome.

In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application.

Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, The Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore **maintains its objection** to this proposal.



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The Coal Authority would be very pleased to receive for further consultation and comment any subsequent Coal Mining Risk Assessment Report which is submitted in support of this planning application.

### Additional Comments

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority previously objected to this planning application in a letter to the LPA dated 28 March 2014 as it was considered that the submitted Coal Mining Risk Assessment did not provide sufficient information to determine whether or not issues of land instability can be satisfactorily overcome.

The Coal Authority is therefore pleased to note that the applicant has submitted the full Site Investigation Report (June 2007) covering the application site and a wider area, which now accompanies this planning application. The Site Investigation Report has been informed by an appropriate range of sources of information; including a Coal Mining Report, BGS geological mapping, historic mapping and intrusive site investigations. Based on this review of sources of geological and mining information the Site Investigation Report concludes that shallow mine workings do not pose a risk to the future development of the site. Accordingly, no specific remedial measures are recommended to address areas of shallow mine workings.

The recorded mine entry within the site has been filled in the past, although details of the treatment are not available. Although no built development is proposed over the position of the recorded mine entry, The Coal Authority is concerned that the mine entry, which is located in close proximity to one of the pitches, poses a risk to users of the rugby facilities. The Coal Authority suggest that two options are available to the applicant; either the mine entry is located, investigated and treated or the layout of the pitches is revised in order to provide an appropriate stand-off distance from the mine entry. If a stand-off distance is provided from the mine entry then The Coal Authority considers that the stand-off area should be fenced off.

The Coal Authority therefore **maintains its objection** to the proposal

### Final Comments

The applicant has taken the opinion of a Structural Engineering Consultant and now accepts that the mine entry within the application site needs to be located and inspected. This is in accordance with the recommendations contained within The Coal Authority's letter dated 24 April 2014.

The Coal Authority Recommendation to the LPA:

The Coal Authority considers that mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

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The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the mine entry to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

The Coal Authority considers that the content and conclusions of the Mining Risk Assessment (Ref. 9833/AF/07) and email from Mr Dylan Gravell to Mr Howells dated 6 May 2014 are sufficient for the purposes of the planning system and meets the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

The Coal Authority therefore **withdraws its objection** to the proposed development subject to the imposition of the above condition.

### **Glamorgan Gwent Archaeological Trust**

An archaeological evaluation of the area immediately to the south of the proposed project was conducted by Cambria Archaeology (2007). An updated Archaeological Desk-Based Assessment was conducted by the Dyfed Archaeological Trust (report number 2012/79) in 2012. These studies indicate that it is likely that archaeological remains associated with Waun Colliery and Cae Duke Colliery are present within the project area. In addition, it seems that the several of the hedgerows on the property are likely to be historically important as they appear to predate the Inclosure Acts. The proposed works will include a substantial amount of ground disturbance that will destroy any archaeological remains within the project area. As a result there is a need to mitigate any likely archaeological impacts resulting from the proposed development.

Consequently, whilst we do not object to the granting of planning permission for this development, in our role as the archaeological advisors to your Members we strongly recommend that a condition be attached to any consent that is granted ensuring that a programme of archaeological investigation be implemented during the construction work. We envisage that this programme of work would include the assessment and recording of any historic hedgerows on the property, and a watching brief during the initial topsoil stripping/ground work required for the development. The programme would also specify detailed contingency arrangements to ensure that sufficient time and resources are available to ensure that any archaeological features encountered during the development are properly excavated, recorded and analysed. In addition, the programme would require that a written report of the results of the programme is submitted to the planning authority. We recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular 60/96, Section 23 - *No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.*

Reason: *To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.*

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### **Highway Observations**

This proposal is for a training facility and changing rooms for Loughor RFC. The site is located at the end of Ffordd Cae Duke and is to be accessed directly from the end of the highway.

Parking facilities are indicated with approximately 36 parking spaces which includes for disabled users. The facility will consist of a training pitch and a full size pitch for predominantly training purposes and the occasional second team game if necessary. Current facilities at Belgrave Road are over used as all activities take place on a single pitch which is affecting the usability of the rugby field.

The facility is geared towards being a secondary facility and will not host any major fixtures as all such games will continue to be held on the main site at Belgrave Road. Traffic issues are unlikely to arise provided that the use is restricted to its indicated purpose and should second team fixtures be held on the site, a car park and traffic management plan should be implemented.

On balance, I recommend that no highway objections are raised subject to the submission and subsequent approval of a parking and traffic management plan for the site to cover any competitive fixtures. The approved management plan shall be implemented on match days.

### **Drainage Observations**

#### **Initial Comments**

We have reviewed the application as submitted, however based on the details included we must recommend that the application be withdrawn or deferred. The application form indicates that a sustainable drainage system will be utilised however no details at all have been submitted with respect to the chosen systems location, size, discharge point/s, discharge rates and performance on site. For any planning application a Drainage Strategy appropriate to the scale and nature of the development must be submitted for our consideration and supported by an evidence base i.e. soakaway tests, hydraulic calculations etc.

#### **Final Comments**

We have reviewed the submitted surface water drainage strategy and would recommend the following conditions be appended to any permissions given.

1. The site shall not discharge at any rate greater than 5l/s as stated in the email dated 19 March 2014 from CB3 Consult Ltd.

Reason: To prevent increased surface water run-off and flood risk from the development.

2. The surface water drainage scheme as illustrated on drawing C0289 C-003 Rev shall be constructed and maintained in perpetuity of the development.

Reason: To ensure that a fully functioning and maintained surface water drainage system is in place to avoid increasing flood risk to adjacent/downstream third party landowners.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

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### **Pollution Control Observations**

No Objection subject to conditions regarding:

Floodlighting - the hours of operation of the floodlighting not to be operated after 22.00 on any day, and not to be operated when the playing fields are not in use.

Construction – a Construction Pollution Management Plan (CPMP) be submitted

### **Ecology**

The area that has been cleared of vegetation has low ecological value, the southern hedge is of value as a habitat and as a wildlife corridor. The retention of this will in part mitigate for the loss of habitat on the wider site. Please add a condition requiring this to be retained. It is likely that this hedge is used by bats either for commuting or as a feeding area. All bat species are disturbed by increased light levels the hedge line should be protected from unnecessary lighting. There is a badger sett within 30m of the site it is possible that a badger licence will be required for any work on the site near the sett. Please add an informative to any permission we give that a Badger Licence is applied for prior to work starting.

### **APPRAISAL**

The application is reported to Committee for decision and a site visit has been requested by Councillor Will Evans to assess any likely impacts of the proposed development on dwellings at Ffordd Cae Duke and Harding Close and to assess the objections raised by the Coal Board Authority.

Full planning permission is sought for the construction of a single storey changing room building, one full size rugby pitch, one training pitch, a 36 space car park and installation of 11m x 15m high floodlighting columns.

### **Site and Surrounding Area**

The application site lies to the south of Loughor Road on the fringes of the existing urban area directly to the south of houses within Ffordd Cae Duke and Harding Close which forms part of the estate known as Heritage Park. The site is located on the former Cae Duke Colliery site and measures approx 2.5ha.

The site is currently a sloping site with the highest part located at the northern boundary adjacent to the houses in Heritage Park and the lowest part adjacent to the southern boundary. The land to the south of the site has received planning permission on the 25<sup>th</sup> April 2014 for 106 new houses (2013/0261).

The site is currently allocated as a housing site under Policy HC1 (104) of the City and County of Swansea Unitary Development Plan 2008 (UDP)

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### The Proposal

The application is for the construction of a single storey changing room building, one full size rugby pitch, one training pitch, a 36 space car park and installation of 11 x 15m high floodlighting columns

The site is proposed to be accessed from the existing highway – Ffordd Cae Duke within the Heritage Park Estate.

The proposed single storey changing rooms building is proposed to be located in the north-eastern corner of the site, to the south of the property known as 23 Ffordd Cae Duke. It would be L shaped and would be located 4.5m south of the mutual boundary with 23 Ffordd Cae Duke, and 14m to the south of the house itself. The building would have a hipped roof which would measure 2.8m in height to the eaves and 4.7m to the ridge. The building would contain 4 changing rooms (each with their own w.c. and shower), a treatment room, an official's changing room and ladies and men's w.c's. There is no provision for any function room, bar or cafe within the building.

The proposed car parking area would be located at the northern section of the site to the south of 22 Ffordd Cae Duke and 5 Harding Close. The car park would be split into two sections with 4 spaces located immediately adjacent to the changing room building and the remaining 28 spaces located 2.5m to the south of the mutual boundary with no 22 Ffordd Cae Duke and 5 Harding Close and 13m and 14m respectively from the houses themselves. The access road car parking spaces would be finished in a permeable surface allowing rainwater to filtrate into the ground below.

There are 2 proposed rugby pitches, one being a full sized pitch measuring 120m x 70m which would run in an east – west direction and would be located to the south of the proposed changing rooms and the proposed car parking area. It would be located 27m to the south of the northern boundary of the site (the boundary with houses in Ffordd Cae Duke and Harding Close) and would be located 8.5m lower than the existing houses. The smaller training pitch would measure 80m x 50m and would run in a north-south direction and would be located 11m to the south of the boundary with 9, 10, 11, 12, and 14 Harding Close. It would be located 14m lower than the existing houses.

The proposed floodlights would be sited on top of 15m columns – Eight would be for the full sized pitch and three would be for the training pitch. Each column would be fitted with a 'Champion' light which is designed to be installed without tilting thereby reducing artificial sky glow, glare and intrusive light. The tilted glass inside the lamp enables 88% of the light emitted to be transmitted, whilst the 'virtual' light emitting surface remains horizontal with ground. The floodlighting is only proposed to be operated between 16.30 – 20.00hrs (tues – fri) during the winter months only.

The retaining 'crib-lock' wall would measure 67m in length and would be located 10m to the south of the boundary with 8 Harding Close and 8m from the boundary with 14 Harding Close. The retaining crib-lock wall would measure 4.2m in height. A 1.2m high safety rail would be located at the top of the retaining wall.

A new timber close boarded fence is proposed along the northern boundary and a new gate is proposed at the entrance to the site.

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The proposal involves the re-profiling of the sloping site in order to provide a flat section to accommodate the sports pitches. The southern section of the site would be re-profiled and increased in height in a number of locations by approx 5-6m with a new slope ranging between 15-40 degrees. The proposed re-profile slope is proposed to be planted with significant new native plant and tree species to soften the rake of the slope and to reinforce the southern boundary hedge which separates the site from the housing site to the south. The northern section of the site would be lowered by approx 8.5 -14m and would partially retained by the crib-lock wall as described above. New native planting is also proposed to the rear of 5, 6, 7 and 8 Harding Close and also along the eastern and western boundaries.

The proposed pitches and changing rooms are to be used by Loughor Rugby club as training pitches and for use by the junior sides. The smaller training pitch will be used by the junior section ranging from 7 – 15 year olds. The full size pitch will be used by the first and second teams for training only. The applicant advises that the maximum number of people at the facility would be 60 (worst case scenario), of which a significant number would be junior. The junior players are often dropped off and later picked up by a parent, and in many cases are 2-3 per car. The applicant states that on the very odd occasion there may be a need for the second team to play a match on a Saturday afternoon at the site, but this would be a very rare event. In the event of a game played by the Second 15 on a Saturday afternoon, the applicant advises that there would be about 22 players per side plus a support coach and physio plus a small number of spectators.

The main club house and first team pitches will remain at the Belgrave Road site, about 500m away from the application site.

The club proposes to use the facility between 16.30 – 20.00 hrs (Tues – Fri) during the rugby season which enables the facility to be used by local schools and collages during the day (subject to agreement with the club).

### **Main issues**

The main issues for consideration with regard to this application relate to the acceptability of the proposal in principle and the impact of the development on the character and appearance of the area, the residential amenity of neighbouring occupiers, access, parking, highway safety and the impact upon environmental interests having regard to the provisions of the policies of the City and County of Swansea Unitary Development Plan 2008 (UDP) listed within the previous pages. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

### **Principle of Development & Planning History**

In 1994, outline planning permission was granted to the original owners of the site (British Coal) by the former Lliw Valley B.C. for residential and recreational development, the residential element of which is now constructed and is known as Heritage Park, located to the north of the application site. The outline permission (ref: 92/0293) was, however, subject to a Section 106 Planning Obligation requiring the layout out of the land on the southern section of the site (the current application site) as playing fields (with access from Ffordd Cae Duke) , prior to the occupation of 75% of the houses.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

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The agreement also included the retention of the land to the east as open space, recreation or agricultural use and the creation of a woodland belt along the eastern boundary.

