

ITEM 1

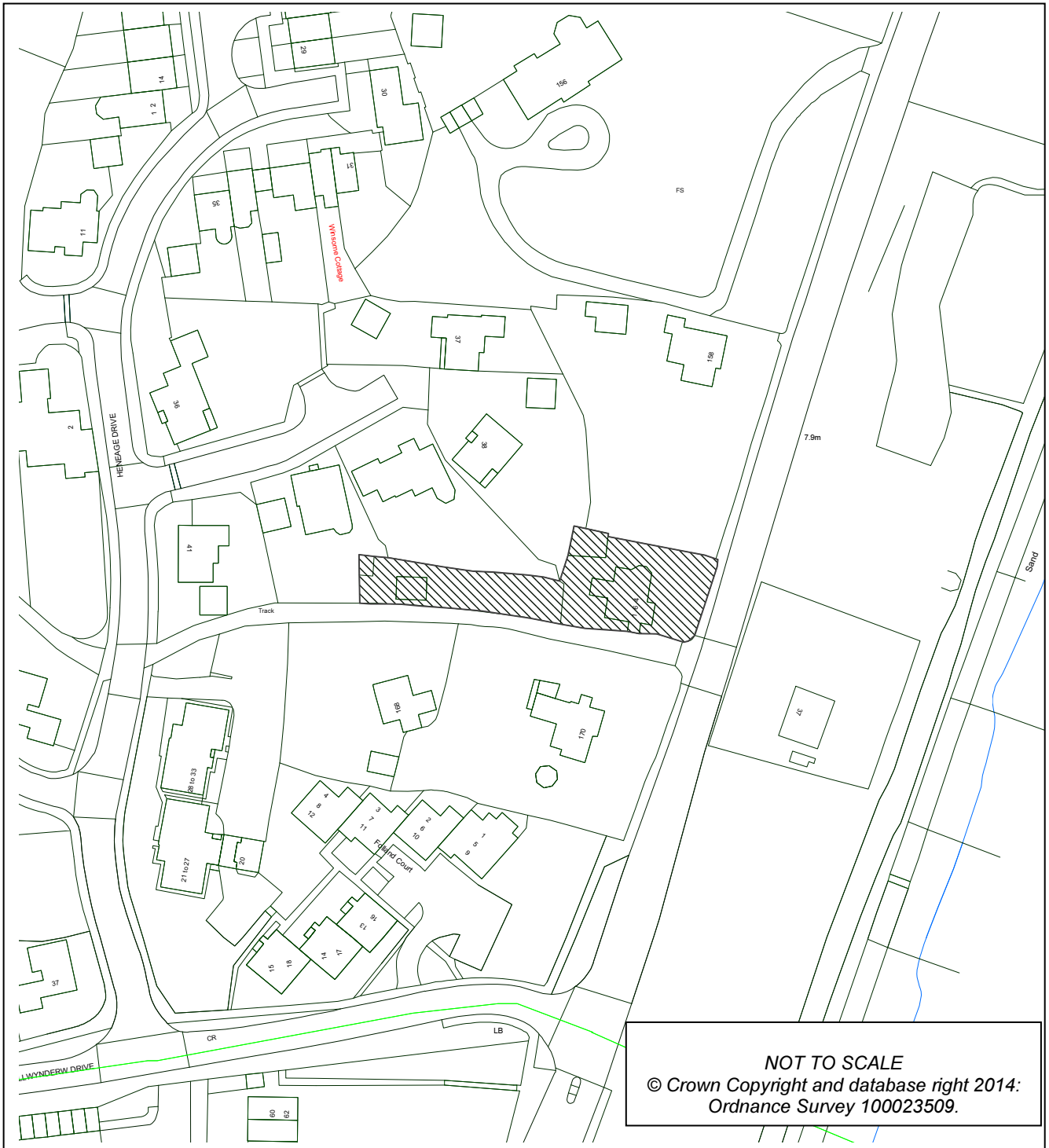
APPLICATION NO. 2014/0813

WARD: Mayals Area 2

**Location:** Llwynderw Lodge, 164 Mumbles Road, Blackpill, Swansea SA3 5AW

**Proposal:** Two storey side (Northern elevation) extension, addition of pitched roof to existing detached outbuilding and associated landscaping