Following the approval of the outline permission the land was sold off by British Coal in separate parcels to three different parties: Persimmon Homes, Loughor Rugby Club and a local farmer.

Detailed planning permission was then granted in 1997 to Loughor Rugby Club (ref: 96/1195) for "Land filling, re-profiling and drainage works to form rugby and cricket fields, erection of a changing room building, floodlighting, grounds-man store, vehicular access, off site sewers, land profiling and landscaping" on the current application site. This permission was not implemented.

Reserved Matters approval was granted to Persimmon Homes for 88 dwellings in 1998 (98/0032) which are the current houses constructed at Heritage Park. The permission required the developer to comply with the S106 Obligation. However, a subsequent appeal by Persimmon to complete the residential development without complying with the S106 agreement (to provide playing fields) was dismissed by the Planning Inspector in 2000 on the grounds that the S106 agreement "*reflected a wholly appropriate approach to the proper planning of the area and was necessary to secure the comprehensive restoration of the colliery site*".

In June 2004, Persimmon Homes by way of a S106 Unilateral Undertaking paid to the Authority £225,000 in lieu of providing the playing fields. This money was intended to be used to contribute towards the provision of other recreational facilities in the Loughor Area should the Council see fit, if in the event the land is restored or to be restored by some other means. The site now forms part of an allocated housing site within the current UDP under Policy HC1 (Housing Sites) (104) 'Land South of the Former Cae Duke Colliery, Loughor Road' where the potential for 212 homes is indicated.

In 2007 an application was submitted by Barratts and Loughor Rugby Club for the construction of 209 dwellings, indoor sports barn, two outdoor sports pitches, new vehicular access off Loughor Road and associated parking, open space and landscaping works (2007/2097). The site included the current application site and also the site which has recently been approved for 106 houses to the south. In addition, the 2007 application also included a significant portion of land to the south which is allocated in the UDP as 'Green Wedge' for use for the sports barn and pitches. The application was recommendation for refusal at the Area 2 Development Control Committee on the 30<sup>th</sup> August 2011 on grounds including that the sports barn and rugby pitches would encroach into the green wedge and would represent an unjustified development into the open countryside. The application was 'deferred' at the Committee in order for the applicant to consider in detail possible alternative sites for the sports building. The application was subsequently 'withdrawn' by the applicants in April 2012.

Since then, and as detailed above, Barratts received planning permission on 25<sup>th</sup> April 2014 (2013/0261) for 106 houses on the southern section of the allocated housing site HC1 (104).

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Policy HC18 of the UDP states that development of new leisure facilities will be permitted at suitable locations within the urban area subject to compliance with a defined list of criteria including proven need, no harm being caused to vitality and viability of city centre and district shopping centres, passing the sequential test, acceptable access and car parking, and capacity of the local highway network.

Loughor Rugby Club have subsequently investigated the opportunities available at alternative locations for the playing fields in the local area. However the sites identified, namely Stafford Common, Council owned land at Tre Uchaf and Pont Y Brenin were not considered to be suitable for the playing fields largely due to their size whilst the Stafford Common site is within a green wedge where this type of development is strictly controlled in policy terms. The applicant has also advised that they have considered alternative locations on the edge of the Loughor Rugby Club catchment without success and have concluded that the only viable option is the current application site.

It is therefore considered that the provision of the playing fields on the application site is in accordance with the underlying objectives of Policy HC18.

Notwithstanding the above the proposal is, however, considered to be a 'departure' from the Development Plan as the site forms part of an allocated housing site under the provisions of UDP Policy HC1 (104).

It should be recognised, however, as stated above, that this site has historically been identified as the location for playing fields by virtue of the original outline permission and associated S106 agreement in 1994 (92/0293), and the subsequent grant of permission in 1997 (96/1195). In addition the residential development approved to the south (2013/0261) which is also included within the same UDP housing allocation is considered to be deficient in terms of the National Playing Fields Association Standard and it is considered that the current site would enable the proposed sports facility to be better integrated within the local community by virtue of their location between the existing houses in Heritage Park and the new housing proposed by Barratts to the south.

In view of the above, given the complicated history of this site and that the proposed playing fields are considered to provide a valuable asset to the local area it is considered that the proposal represents an acceptable departure from the provisions of Policy HC1 (104) of the City & County of Swansea Unitary Development Plan 2008.

### **Visual Amenity**

The site is located between the existing housing site at Heritage Park and the proposed housing site to the south. The access to the site would be from the existing estate road – Ffordd Cae Duke. The site is not highly visible from the public realm close to the site. There are long views of the site from the A484 Link Road and from Bryn Y Mor Road and Penclawdd Road on the other side of the valley.

The site is bounded to the east, west and south with existing hedgerows, the southern and western hedgerows are to be retained and supplemented with additional planting, and the eastern hedgerow is to be removed and replaced by replacement trees and planting. The northern boundary is would be finished with a new close boarded timber fence.



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The proposed new changing room building, as described in the Proposal section of this report is a modestly sized single storey building and as such would not be highly prominent in terms of its visibility. The car parking area would again be modest in size and would not unduly impact upon the visual amenity of the area. The 11 proposed flood lighting columns would be 15m in height and would be located between 8.5m and 14m below the level of the existing houses to the north. As such it is considered that they would not be unduly prominent in terms of their visibility during daylight hours. During the times that the floodlights would be in operation, obviously they will be more visible, but from the long views from the A484 and Bryn Y Mor Road and Penclawdd Road, they would be seen in context with urban street lighting along Loughor Road and the Heritage Park estate.

It is considered that the provision of the playing fields between the existing housing at Heritage Park and the new housing development to the south would act as a 'visual buffer' in retaining 'green space' between the existing and proposed housing developments. As the site is not highly visible from the immediate area, the impacts of the proposed changing rooms and car parking are not considered to be harmful to the visual amenities of the site or the wider area.

As such, in terms of the developments impacts on the visual amenities of the area, the proposal is considered to be acceptable and compliant with the provisions of Policies EV1 and EV2 of the City & County of Swansea Unitary Development Plan.

### **Residential Amenity**

With regard to the impacts upon residential amenity, the existing properties that would be closest to the proposed development are 22 and 23 Ffordd Cae Duke and 5, 6, 7, 8, 9, 10, 11, 12, 14 and 15 Harding Close.

The proposed changing room building would be located 4.5m from the boundary fence with 23 Ffordd Cae Duke and 14m to the south of the house itself. The building would have a hipped roof which would measure 2.8m in height to the eaves and 4.7m to the ridge. There are no windows in the side gable elevation of 23 Ffordd Cae Duke facing the changing rooms building. It is considered that given that the building would be single storey and given the 14m distance from the side elevation of the existing house, the proposed changing room building would not cause any unacceptable overshadowing or overbearing impacts upon 23 Ffordd Cae Duke. In terms of potential overlooking impacts, the proposed changing room building would have 5 high level windows at ground floor level which serve the toilets and changing and shower rooms and would be obscurely glazed. As such there would be no overlooking impacts from the changing room building towards 23 Ffordd Cae Duke.

The proposed car parking area to the south of 22 Ffordd Cae Duke and 5 Harding Close, would not cause any impacts in terms of overbearing, overshadowing or overlooking towards those houses.

The proposed use of the site is likely to cause more noise and disturbance upon the existing residents than that which currently exists by virtue of the site being undeveloped and not used at present. Therefore any proposed use is by definition likely to have some impact on the existing residents.

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It is inevitable that more traffic and people would use Ffordd Cae Duke to access the site, and this would also be the case if the site was developed for residential houses as per the UDP allocation. It is therefore considered that there will, as a consequence of the development of the site, be an impact upon the existing residents, but that given the proposed boundary treatment and the proposed use of the facility between 16.30 – 20.00 hrs (Tues – Fri) during the rugby season this would not unduly harm the residential amenities of the neighbouring dwellings.

The applicant, in the supporting statement, refers to potentially allowing local schools and community groups the use of the pitches when they are not in use by the rugby club. This could potentially lead to more activity on the site, and as such it is proposed to time limit the use of the facility on a daily basis from 08.30-20.30hrs and that the access gate is to be locked outside of these times. On this basis it is considered that the impact upon residential amenity would be within acceptable parameters and would not justify a recommendation of refusal of planning permission on this issue.

With regard to the floodlighting, the floodlights would be sited on top of 15m columns – Eight would be for the full sized pitch and three would be for the training pitch. Each column would be fitted with a 'Champion' light which is designed to be installed without tilting thereby reducing artificial sky glow, glare and intrusive light. The tilted glass inside the lamp enables 88% of the light emitted to be transmitted, whilst the 'virtual' light emitting surface remains horizontal with the ground. The floodlighting is only proposed to be operated between 16.30 – 20.00hrs (Tues – Fri) during the winter months only. The technical information for the floodlighting submitted with the application gives an example for a pitch within a urban environment - the luminance levels at a height of 5m is of critical importance as a standard 1<sup>st</sup> floor bedroom window is located approx 5m above ground level. The calculations in the technical information states that at a distance of 78m from the centre of the pitch, the vertical luminance is kept at a minimum and is designed to avoid light spillage onto areas surrounding the pitch. This example is based on the pitch being at the same ground level as the surrounding houses.

In the case of this application, the base of the proposed flood lights would be located between 8m and 14.5m below the existing level of the houses in Heritage Park. With regard to the large pitch, 8 flood lights are proposed with 4 on each side of the pitch. The centre of the pitch would be located 75m from 22 Ffordd Cae Duke and 90m from 23 Ffordd Cae Duke. Given this distance and that the pitch would be 14.5m lower than these two houses, it is considered that there would be no unacceptable light pollution caused to the existing dwellings from the larger pitch. With regard to the smaller pitch, 3 flood lights are proposed on the western side. The centre of the pitch would be located 60m to the south of 11 Harding Close and would be 8m lower than the existing house. Again, given that there are only 3 floodlights proposed and given the distance and the lower level of the pitch, it is considered that there would be no unacceptable light pollution caused to the existing dwellings from the smaller pitch.

With regard to the proposed houses already approved for the southern site, consideration must be given the future residential amenity of these dwellings even though they have yet to be constructed. The southern section of the site would be re-profiled and increased in height in a number of locations by approx 5 - 6m with a new slope ranging between 15-40 degrees.

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The proposed re-profiled slope would be landscaped with significant new native planting and tree species to soften the rake of the slope and to reinforce the southern boundary hedge which separates the site from the housing site to the south.

The closest plot of the new development to the proposed larger pitch would be plot 34. It would be located approx 12.5m to the south of the pitch and would have its side gable elevation facing the site boundary. The approved plan for plot 34 shows its rear garden to be bounded by a 1.5m high crib lock wall. The level of the garden would be approx 6m lower than the pitch with a 35 degree slope rising away from the side of its garden. It is considered that given the slope of the land and that the side elevation of the proposed house faces towards the larger pitch that it would not be unduly affected by the proposed development.

Plot 17 is the next closest dwelling with its rear elevation approx 21m to the south the proposed larger pitch. At this point, the proposed plot 17 would be approx 5m lower than the pitch with a 45 degree slope (approx). It is considered that given the slope of the land and the levels change it would not be unduly affected by the proposed development.

Plots 18, 19, 20, 21, 22, 23, 24, 26 and 27 would range between 25 – 40m to the south of the larger pitch.

As mentioned above the re-profiled slope and the boundary hedges are to be planted with additional native species which will help to protect the amenities of the future occupiers of those dwellings.

It is therefore considered that although there will be an increase in activity on the site over and above the current situation, the proposed use of the site as playing fields and the associated changing room building and floodlights would not unduly harm the existing or future residential amenities of the residents adjacent to the site. As such the application is considered to be acceptable and compliant with the provisions of Policies EV1 and EV40 of the City & County of Swansea Unitary Development Plan.

### **Highway Impacts**

The proposed facility will be accessed from the existing estate road – Ffordd Cae Duke.

Parking facilities are indicated with approximately 36 parking spaces which includes facility for disabled users. The development will act as a secondary facility and is unlikely to host any major fixtures as all such games will continue to be held on the main site at Belgrave Road. Traffic issues are unlikely to arise provided that the use is restricted to its indicated purpose and should second team fixtures be held on the site, a car park and traffic management plan should be implemented.

On balance, it is recommended that no highway objections are raised subject to the submission and subsequent approval of a parking and traffic management plan for the site to cover any competitive fixtures. The approved management plan shall be implemented on match days.

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### **Ecological Issues**

A Phase 1 Habitat Survey was submitted with the application. The area that has been cleared of vegetation has low ecological value. The southern hedge is of value as a habitat and as a wildlife corridor. The retention of this will in part mitigate for the loss of habitat on the wider site. It is likely that this hedge is used by bats either for commuting or as a feeding area. All bat species are disturbed by increased light levels the hedge line should be protected from unnecessary lighting. There is a badger sett within 30m of the site and it is possible that a badger licence will be required for any work on the site near the sett. The applicant has indicated that a badger proof fence be sited along the western boundary, similar to that approved under the permission for the housing development to the south.

### **Trees**

There are a number of protected TPO trees on the western boundary of the site and two TPO trees within the site towards the western side. All the TPO trees within the western boundary will be retained, however the two TPO trees within the site (T7 Ash and T8 Oak) will need to be removed as the proposed training pitch will be in this location. The submitted landscape proposal plan indicates that a significant level of new planting will be implemented on the site, close to all four boundaries of the site. The planting will be native species trees and shrubs. A full and detailed landscaping plan has been submitted and will be required to be implemented as part of the permission. On balance, the loss of the of the two TPO trees is mitigated against by the significant level of proposed new trees and planting. In this regard the application is considered to be acceptable and complies with the provisions of Policy EV30 of the City & County of Swansea Unitary Development Plan 2008.

### **Coal Mining Issues**

The Coal Authority initially objected to the scheme due to the lack of satisfactory information with regard to the location of potential mining features and hazards. The applicant has taken the opinion of a Structural Engineering Consultant and now accepts that the mine entry within the application site needs to be located and inspected. The Coal Authority considers that mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the Authority impose a planning condition should planning permission be granted for the proposed development requiring these site investigation works to be carried out prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the mine entry to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

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The Coal Authority considers that the content and conclusions of the Mining Risk Assessment (Ref. 9833/AF/07) and email from Mr Dylan Gravell to Mr Howells dated 6 May 2014 are sufficient for the purposes of the planning system and meets the requirements of Planning Policy Wales in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

The Coal Authority therefore withdrew its objection to the proposed development subject to the imposition of the above requirement by condition.

### **Archaeological Issues**

Glamorgan Gwent Archaeological Trust have confirmed that they have no objection to the positive determination of this application provided a condition be attached to any consent granted requiring the applicant to submit a detailed programme of archaeological work in accordance with a written scheme of investigation.

### **Water Quality Issues**

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

#### Burry Inlet Habitat Regulations Assessment

##### Introduction

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

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

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

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### 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.

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

### Other Possible Effects on CBEEMS features

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

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

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

### **Hydraulic Capacity Issues in Gowerton WwTW Drainage Network**

Whilst the LPA is satisfied that it has addresses the issues relating to the Habitat Regulations on this site, there are still outstanding issues in the Gowerton Waste Water Treatment Works (WwTW) catchment area.

In 2011 Dwr Cymru Welsh Water adopted the findings of a study commissioned to investigate the problems and solutions relating to foul drainage in this drainage catchment area. They have also prepared a plan of improvements works for Gowerton WwTW catchment area to start in 2020 (AMP7). In the meantime they are prepared to bring forward schemes if developers finance them.

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In addition, the Council has kept a register of savings made on brownfield sites and some of these have been completed. The register is required by the Memorandum of Understanding 2011 agreed and signed by the City & County of Swansea, together with its partners Carmarthenshire County Council, Dwr Cymru Welsh Water, and Natural Resources Wales

### **Foul Drainage**

This development will separate surface water and land drainage from foul water, so the only drainage impact on the existing sewerage drainage system to Gowerton WwTW would be the foul connections. It is estimated that the maximum foul flow from the proposed changing rooms on this site can easily be accommodated by potential surface water removal schemes or compensatory water savings already made from other brownfield developments in the area.

Dwr Cymru Welsh Water has not objected to this scheme

### **Land and Surface Water Drainage**

Initially, the application did not include adequate details of the sustainable drainage system with respect to the chosen systems location, size, discharge point/s, discharge rates and performance on site. Subsequently a Drainage Strategy was submitted for consideration which showed the arrangements for surface water from the roof of the changing room building, car park, and pitches will be discharged via an attenuation tank located underneath the training pitch at greenfield rates.

The Council's Drainage Officer has reviewed the submitted surface water drainage strategy and recommends that it is acceptable subject to conditions that the site shall not discharge at any rate greater than 5l/s as stated in the email dated 19 March 2014 from CB3 Consult Ltd and that the surface water drainage scheme as illustrated on drawing C0289 C-003 Rev shall be constructed and maintained in perpetuity of the development. This to prevent increased surface water run-off and flood risk from the development and to ensure that a fully functioning and maintained surface water drainage system is in place to avoid increasing flood risk to adjacent/downstream third party landowners.

Subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and are in accordance with the provisions of Policies EV33, EV34 and EV35 of the UDP.

### **Other Material Considerations**

Issues raised by objectors relating to the use of the site for playing fields, UDP policy, traffic, highway safety, parking, intensity of use, light pollution, noise pollution, residents amenity, privacy, impacts from the changing room building, landscaping, gated access, impacts of the levels, embankment and retaining walls, old mine workings, bats, ecology, impacts upon the unbuilt residential development to the south, surface water management, drainage, and foul connections have been dealt with in the preceding paragraphs.

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Issues regarding the control and monitoring of the site and the litter from users are a matter for the rugby club management and value of properties within the heritage park is not a material planning consideration.

With regard to the red-line boundary, the applicant has confirmed that it is correct. With regard to the potential future sports barns – full planning permission would be required for any further development on the site.

### Conclusion

Having regard to all material a planning considerations, including the provisions of the Human Rights Act, the proposal for the construction of a single storey changing room building, one full size rugby pitch, one training pitch, a 36 space car park and installation of 11 x 15m high floodlighting columns is considered to be an acceptable departure from the Development Plan in terms of Policy HC1 (104) and is considered to be acceptable in terms of its impact on the visual amenities of the area, the residential amenities of existing and future residential occupiers, impacts on access, parking and highway safety. As such the application is considered to comply with Policies EV1, EV2 EV3, EV30, EV33, EV34, EV35, EV40, HC1, HC18, HC24, AS1, and AS6.

The drainage proposals have been considered in the above report including the foul connections and the hydraulic capacity issues, as well as the land / surface water drainage issues. It is considered that the requirements of DCWW and NRW for compensatory surface water savings in the Gowerton WwTW catchment area can be accommodated for by potential surface water removal scheme or the Council's Register of savings made from brownfield sites within the Gowerton WwTW catchment area.

### RECOMMENDATION

**That the application be referred to DEVELOPMENT MANAGEMENT & CONTROL COMMITTEE with a recommendation that it be APPROVED as a departure from the provisions of the Development Plan 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. Prior to the commencement of development on site full detail of an intrusive site investigation works identifying all coal mining legacy issues on the site shall be submitted to and approved in writing by the Local Planning Authority. Should the site investigation work reveal the need for remedial works to treat any mine entries or other legacy features, all the remedial works shall undertaken and completed prior to the construction of the development and shall be completed in accordance with the details thereby approved.
- 2 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

Reason: n the interests of the ecology and amenity of the area. order to establish the exact situation regarding coal mining legacy issues on the site



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| 3 | <p>Foul water and surface water discharges shall be drained separately from the site.<br/>Reason: To protect the integrity of the Public Sewerage System.</p>  |  |  |
| 4 | <p>No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.<br/>Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.</p>   |  |  |
| 5 | <p>Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.<br/>Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.</p>  |  |  |
| 6 | <p>The site shall not discharge at any rate greater than 5l/s as stated in the email dated 19 March 2014 from CB3 Consult Ltd unless otherwise agreed in writing by the Local Planning Authority.<br/>Reason: To prevent increased surface water run-off and flood risk from the development.</p>  |  |  |
| 7 | <p>The surface water drainage scheme as illustrated on drawing C0289 C-003 Rev shall be constructed and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.<br/>Reason: To ensure that a fully functioning and maintained surface water drainage system is in place to avoid increasing flood risk to adjacent/downstream third party landowners.</p>   |  |  |
| 8 | <p>The development shall be completed in accordance with the landscaping scheme as shown on approved plans 2014./10Rev E (Landscaping Proposals).The landscaping scheme shall include the retention of and additional planting to the southern boundary hedge and shall include the recommendation shown in Section 5 of the Eco Report by Amber Environmental Consultancy 2014. 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 two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.<br/>Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.</p> |  |  |

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- 9 No development or other operations shall take place except in accordance with the guide on "The Protection of Trees on Development Sites" attached to this planning permission. No trees, shrubs, or hedges shall be felled or cut back in any way, except where expressly authorised by the landscaping scheme as approved by the Local Planning Authority until two years after the completion of the development. Any trees, shrubs or hedges removed without such authorisation, or dying, or being seriously damaged or diseased before the end of that period shall be replaced by plants of a size and species as may be agreed with the Local Planning Authority.
- Reason: To secure the protection of trees growing on the site whilst the development is being carried out.
- 10 Prior to the commencement of development on site, full details of a badger proof fence for the western boundary shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the details thereby approved.
- Reason: To prevent badgers accessing the playing fields.
- 11 No retained trees or hedgerows shall be cut down, uprooted, destroyed, pruned, cut or damaged during the construction phase other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.
- Reason: To ensure the protection of the trees and hedgerows.
- 12 If any retained trees or hedgerows are cut down, uprooted, destroyed or die during the construction phase another tree/hedgerow shall be planted at the same location and that tree/hedgerow shall be of a size, species as specified in writing by the Local Planning Authority.
- Reason: To ensure as far as possible that the landscaping scheme is fully effective.
- 13 Prior to the commencement of demolition/construction works on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) should be submitted to and approved in writing by the LPA. The CPMP is to include the following:
- a) Demolition/Construction programme and timetable
  - b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
  - c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
  - d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;

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13 CONTD	<p>e) Proposed working hours;</p> <p>f) Principal Contractor details, which will include a nominated contact for complaints;</p> <p>g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);</p> <p>h) Details of on site dust mitigation measures having regard to BPM;</p> <p>i) Details of on site noise mitigation measures having regard to BPM;</p> <p>j) Details of waste management arrangements (including any proposed crushing/screening operations); and</p> <p>k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.</p> <p>note: items g – j inclusive need to take particular account of the potential for statutory nuisance from site related activities [see Informatives].</p> <p>Reason: To ensure minimal nuisance impact on local residents/ businesses from construction activities.</p>		
14	<p>Prior to the commencement of development on site full detail of an intrusive site investigation works identifying all coal mining legacy issues on the site shall be submitted to and approved in writing by the Local Planning Authority. Should the site investigation work reveal the need for remedial works to treat any mine entries or other legacy features, all the remedial works shall undertaken and completed prior to the construction of the development and shall be completed in accordance with the details thereby approved.</p> <p>Reason: In order to establish the exact situation regarding coal mining legacy issues on the site</p>		
15	<p>No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority</p> <p>Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource</p>		
16	<p>Unless otherwise agreed in writing by the Local Planning Authority, the proposed parking areas hereby approved/illustrated on the submitted plan shall be:</p> <p>(i) porous or permeable; or</p> <p>(ii) constructed to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse; and</p> <p>(iii) be permanently maintained so that it continues to comply with the requirements of paragraph (i) and (ii).</p> <p>Reason: In the interests of sustainability.</p>		

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| 17 | <p>Prior to any competitive match fixtures being played on the site, a parking and traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall then be implemented on competitive match days in accordance with the details thereby approved.</p> <p>Reason: In the interests of highway safety.</p>  |  |  |
| 18 | <p>Prior to the first use of the development hereby approved, the car parking spaces shall be laid out in accordance with the approved plans and shall be maintained as such for the sole use of the users of the playing fields only.</p> <p>Reason: In the interests of highway safety.</p>  |  |  |
| 19 | <p>The floodlighting hereby approved shall not be operated outside of the following hours :</p> <p>16.30 - 20.00hrs (Tues - Fri) during the winter months only, unless otherwise agreed in writing by the Local Planning Authority. Glare/ overspill light from the installation shall be controlled adequately such that no statutory nuisance impact results on any residential properties.</p> <p>Reason: In interests of residential amenity</p> |  |  |
| 20 | <p>Samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.</p> <p>Reason: In the interests of visual amenity.</p>   |  |  |
| 21 | <p>The facilities hereby approved shall not be used before 08.30 hrs nor after 20.30 hrs on any day and outside of these times or when the facility is not being used, the access gate shall be locked at all times unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To safeguard the amenities of the occupiers of neighbouring properties.</p>   |  |  |
| 22 | <p>The ground floor windows in the northern elevation, as indicated on Plan No: HG.13.50.01 Rev D shall be obscure glazed and unopenable below a height of 1.7m from internal floor level, and shall be retained as such at all times unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Reason: To safeguard the privacy of the occupiers of neighbouring residential properties.</p>                                     |  |  |
| 23 | <p>Before the first use of the development hereby approved the close boarded fence to enclose the northern boundary of the site and the access gate and the means of enclosure of the eastern boundary of the site shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of visual amenity and general amenity.</p>                              |  |  |

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24	<p>Should any of the replacement tree(s) be removed, die or become severely damaged or seriously diseased within 5 years of planting, It shall be replaced in the next planting season by a tree(s) of similar size and species to that originally planted.</p> <p>Reason: In the interests of visual amenity, and to accord with Section 197 of the Town and Country Planning Act 1990.</p>		

### INFORMATIVES

- 1 The applicant's attention is drawn to the requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act, 1995 and to the provisions of Part M of the Building Regulations.