**Applicant:** Mr Mark Tomlin



**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**

<b>App No.</b>	<b>Proposal</b>
99/0589	TWO STOREY REAR EXTENSION Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 21/06/1999
85/1670/03	EXTENSION TO EXISTING PROPERTY Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 19/12/1985
87/0395/03	ERECTION OF NEW CONSERVATORY. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 07/04/1987
96/1175	SIDE CONSERVATORY EXTENSION Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 17/01/1997

**RESPONSE TO CONSULTATIONS**

The neighbouring occupants at No.158 Mumbles Road, No.38 Heneage Drive, No.39 Heneage Drive, No.40 Heneage Drive and No.41 Heneage Drive were sent letters of consultation on 10<sup>th</sup> June 2014. There were three letters of objection received, which can be summarised as:

- The proposed windows would have an unacceptable overlooking impact on the neighbouring rear gardens from the proposed windows and outbuilding sky lights.
- The extension by virtue of these impacts would devalue the neighbouring properties.
- The plans are not accurate as the orientation of the property in relation to the neighbouring houses is incorrect.

**Mumbles Community Council:** Raised an objection on the grounds that the proposal would have a visual impact out of keeping with the original dwelling.

Amended plans were received and the neighbouring occupants were re-consulted on 30<sup>th</sup> July 2014. Two letters of objection were received and no letters of retraction from previous objectors were received, which can be summarised as:

- Request that the roof lights to the outbuilding be relocated to the Southern facing roof.
- The photograph provided with the amended plans does not truly reflect the view that would be provided to the rear amenity space of neighbouring gardens of the rear window.
- The lack of privacy from the proposal would affect the value of neighbouring properties.

## **APPRAISAL**

This application is reported to Committee for decision and a Site Visit has been requested by Councillor Linda Tyler-Lloyd to assess the visual and residential impacts of the proposal.

The existing property is a two storey detached dwelling constructed circa 1820's with a mixture of stone and brick materials and would likely have originally been a gate or grounds keeper's accommodation, serving the main Llwynderw House, which has since been demolished. The site also incorporates a detached single storey outbuilding with a mixture of stone and breeze block construction. The original dwelling has been extended on four separate occasions with planning permission previously granted for two modern uPVC conservatories and two, two storey extensions.

The application seeks full planning permission for a two storey extension to the northern elevation of the dwelling, the installation of a pitched roof to the existing outbuilding and a decrease in its footprint. The proposal includes the removal of the existing conservatory extensions and replacement with the two storey extension. The proposed Northern extension would measure approximately 6.1m deep, 7.6m wide, 4.5m to the eaves and 6m to the ridge. The proposed pitched roof to the outbuilding will measure a maximum of approximately 3.5m to the roof ridge.

The primary issues for consideration with regard to this application relate to the impact of the proposal upon visual and residential amenities in respect 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 two storey extension would front the main road, however considering the high boundary treatment and the fact that the dwelling is raised from the street means that visibility from public vantage points is reduced.

The proposals are of a contemporary design; however the roof has a traditional gable ended pitched roof that is both in-keeping and sympathetic to the design of the original dwelling. The flat roof glazed linked corridor will also provide a degree of visual separation between the existing contemporary extension and the proposed modern extension. The use of oak cladding and white render, although not in-keeping with the original stone property, would given the strength of the contemporary design be acceptable in this instance. When taking into consideration the varied design of dwellings in the surrounding area the proposal is considered on balance to create visual interest in-keeping with the variety of design within the locality.

The proposed pitched roof to the existing outbuilding is set to the rear of the property and is not considered to have any negative visual impact on the existing building or streetscene.