The document "Designing an Accessible Environment" provides guidance for developers on designing an accessible environment for disabled persons and is available from the Building Control Section of the Environment and Health Department at the Guildhall, Swansea.
- 2 The applicant is advised of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which it is intended to display on the premises.
- 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).
- 4 **INFORMATIVE NOTE:**

This decision relates to planning control only. The Department would advise that if the proposed works require Building Regulations approval this should be obtained from the relevant District Council before the works commence. The Department would also advise that this planning decision does not cover any other approval which may be necessary under other legislation.

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5	<p>It is an offence under the Wildlife &amp; Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:</p> <ul style="list-style-type: none"><li>- Kill, injure or take any wild bird</li><li>- Take, damage or destroy the nest of any wild bird while that nest is in use or being built</li><li>- Take or destroy an egg of any wild bird</li></ul> <p>You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.</p>		
6	<p>This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.</p>		
7	<p>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, EV30, EV33, EV34, EV35, EV40, HC1, HC18, HC24, AS1 and AS6</p>		
8	<p>The activity of importing waste into the site for use as, for example hardcore, must re-registered by the Environment Agency Wales as an exempt activity under the Management Licensing Regulations 1994.</p>		
9	<p>The Developer must contact the Team Leader, Highways Management, City &amp; County of Swansea (Highways), Penllergaer Offices, c/o Civic Centre, Swansea, SA1 3SN (Tel: 01792 636091) before carrying out any work.</p>		
10	<p><b>INFORMATIVE NOTE:</b></p> <p>This site is covered by a Tree Preservation Order and separate consent(s) will therefore be required to do works to any trees not shown for removal, crown lifting or any other operations on the planning applications documents. Outline planning permission does not convey any approval for tree works.</p>		
11	<p>The developer is advised that the Welsh Government are planning to introduce new legislation that will make it mandatory for all developers who wish to connect to the public sewerage to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW) (Mandatory Build Standards). Further information on the Mandatory Build Standards can be found on the Developer Services Section, DCWW at <a href="http://www.dwrcymru.com">www.dwrcymru.com</a> or on the Welsh Government's website <a href="http://www.wales.gov.uk">www.wales.gov.uk</a>.</p>		

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- 12 Floodlighting Note : The applicant should be informed that the installation will be expected to comply with all applicable, current guidance and advice. The following sources of guidance/advice should be brought to the applicants' attention but is not designed to be necessarily comprehensive:  
DEFRA Guidance document: Statutory Nuisance from [Insects and] Light  
<http://www.defra.gov.uk/environment/quality/local/nuisance/light/>  
Institution of Lighting Professionals  
<http://www.theilp.org.uk/index.php?page=environmental>  
ILP Guidance notes for Reduction of Light Pollution  
BS EN 12193:2007  
Light and lighting. Sports lighting
- 13 Construction Noise  
The following restrictions should be applied to all works of demolition/ construction carried out on the development site. All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. The Local Authority has the power to impose the specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- Smoke/ Burning of materials  
No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- Dust Control:  
During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- Guidance provided in the relevant Pollution Prevention Guidance Notes (PPGs) should be followed. The PPGs are available from the environment agency website at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>
- 14 There is a badger sett within 30m of the site it is possible that a badger licence will be required for any work on the site near the sett. Be advised that a Badger Licence may be required prior to work starting.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM	12 (CONT'D)	APPLICATION NO.	2014/0306
15	The applicant is advised that the development must be carried out in accordance with the approved plans. If, prior to or during the implementation of this permission, any particulars are found to be inaccurate then the Local Planning Authority must be informed and works shall not commence or be continued until the matter has been resolved. Failure to do so could lead to the serving of an enforcement or stop notice.		

### PLANS

Floodlighting specification  
Dated 27th February

2014.HG.13.50.00 site location plan,  
CC5916 - Floodlight Column Plan  
Dated 4th March 2014

C0289 C-004 Rev D -general arrangement,  
C0289-C-002 Rev D - site sections  
HG.13.50.01 Rev D -floor plans, elevations, & block plan,  
C0289-C-001 Rev E - formation cut-fill details  
C0289 C-SK02 - Section through Proposed Crib retaining wall  
PN5216 001 Rev A - Proposed Flood lighting layout  
Dated 14 May 2014

2014./07 Rev E - Tree Survey overlay plan  
2014./06 Rev C - Existing Tree Plan  
2014./10 Rev E - Landscaping Proposals  
C0289-003 REV B - proposed drainage surface water  
Dated 23rd May 2014

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**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM 13

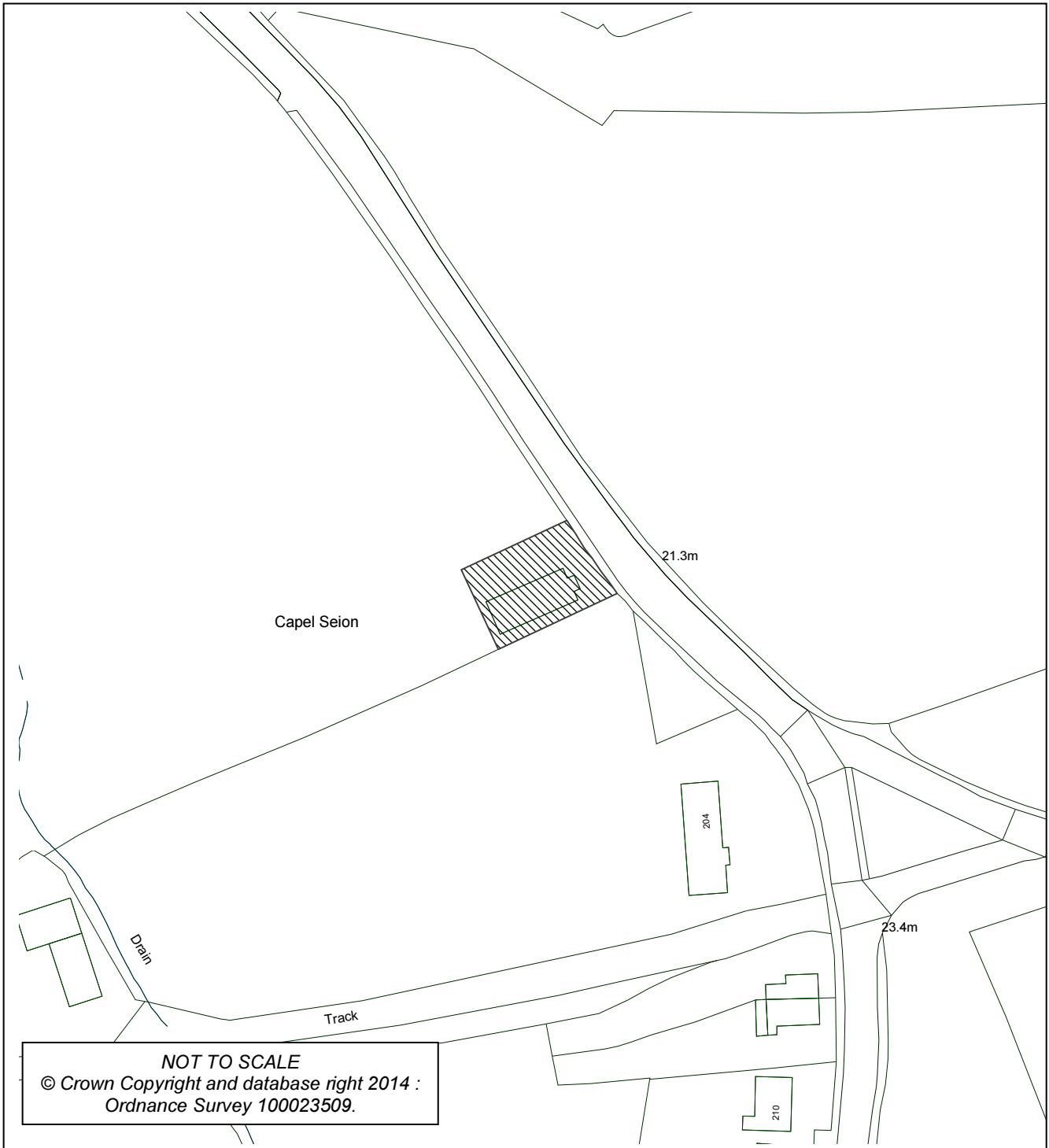
APPLICATION NO. 2013/1011

WARD: Penyrheol  
Area 2

**Location:** Seion Chapel, Pentre Road, Grovesend, Swansea SA4 8DD

**Proposal:** Change of use of chapel (Class D1) to residential dwelling (Class C3) with two storey side and two storey rear extensions

**Applicant:** Ms Madeline Richards



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 13 (CONT'D) APPLICATION NO. 2013/1011

### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV20	In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)
Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)
Policy EC12	The conversion of existing buildings in the countryside to new uses that contribute to the local economy and the extensions of such buildings will be permitted subject to a defined set of criteria including the building's structural integrity, its ability to be converted without prejudicing the character of the building or its locality, the building's compatibility with its surroundings, issues of access and highway safety, and the building's past uses etc. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
97/1633	CHANGE OF USE FROM CHAPEL (CLASS D1) TO CHAPEL OF REST Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 23/02/1998

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 13 (CONT'D)

APPLICATION NO. 2013/1011

### RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local. No third party response was forthcoming.

#### **Highway and Transportation:**

The site has adequate parking and turning facilities which will be retained for the converted use. The forecourt is currently open plan and whilst no details of any new front boundary is indicated, I would wish to specify that any new boundary along the Pentre Road frontage should be no more than 1m high to aid visibility when exiting the site.

I recommend no highway objection subject to any front boundary being no more than 1m high.

#### **Grovesend and Waungron Community Council:**

Subject to highway impact assessment, no objection

**Glamorgan Gwent Archaeological Trust:** The chapel was constructed in 1885, remodelled or rebuilt in 1894; after its closure it was used as a chapel of rest. This building is of vernacular style and the building has had elements replaced in the modern style. Therefore we have no objection to the positive determination of this application.

#### **Corporate Property**

Comment; It is difficult to value a property/site like this and the value will be the price someone is prepared to buy it for and there may be a special purchaser out there. In this case it appears that the property has been on the market since June 2012 at an asking price of £85,000. The agents, in their 'Viewing Summary' state that at this price out of 211 people who requested full details only 4 parties have viewed the property. All have withdrawn with the comment that the viability assessment was not positive at the asking price of £85,000. Usually with that amount of interest not generating any viewings or offers, then the asking price would/should have been reduced.

### APPRAISAL

The application is reported to Committee and a site visit has been requested by Councillor David Cole as it involves development not in accordance with the Development Plan and to allow members to assess the impact of the proposed development upon the character of the area.

Full planning permission is sought for the change of use of the redundant chapel building sited off Pentre Road, Waungron, into a single dwelling with associated residential curtilage and parking facilities.

The application site is part of a chapel building which has occupied for a number of uses since its use as a chapel ceased. The principle use in the intervening period was as an undertakers' chapel of rest (Ref: 97/1633 approved on 23/02/1998).

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 13 (CONT'D) APPLICATION NO. 2013/1011

Access to the site is derived directly off Pentre Road. The site is located in an area of open countryside and also within a designated green wedge.

The main issue for consideration in this instance is whether the proposed change of use of this redundant rural building to residential use accords with adopted development plan policy. It is not considered that the provisions of the Human Rights Act raise any other overriding considerations. As such the proposal must be assessed against policies EV1, EV22, EV23, EC12 and EC13 of the Swansea Unitary Development Plan 2008.

There is limited planning history relating to this site. The thrust of National and local policies express a strong preference for business use in the conversion of rural buildings and it is the view of the Local Planning Authority that the proposal has not adequately explored this possibility before attempting to secure consent for a residential use.

Policy EC12 of the UDP supports the principle of the conversion of existing buildings in the countryside to new uses that contribute to the local economy. The residential use of such buildings would not be supported unless evidence is provided that the premises has been actively marketed without success for appropriate business use, or a proposed residential use is ancillary to a business re-use of the premises, or the resulting residential use will contribute to an identified local need for housing or for affordable housing in the location concerned.

With regard satisfying the criteria (i-v) of Policy EC12 it is considered that the building is largely intact and is capable of conversion without prejudicing the original character of the building or significantly compromising the character of the wider area. It should be noted that the proposals to alter and extend the building have been previously agreed at officer level and are regarded as acceptable in this instance.

The building is also considered structurally suitable of conversion in its current form without a major reconstruction.

The Head of Highways and Transportation has raised no objection to the proposed scheme subject to any proposed boundary treatment not exceeding 1.0 metres in height; at present the scheme as supplied does not include provision of a boundary treatment. It is considered in terms of vehicle movements that a residential use may introduce an increase at specific times of the morning and evening however this would have to be considered against the possible levels of vehicle movements throughout the day should a more intensive commercial use resume at this location. On balance in terms of highway and pedestrian safety the conversion to a residential use is considered acceptable.

The building previously operated as a chapel and chapel of rest and no agricultural use or rights have accrued in respect of the building and associated site and therefore criteria (iv) does not apply.

Turning to Criteria (a) of Policy EC12, the building has now been vacant for approximately 3 years. The property was purchased in 2011 with a view to conversion for residential use for approximately £70,000 - £75,000; however, it appears that the purchasers of the chapel and surrounding land were unaware of the policy restrictions that were in place in respect of the conversion of the conversion of rural buildings for residential use.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 13 (CONT'D) APPLICATION NO. 2013/1011

This current application is supported with evidence of marketing together with statements from local estate agents to the effect that conversion to a business unit is not an economic option owing to its location and distance from tourist attractions. The argument against the unit providing suitable tourist accommodation has been assessed by Tourism Officers for the Local Authority who highlighted the difficulty of securing viable year round letting outside of honeypot areas forming Swansea Bay. However it is noted that the Swansea Tourism Strategy is focused on the extension of the holiday period into the shoulder months in areas north of the M4 and there is a possibility that in the future walking holidays in this area may serve to provide a more viable income stream.

In late 2013 the applicant instructed their agents to advertise the property on the basis of Price on Application, however, further investigation with the Estate Agents confirmed that offers of less than £70,000 were unlikely to be entertained as the current owners were minded to reduce any potential loss. It is the view of the Local Planning Authority that this intervening period should have been utilised to advertise the property at offers in the region of £50,000 which is the approximate valuation placed on the unit by the Local Authority Valuer for Estates. The Estate Agent for the applicant did not accept the valuation provided by the Local Authority as being realistic.

In respect of Criteria (b) of Policy EC12 no mixed use scheme has been proposed and the applicant has clearly expressed that this is not a viable alternative and as such options that may be applicable under Criteria (b) have not formed any part of this determination.

Turning to Criteria (c) no evidence has been provided to the Local Planning Authority to suggest that there is an identified local need for affordable housing at this location.

The application property is sited approximately 45 metres to the north of No. 204 Pentre Road which is the nearest residential property and on this basis the Local Planning Authority is also mindful of the potential impact of any business use upon the residential amenities of these occupiers, which would be a material consideration, and on this basis, it is considered that this further limits the re-use options for the building.

It is acknowledged that the existing chapel unit benefits from a defensible boundary which would serve to delineate the building and its curtilage from the surrounding countryside and the nature of the building is such that it may be capable of conversion into a residential dwelling without prejudicing the intrinsic character.

The plot is bounded to all sides by agricultural fields with the exception of its eastern boundary which fronts directly onto Pentre Road the boundary treatment to the north south and west inhibit long distance views and as such serve to minimise the visual intrusion into the surrounding countryside. It is proposed that the area of hard standing currently in situ will be partially given over for domestic curtilage and parking once the proposed extension and associated renovations are completed.

The application building has been assessed in respect of its potential for providing harbourage to protected species; a bat survey was requested in support of the application. The submitted report dated May 2014 indicated no significant bat activity recorded at the site, notwithstanding this, a standard advisory note is recommended as a precautionary measure should the application receive the grant of planning permission.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 13 (CONT'D) APPLICATION NO. 2013/1011

The proposed residential unit would have a very limited curtilage and offer only 2 dedicated parking spaces whereas 3 are recommended in adopted guidelines. Additional room for parking is achievable in the remaining forecourt and on this basis the parking provision is considered acceptable on balance and therefore, the Head of Transportation and Engineering recommends that no highway objections are raised.

### Conclusion

In conclusion therefore and having regard to all of the above material planning considerations including the provisions of the Human Rights Act, it is considered that the applicant has failed to provide adequate evidence to meet the test as set out in criteria (a) of Policy EC12 and as such as failed to demonstrate that the building in question has been actively marketed for an appropriate business use. It is considered that there is insufficient justification for the conversion of this building into a new residential unit in the open countryside. Recommendation: Refuse

### RECOMMENDATION:

#### REFUSE, for the following reason:

- 1 The applicant has failed to provide adequate evidence to meet the test as set out in criteria (a) of Policy EC12 and as such as failed to demonstrate that the building in question has been actively marketed at an appropriate market value for an appropriate business use. It is considered that there is insufficient justification for the conversion of this building into a new residential unit in the open countryside and as such the proposal fails to comply with the provisions of Criteria (a) of Policy EC12 of the City and County of Swansea Unitary Development Plan 2008 and Supplementary Planning Guidance entitled "The Conversion of Rural Buildings 2011"

### 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, EV20, EV22 and EC12.

### PLANS

Site plan, 1343\_4-1 existing floor plan and elevations, 1343\_1-1rev B proposed floor plans and elevations, 1343\_4-2 Rev C block plan received 4th July 2013.

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**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM 14

APPLICATION NO.

2014/0694

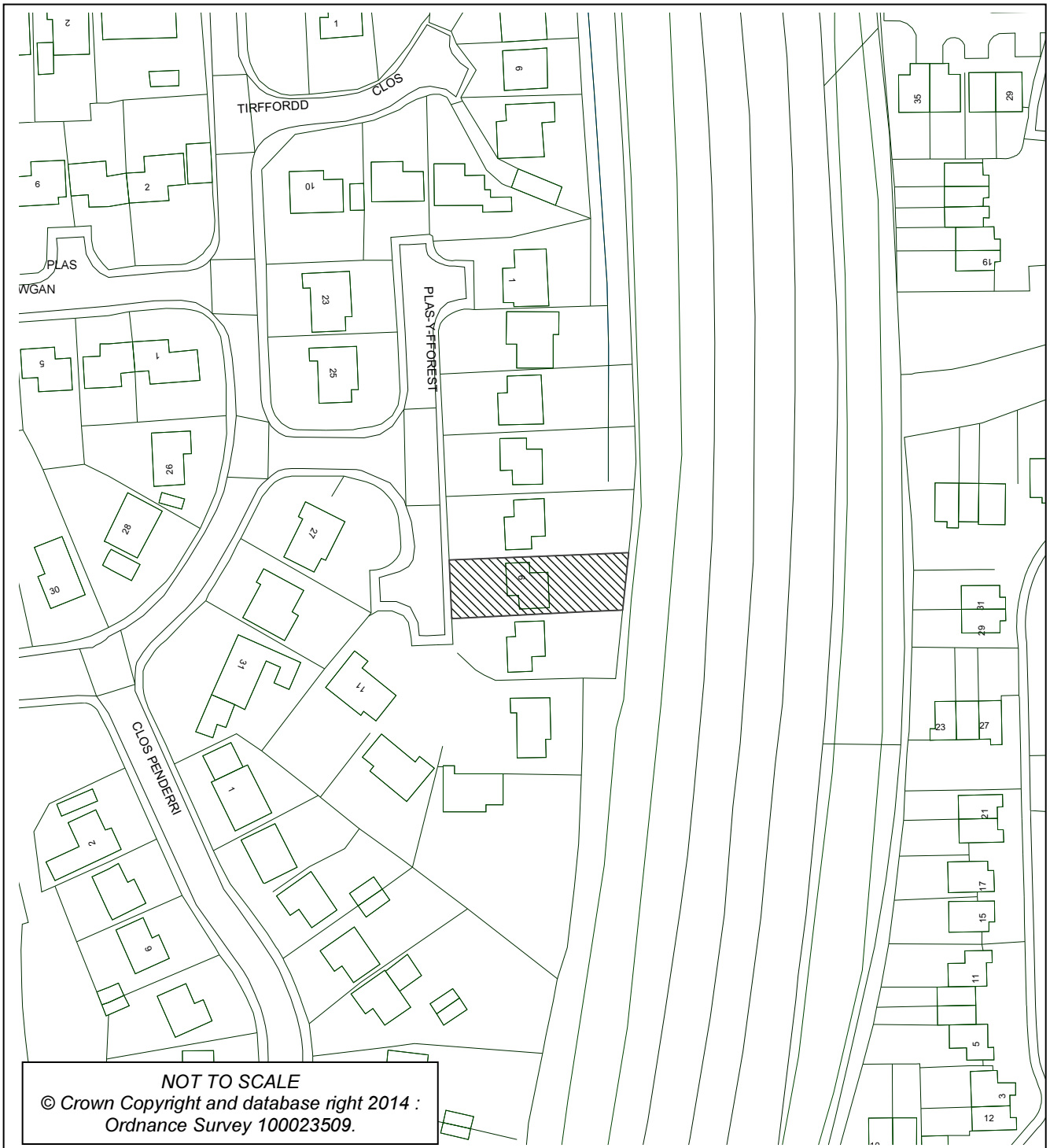
WARD:

Penllergaer  
Area 2

**Location: 6 Plas Y Fforest, Penllergaer, Swansea SA4 9BN**

**Proposal: Two storey side/rear extension**

**Applicant: Mrs Presilla Siford-Price**



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 14 (CONT'D)

APPLICATION NO. 2014/0694

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed 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)

#### **SITE HISTORY**

None

#### **RESPONSE TO CONSULTATIONS**

The neighbouring occupants at Nos. 5 and 7 Plas Y Fforest were sent letters of consultation on 14<sup>th</sup> May 2014. FOUR letters of objection have been received which are summarised below:

- The rear window on the proposed 1<sup>st</sup> floor extension overlooks the conservatory and garden area at No. 7 Plas Y Fforest
- The extension will be dominating
- The applicants have 5 vehicles, a caravan and a motorbike, their vehicles always present a hazard to enter the cul-de-sac
- The builders will use a skip and vehicles of their own, making the parking situation worse
- The garage will be rendered too narrow to house a vehicle.

The neighbouring occupants at Nos. 5 and 7 Plas Y Fforest were re-consulted on 30<sup>th</sup> June 2014 as amended plans were received.

- No further representations have been received to date.

#### **Highway Observations**

The Head of Transportation and Engineering was consulted and responded with the following comments:

*“Proposals are for a two storey side/rear extension. The proposals do not cause an increase in demand for parking according to current guidelines and 3 spaces are required for a house of the proposed size. The applicant has indicated that the existing garage is to be retained, making it integral to the property, there are two spaces on the driveway.*”



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 14 (CONT'D) APPLICATION NO. 2014/0694

*Whilst the existing garage falls short of current recommendations and internal dimensions may have to be reduced further to comply with building regulations, it should be sufficient to hold a small vehicle. On balance, there are no highway objections.”*

### APPRAISAL

This application is reported to Committee for decision at the request of Councillor Wendy Fitzgerald in order to assess the impact on highway safety and residential amenity.

Full planning permission is sought for the construction of a two storey side/rear extension at No. 6 Plas Y Fforest, Penllergaer.

The primary issues in the consideration of this application relate to the impact of the proposed development on visual and residential amenity, having regard to Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan 2008. The application is also considered with regard to the Council's Supplementary Planning Guidance document entitled 'A Design Guide for Householder Development'.

The proposed development will be built on the side elevation of the property and will therefore be highly visible from public vantage points along Plas Y Fforest. The scale of the two storey side/rear extension is considered proportionate to the host dwelling. In addition the proposed development is considered in keeping with the character and appearance of the host dwelling, particularly given the proposed use of matching materials. Therefore it is considered that the proposed two storey side/rear extension will not have a detrimental impact upon the street scene or surrounding areas, in accordance with the requirements of Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan and the Design Guide for Householder Development.

The application property is a detached dwelling that shares its curtilage boundary with Nos. 5 and 7 Plas Y Fforest.

Amended plans have been received which show the removal of the first floor window to the side elevation and the insertion of a first floor window to the rear elevation. This amendment has removed the element of overlooking to No. 7 Plas Y Fforest, which was present in the original scheme.

Section 1.6 of the Design Guide for Householder Development states that a 'minimum distance of 1m should be retained between the eaves of any extension and the adjoining side boundary'. The proposed two storey side extension will be approximately 1.3 metres from the curtilage boundary.

The rear element of the proposed extension is not considered to give rise to any overbearance or overshadowing to any neighbouring property, given that the extension will only project approximately 2.5 metres from the main back wall of the dwelling. In addition there will be a distance of approximately 1.3 metres from the extension to the boundary with No. 5 Plas Y Fforest and approximately 8.3 metres to the boundary with the property at No. 7 Plas Y Fforest.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 14 (CONT'D) APPLICATION NO. 2014/0694

It is considered, therefore, that the proposed extension will bear no significant adverse effect upon the residential amenity of any neighbouring occupants by virtue of any overlooking, overshadowing or overbearing impact.

There are no highway objections to the proposal.

The concerns raised with regard to overlooking have been addressed by the submission of amended plans. The concerns raised with regards to the dominance of the extension have been addressed in the main body of this report.

In conclusion it is considered that the proposal represents an acceptable form of development. The proposed single storey side/rear extension causes no significant adverse impact upon the privacy or residential amenity of any adjoining neighbour and does not impact unacceptably upon highway safety. Furthermore the proposed development bears no detrimental impact upon the character and appearance of the host dwelling or the visual amenity of the surrounding street scene. Therefore the development complies with Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan 2008 and the Design Guide for Householder Development.

### RECOMMENDATION

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

- 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.

### 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 and HC7
- 2 The proposed development lies within coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

- | ITEM | 14 (CONT'D) | APPLICATION NO. | 2014/0694 |
|------|-------------|-----------------|-----------|
|------|-------------|-----------------|-----------|
- 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).
- 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.

### PLANS

001 site location plan and block plan, 002 existing floor plans, 004 existing elevations, dated 8th May 2014. 003 proposed floor plans, 005 proposed elevations, dated 25th June 2014.

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**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM 15

APPLICATION NO.

2014/0828

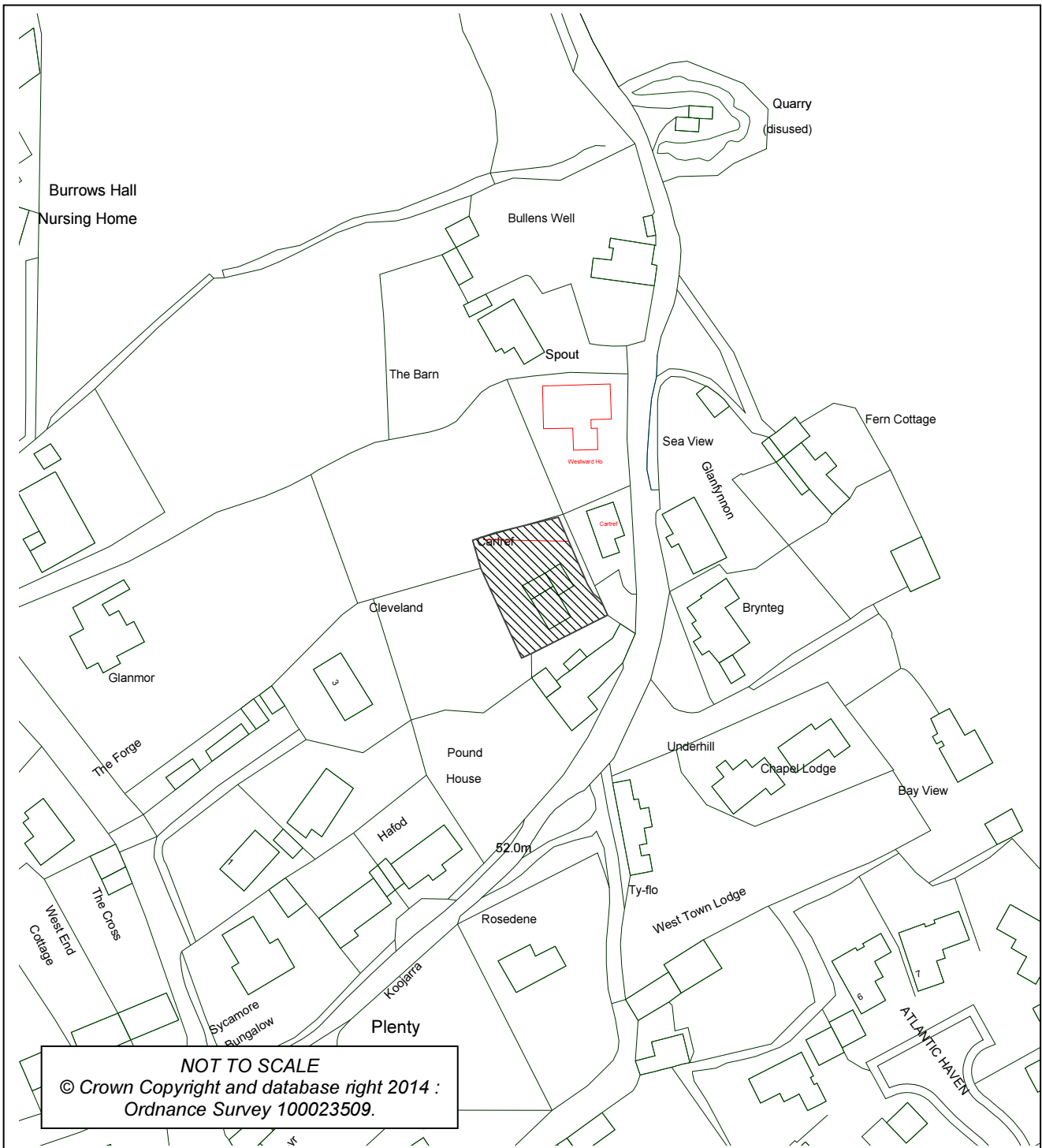
WARD:

Gower  
Area 2

**Location:** Cleveland, Llangennith, Swansea SA3 1JE

**Proposal:** Part single storey/part two storey rear/side extension and detached garage

**Applicant:** Mr Duncan Nixon



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 15 (CONT'D) APPLICATION NO. 2014/0828

### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
Policy HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed 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)

#### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2013/1660	Application of external insulation and render finish and demolition of attached garage. Decision: Grant Permission Conditional Decision Date: 26/03/2014
2006/0740	Detached dwelling house Decision: Grant Permission Conditional Decision Date: 24/10/2006
2008/0911	Retention and completion of detached dwelling house Decision: Grant Permission Conditional Decision Date: 21/07/2008
92/0252	CONSTRUCTION OF ONE DWELLING Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 09/06/1992

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM	15 (CONT'D)	APPLICATION NO.	2014/0828
2013/0597	Single storey side extension Decision: Grant Permission Conditional Decision Date: 10/06/2013		

### RESPONSE TO CONSULTATIONS

The neighbouring occupants at Westward House, Cartref, Pound House, Pound Cottage, Glanmoor and No. 3 Burrows Lane were sent letters of consultation on 12<sup>th</sup> June 2014. A site notice was posted and a press notice was issued on 23<sup>rd</sup> June 2014.

One LETTER OF OBJECTION has been received which is summarised below:

- The rear elevation of the extension would be approximately 9.5 metres to the rear of Cartef
- Planning permission for Cartref was only granted on the stipulation that there should be no second storey windows at the rear of the dwelling to avoid overlooking Cleveland. The proposal incorporates a second storey window which will overlook Cartref.
- The proposed vertical cladding would not be in keeping with the properties within the vicinity

The Gower Society responded with the following comment:

- The Design Guide for Gower should be taken into account when assessing this application.

**Llangennith Community Council** responded with no objection to the proposal.

### Highway Observations

The Head of Transportation and Engineering was consulted and responded with the following comments:

*The applicant proposes three parking spaces which complies with current parking guidelines. There are no highway objections.*

### APPRAISAL

This application is reported to Committee for decision at the request of Councillor Richard Lewis in order to assess the impact of the proposal on the Area of Outstanding Natural Beauty (AONB) and the Llangennith Conservation Area.

The application site comprises a two storey detached dwelling, known as Cleveland, which is located within Llangennith. The site benefits from off road parking and a large curtilage. The application property is unusual in that its rear elevation faces the road and the public realm whereas its principal elevation fronts the dwelling's private amenity space. The application property is located within the Llangennith Conservation Area and the Gower Area of Outstanding Natural Beauty.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 15 (CONT'D) APPLICATION NO. 2014/0828

The Conservation Area statement for Llangennith states:

*“The area is domestic in scale and character, and recent development has respected the loose informal grouping of existing buildings.*

*The village illustrates many attractive vernacular features of the buildings of the Gower Peninsula and is well worthy of conservation.”*

The site lies within the Gower AONB and the Gower Design Guide settlement statement describes the village as having the following characteristics:

*“The relationship between buildings and the street is mixed. Whilst many of the older properties are focussed upon the movement routes, often with little or no set back, later developments are typified by increasingly deeper front gardens and a more standardised building line.”*

Full planning permission is sought for a part single storey/part two storey rear/side extension and detached garage. The proposed extension will measure approximately 11.9 metres wide and approximately 2.2 metres deep

The primary issues in the consideration of this application relate to the impact of the proposed development on visual and residential amenity, having regard to Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan 2008. The application is also considered with regard to the Council's Supplementary Planning Guidance documents entitled 'A Design Guide for Householder Development' and the 'Gower AONB Design Guide'.

The proposed part single storey/part two storey extension will be built on the side and rear elevations of the property and, due to the orientation of the property, will therefore be highly visible from public vantage points. The current property has little architectural merit and it is considered that the proposed part single storey/part two storey extension will improve the visual coherence of the property. The proposals result in a rear elevation which has a greater level of articulation and detailing. This is considered to improve the appearance of the dwelling when viewed from the public realm.

The proposed extension will be set down from the ridge of the host property by approximately 0.3 metres and it will be set in from the principal elevation of the main dwelling by approximately 0.8 metres at first floor level, in accordance with the guidance set out in the Design Guide for Householder Development and the AONB Design Guide. It is recognised that the proposed extension does not completely adhere to the guidance set out in the Design Guide for Householder Development in that it comprises a width of more than half that of the original dwelling. However, the existing dwelling has a number of additions to the side elevation, which will be removed to construct the extension; therefore the total width of the dwelling at ground floor level will remain the same.

The proposed detached garage will be stone faced to the front elevation, with the remaining elevations rendered; it will be sited to the rear of the driveway. The proposed detached garage is considered in keeping with the appearance and character of both the application property and the Conservation Area within which it lies.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 15 (CONT'D) APPLICATION NO. 2014/0828

The application property is a detached two storey dwelling that shares its curtilage boundary with Westward House, Cartref, Pound House, Pound Cottage, Glanmoor and No. 3 Burrows Lane.

Whilst it is recognised that the proposed extension will be within 4 metres to the curtilage boundary and approximately 9.5 metres to the neighbouring property, Cartref, it is not considered that any issues of overlooking will arise. This is because there will only be one window facing Cartref which serves a non-habitable room in the form of a walk in wardrobe and this window is located approximately 1.7 metres above internal floor level. It is not considered that the proposed windows at ground floor level would create a significant level of overlooking, particularly given the current boundary treatment.

Due to the size and location of the dwelling it is not considered that the proposed development would result in any overbearing or overshadowing impact to any neighbouring occupant.

In conclusion it is considered that the proposal represents an acceptable form of development. The proposed part two storey/part single storey extension causes no significant adverse effect to the privacy or residential amenity of any adjoining neighbour. Furthermore the proposal bears no detrimental impact upon and will preserve and/or enhance the character and appearance of the host dwelling, the Conservation Area and the Gower AONB within which the application property lies. Therefore the development complies with Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan 2008 and the Supplementary Planning Guidance documents 'A Design Guide for Householder Development' and the 'Gower AONB Design Guide'.

### RECOMMENDATION

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

- 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.

### 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, EV9, EV26 and HC7
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM          15 (CONT'D)    APPLICATION NO.          2014/0828

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

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

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

### PLANS

HG.14.01.OS site location plan and block plan, HG.14.01.01 existing floor plans, elevations and section, dated 6th June 2014. HG.14.01.02 REV A proposed floor plans and elevations, dated 16th July 2014.

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**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM 16

APPLICATION NO.

2014/0831

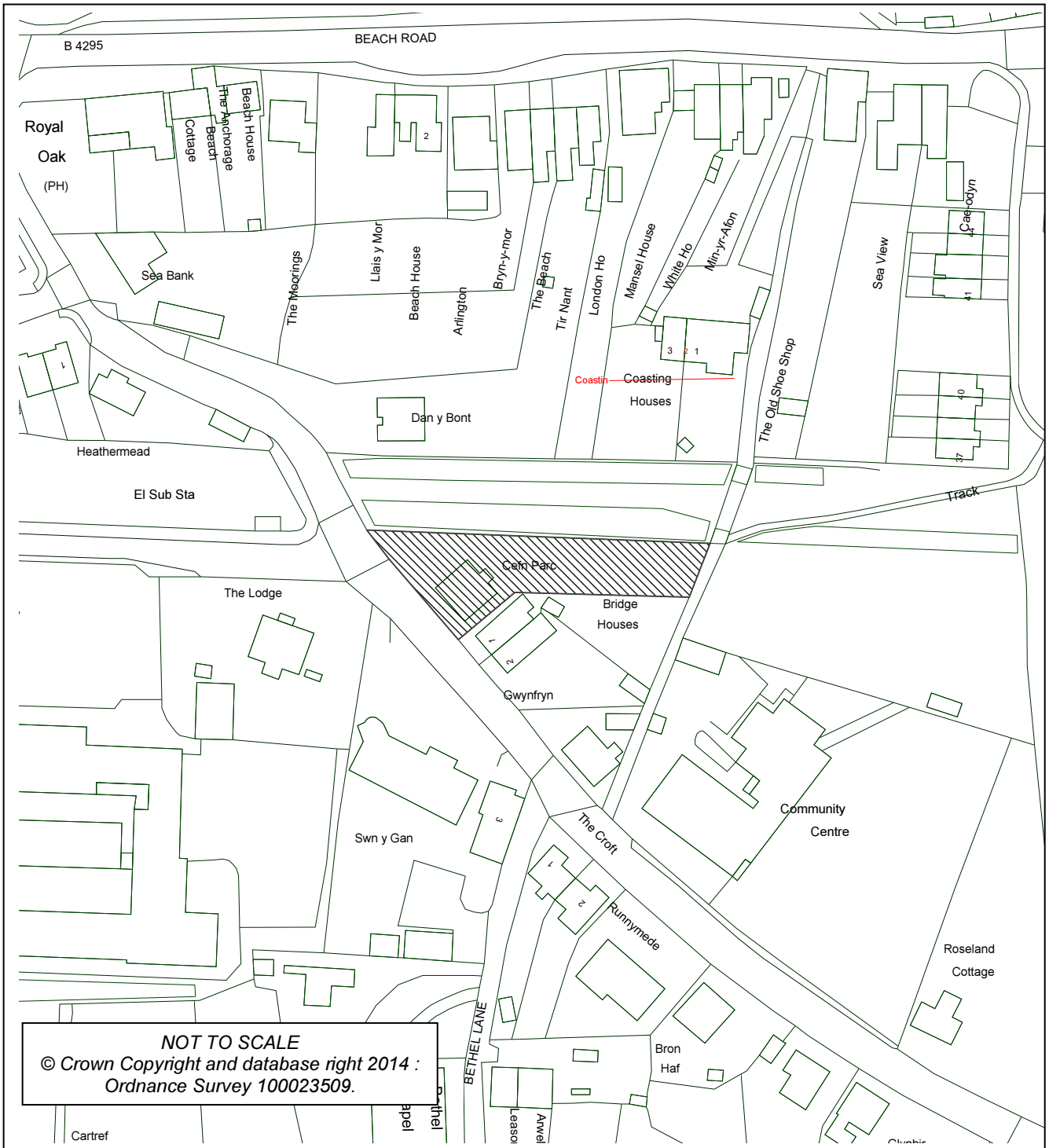
WARD:

Penclawdd  
Area 2

**Location: Cefn Parc, Banc Bach, Penclawdd, Swansea SA4 3FJ**

**Proposal: Single storey rear extension**

**Applicant: Mr Mark Thomas**



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 16 (CONT'D)

APPLICATION NO. 2014/0831

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
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Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
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Policy EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)
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Policy HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed 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)
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#### **SITE HISTORY**

None

#### **RESPONSE TO CONSULTATIONS**

The neighbouring occupants at No. 1 Bridge House Banc Bach were consulted on 12<sup>th</sup> June 2014. A site notice was posted outside the property and a press notice was published on 12<sup>th</sup> June 2014.

- No representations have been received to date.

#### **Highway Observations**

The Head of Transportation and Engineering was consulted and responded with the following comments:

*“Proposals are for a single storey rear extension. There is no increase in the demand for parking and current parking arrangements are unaffected. There are no highway objections.”*

#### **APPRAISAL**

This application is reported to Committee for decision as the applicant is a Councillor for the Penclawdd Ward.

Full planning permission is sought for a single storey ‘L’ shaped extension to the rear elevation of the property.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 16 (CONT'D) APPLICATION NO. 2014/0831

The primary issues in the consideration of this application relate to the impact of the proposed development on visual and residential amenity, having regard to Policies EV1, EV9 and HC7 of the City and County of Swansea Unitary Development Plan (2008). The application is also considered with regard to the Council's Supplementary Planning Guidance document entitled 'A Design Guide for Householder Development'. It is not considered that the provisions of the Human Rights Act raise any other overriding considerations.

The application property is located towards the northern end of Victoria Road and falls within the Penclawdd Conservation Area. The schedule for Penclawdd Conservation Area states:

*"Penclawdd has no examples of classically fine architecture, although its indigenous character as an entity is strong and bold, and very expressive of the traditional semi-industrial Welsh townscape, with its chapels still dominating the terraces."*

The dwelling itself comprises a detached bungalow along Victoria Road which benefits from off road parking and a long rear garden plot.

The proposed single storey extension will be built on the rear elevation of the property and will not therefore be prominent when viewed from public vantage points. The scale of the proposed single storey rear extension is considered proportionate to the host dwelling. Whilst it will result in a rear projection of approximately 7 metres, its 'L' shape footprint reduces the mass of the extension which is considered visually acceptable. The proposed development is considered in keeping with the character and appearance of the host dwelling, particularly given the proposed use of matching materials. Therefore it is considered that the proposed single storey rear extension will not have a detrimental impact upon the street scene or surrounding areas and will preserve the character and appearance of the Conservation Area, in accordance with the requirements of Policies EV1, EV9 and HC7 of the City and County of Swansea Unitary Development Plan and the Design Guide for Householder Development.

The application property is a detached bungalow that shares its curtilage boundary with No. 1 Bridge House. Whilst it is recognised that there will be approximately a 7 metre projection from the rear wall of the dwelling, given the angled nature of the rear garden of the application property, it is not considered that the proposed single storey extension will have an adverse effect on the residential amenity of the neighbouring occupant.

Given that the proposed extension is only single storey, combined with the proposed location of the windows to the extension; it is considered that the proposed extension will bear no significant adverse effect upon the residential amenity of any neighbouring occupants by virtue of any overlooking, overbearing or overshadowing impact.

In conclusion, having regard to all material planning considerations, including the provisions of the Human Rights Act, it is considered that the proposal represents an acceptable form of development. The proposed single storey rear extension would have no significant adverse impact upon the privacy or residential amenity of any adjoining neighbour.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 16 (CONT'D) APPLICATION NO. 2014/0831

Furthermore the proposed development bears no detrimental impact upon the character and appearance of the host dwelling, the visual amenity of the surrounding street scene and will preserve the character and appearance of the Conservation Area within which the application property lies. Therefore the proposed development complies with Policies EV1, EV9 and HC7 of the City and County of Swansea Unitary Development Plan and the Design Guide for Householder Development.

### RECOMMENDATION

#### APPROVE, subject to the following condition:

- 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.

### 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, EV9 and HC7
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
  - Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild birdCare should be taken when working on buildings particularly during the bird nesting season March-August.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM	16 (CONT'D)	APPLICATION NO.	2014/0831
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- 4 The proposed development lies within coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

### PLANS

Site location plan, 05 block plan and section, 01 existing floor plan, 02 existing elevations, 03 proposed floor plan, 04 proposed elevations dated 9th June 2014.

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AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 17

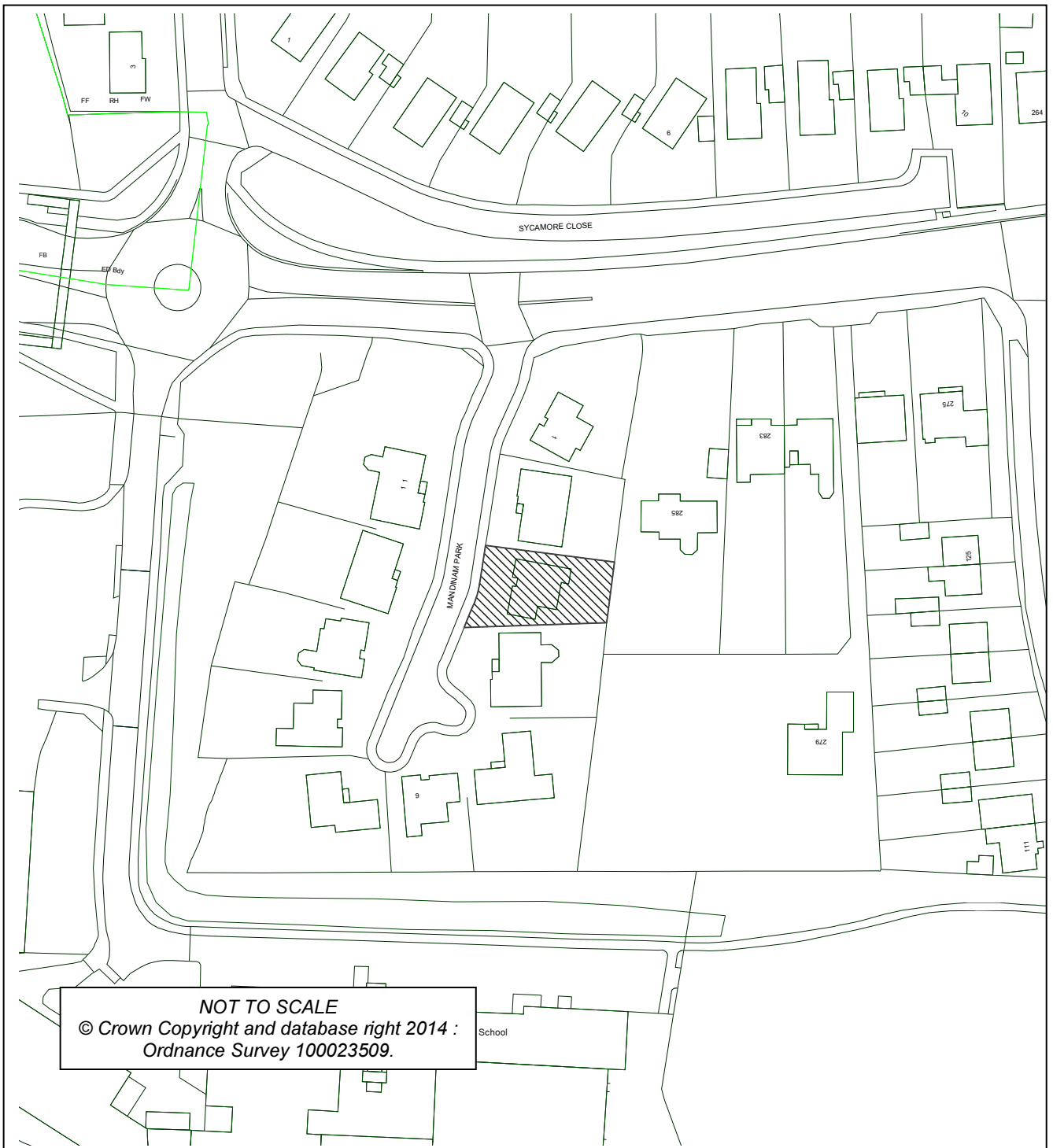
APPLICATION NO. 2014/0844

WARD: Sketty  
Area 2

**Location:** 3 Mandinam Park, Sketty, Swansea, SA2 7AW

**Proposal:** Rear porch extension, with increase in ridge height of existing garage roof to 7.1m and installation of rooflight to rear garage roof to provide storage in the roof void (amendment to planning permission 2003/2266 granted 30th December 2003)

**Applicant:** Mr Michael Griffiths



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 17 (CON'TD)

APPLICATION NO. 2014/0844

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
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Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
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Policy HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed 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)
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#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
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2003/2266	Single storey rear extension incorporating a dormer window within roof void and addition of rear porch Decision: Grant Permission Conditional Decision Date: 30/12/2003
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2003/2252	Conversion of part of existing double garage to living accommodation (variation of condition 7 of planning permission 93/0815 granted on 9th February 1994) Decision: Approve Conditional (S73) Decision Date: 30/12/2003
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#### **RESPONSE TO CONSULTATIONS**

The neighbouring occupants at No.2 Mandinam Park, No.4 Mandinam Park and No.285 Gower Road were consulted on 12<sup>th</sup> June 2014. No response has been received.

#### **APPRAISAL**

This application is reported to Committee for decision as the applicant is a member of staff working within the Planning Department.

The existing dwelling is a two storey detached property with a single storey side garage and an existing single storey rear extension and rear roof dormer. The ridge height of the existing side extension is 6.9m.

The application seeks full planning permission for the construction of a rear porch extension, with an increase in the ridge height of the existing garage roof to 7.1m, with no change to the eaves, and installation of rooflight to rear garage roof to provide storage in the roof void as an amendment to planning permission 2003/2266 granted 30th December 2003.



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 17 (CON'TD) APPLICATION NO. 2014/0844

The rear porch extension will incorporate the existing pitched roof of the single storey garage and will measure approximately 2.9m wide, 1.5m deep and 1.4m to the eaves. The previous planning application granted permission for a single storey rear extension, rear roof dormer and rear porch; the porch was not constructed.

The primary issues for consideration with regard to this application relate to the impact of the proposal upon visual and residential amenity having regard to the provisions of Policies HC7 and EV1 of the City and County of Swansea Unitary Development Plan and the Supplementary Planning Guidance document entitled A Design Guide for Householder Development. There are in this case considered to be no additional issues arising from the provisions of the Human Rights Act.

The proposed raising of the single storey roof ridge is to the front elevation and would therefore be highly visible from public vantage points. The proposed rear porch extension would not be visible from public vantage points and at 2.9m wide by 1.5m deep would be within the guidance set out by the Design Guide for Householder Development.

It is considered that the scale, design and appearance of the proposal would both be in-keeping with the character and appearance of the existing dwelling and area in which it is sited. The proposal despite having a high visibility to the street is considered to have a limited impact on the visual amenities of the streetscene and therefore represent an acceptable form of development.

In terms of residential amenity the proposed rear extension and increase of ridge height is not considered to have any negative overbearing or overshadowing impacts.

The rear rooflight to the garage will look towards the applicant's private amenity space, giving only oblique views of the neighbouring property and is approximately 4.2m from the internal floor level. The property is approximately 1m from the boundary of No.4 Mandinam Park and the proposals will not see a reduction of this distance. Therefore it is not considered that the proposed development will have an adverse impact on the residential amenities of the neighbouring occupiers by virtue of any overlooking, overbearing or overshadowing impact.

The proposal is not considered to increase the demand for on site car parking as there is no increase in habitable rooms and will not affect on site availability, therefore there are no highway safety impacts to consider.

In conclusion, having regard to all material considerations including the Human Rights Act, the proposal is considered to represent an acceptable form of development which complies with current development plan Policies HC7 and EV1 of the City and County of Swansea Unitary Development Plan 2008 and the Supplementary Planning Guidance document entitled A Design Guide for Householder Development.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 17 (CON'TD)

APPLICATION NO. 2014/0844

### RECOMMENDATION

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

- 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.

### 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 and HC7
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

### PLANS

Site location plan, block plan, existing and proposed plans dated 10th June 2014.

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**AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014**

ITEM 18

APPLICATION NO.

2014/0869

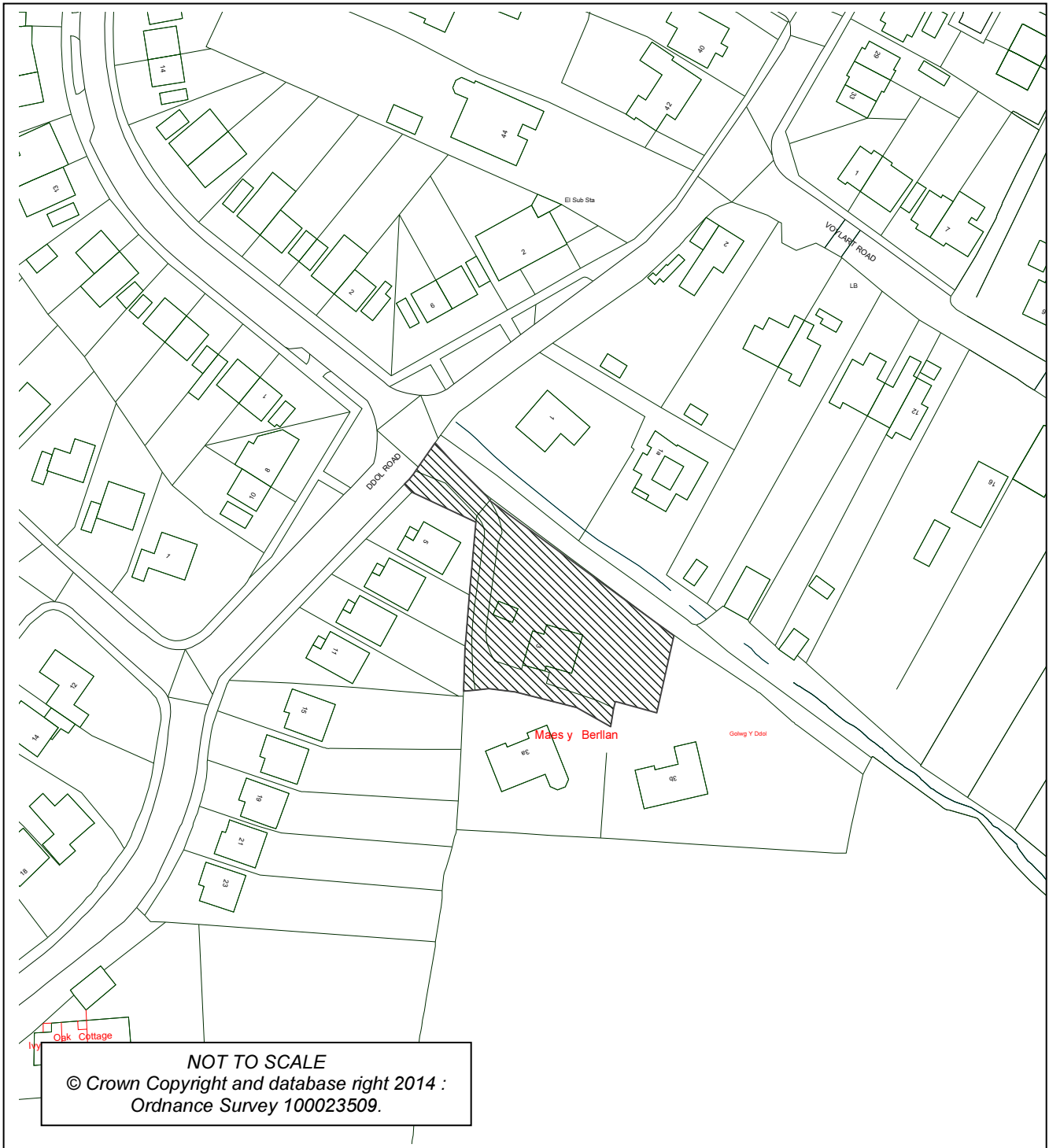
WARD:

Dunvant  
Area 2

**Location:** 3 Ddol Road, Dunvant, Swansea, SA2 7UB

**Proposal:** Two storey and single storey side extension, single storey rear extension and addition of first floor side window

**Applicant:** Mr Thomas Gronow



## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 18 (CONT'D) APPLICATION NO. 2014/0869

### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed 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)

#### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2001/1068	Erection of an attached garage Decision: Grant Permission Conditional Decision Date: 17/08/2001
A00/1049	ERECTION OF A DETACHED DWELLING HOUSE WITH INTEGRAL GARAGE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 28/11/2000

#### RESPONSE TO CONSULTATIONS

SIX PROPERTIES were individually consulted and no responses were received.

As a result of the change of description those same six properties were re-consulted, but no responses have been received. Any late representations will be reported verbally to the Committee.

**Highway observations:** Proposals are for a two-storey and single storey side extension and single storey front extension. There is no increase in demand for parking and the applicant proposes an integral garage and large driveway parking area. The Head of Highways and Transportation confirms there are no highway objections to the proposal.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 18 (CONT'D)

APPLICATION NO. 2014/0869

### APPRAISAL

This application is reported to Committee for decision as the applicant is a members of staff working within the Planning Department.

Full planning permission is sought for the construction of a two-storey and single storey side extension, together with a single storey front extension at No.3 Ddol Road, Dunvant. The detached, traditional double fronted two storey dwelling is sited off a small lane running to the east of Ddol Road, with two newer detached properties sited to the south.

The two-storey and single storey side extensions will be located on the northern elevation of the property and the single storey rear extension on the western elevation.

A new window is also to be inserted at first floor side (south) to light a proposed landing. As this is within 10.5m of the side boundary of the property and is not indicated as being obscurely glazed or unopenable below 1.7m from internal floor level, this also requires planning permission and has been included in the description.

Existing finishes are stone face to the front (east) with render to remaining elevations, and tiles to the roof. Proposed finishes are to match existing.

The two storey side extension is to measure 4.3m wide and at 9.3m long, would be set back 0.5m from the front elevation of the original dwelling. It is to have a pitched roof with rear gable projection at 7m high, and accommodates a study, living room and relocated stairwell at ground floor with en-suite bedroom at first floor.

The single storey side extension is to measure 3.25m wide by 8.9m long with a pitched roof height of 4.5m and will accommodate an integral garage accessed from the west.

The single storey rear extension is an infill between the existing two storey rear wing and the proposed two storey side extension, measuring 2m wide by 4.1m deep, and accommodates a hallway/stairwell and w.c.

The size, design and siting of the proposed extensions are considered to relate satisfactorily to the traditional character and appearance of the detached application property. Whilst they would be visible from the public domain, the size, design, siting and finishes proposed ensure that the extensions will not upset the established character of this small group of dwellings sited on the backland to the west of Ddol Road.

The size and design of the proposed extensions, together with their siting relative to nearby residential properties, are such that no unacceptable impact would result to the occupiers of neighbouring residential properties in terms of overshadowing/loss of light, overbearing physical impact or overlooking.

Notwithstanding the need for permission for the proposed new landing window, it is considered that, as it will not light a habitable room and is positioned 13m distant of the nearest habitable room window in Maes-y-Berllan to the south, it would not likely give rise to an unacceptable increase in overlooking of that property.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 18 (CONT'D) APPLICATION NO. 2014/0869

In conclusion, and having regard to all material considerations including the Human Rights Act, the proposal is considered to represent an acceptable form of development which complies with the criteria of Policies AS6, EV1 and HC7 of the adopted City & County of Swansea Unitary Development Plan 2008 and with the guidance provided in the Supplementary Planning Guidance document 'A Design Guide for Householder Development' (2008).

### 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 materials used in the development hereby approved shall match those of the existing building.  
Reason: In the interests of visual amenity.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies AS6, EV1 and HC7 of the adopted City & County of Swansea Unitary Development Plan 2008 and the guidance contained in the Supplementary Planning Guidance document 'A Design Guide for Householder Development' (2008).
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 3 Birds may be present in this building and grounds. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
  - Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild birdCare should be taken when working on buildings particularly during the bird nesting season March-August.

## AREA 2 DEVELOPMENT CONTROL COMMITTEE – 29 JULY 2014

ITEM 18 (CONT'D) APPLICATION NO. 2014/0869

- 4 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 5 The proposed development lies within coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

### PLANS

Site location plan, block plan, DR/3/1 existing plans, DR/3/2 proposed elevations, DR/3/3 proposed ground floor plan, DR/3/4 proposed first floor plan, DR/3/5 sections, DR/3/6 proposed side elevation dated 16th June 2014.

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