In terms of residential amenity the proposed extension is not considered to have any overbearing or overshadowing impacts on neighbouring properties. In terms of overlooking, the window facing towards the rear amenity space of the dwellings of Heneage Drive will be 10m from the site boundary, which meets the minimum recommended distance of the Authority's adopted Design Guide for Householder Development. Taking into consideration the set down of the dwelling from the rear properties amenity spaces and the existing boundary treatment the proposed extension is not considered to have an unacceptable overlooking impact.

The proposed replacement roof is not considered to have any unacceptable overbearing or overshadowing affects on neighbouring properties. In terms of overlooking the roof lights in the out building would be above head height and would therefore not impact residential amenity.

The Head of Transportation and Engineering raises no highway objection to the proposal. It is considered that there is no increase in demand for parking and current arrangements are unaffected.

The objections raised by neighbours concerning increases in harmful overlooking have been addressed in this report and by virtue as have the concerns raised over the photo provided. The concern raised over the potential effect on the value of the property is not a material planning consideration and has therefore not been considered in the determination of this application. The application has been viewed on site and the orientation of the house is considered accurate.

The concern over the visual impact of the proposals raised by Mumbles Community Council has been addressed within this report.

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.

**RECOMMENDATION****APPROVE, subject to the following condition(s):**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 Samples of all external finishes shall be submitted to and approved 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 amenities of the area.

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

ITEM 1 (CONT'D)

APPLICATION NO. 2014/0813

**PLANS**

1494\_THB 100-location plan & context, 1494\_THB 101-existing site/topographical plan, 1494\_THB 200-existing ground floor plan, 1494\_THB 201-existing first floor plans, 1494\_THB 400-existing front & side elevations, 1494\_THB 401-existing rear & side elevations, 1494\_THB 406-proposed section through glazed link, 1494\_THB 500-existing outbuilding arrangement, 1494\_THB 501-proposed works to existing outbuilding dated 5th June 2014. Amended proposed plans elevations/floor/block plan - 1494\_THB 102 REV A-proposed site/topographical plan, 1494\_THB 202 REV A-proposed ground floor plan, 1494\_THB 203 REV A-proposed first floor plan, 1494\_THB 402 REV A-proposed south elevation, 1494\_THB 403 REV A-proposed east elevation, 1494\_THB 404 REV A-proposed north elevation, 1494\_THB 405 REV A-proposed west elevation dated 28th July 2014.

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ITEM 2

APPLICATION NO. 2014/0769

WARD: Newton Area 2

Location: Rear of 17 Melcorn Drive, Newton, Swansea SA3 4UN

Proposal: Detached bungalow

Applicant: Ms Helen Heenan



**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 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 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 AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)

**SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2006/2102	Detached dwelling with integral garage Decision: Refuse Decision Date: 09/11/2006
2002/1159	Construction of one detached dwelling house (Outline) Decision: Refuse Decision Date: 08/10/2002



ITEM 2 (CONT'D)

APPLICATION NO.

2014/0769

2004/2932 Two detached dwellings, one with integral garage  
Decision: Appeal Dismissed  
Decision Date: 29/09/2005

## **RESPONSE TO CONSULTATIONS**

### **ORIGINAL SCHEME**

The application was advertised on site and in the press as a development within a conservation area and seventeen individual properties were consulted. SEVEN LETTERS OF OBJECTION and ONE LETTER OF COMMENT have been received which are summarised as follows:

1. Development on this site was refused 3 times by the Council because it would have a detrimental visual impact on the character and appearance of the Newton Conservation Area.
2. The development 2004/2932 was rejected at appeal because the proposal would result in an unsatisfactory form of backland development.
3. Similar proposals were also refused by the council and another withdrawn.
4. It diminished the character and appearance of the Conservation Area and is inconceivable that the design approach is acceptable to the Council.
5. It would result in the loss of important green space described as the "historical nucleus of the village".
6. Approval would form a precedent.
7. The close proximity of the access drive to existing properties would lead to unacceptable noise and disturbance.
8. This is a tandem development.
9. As this is planned as a family house, it is unlikely that noise will not carry from the courtyard and will have a considerable impact on residents of Newton Road and Melcorn Drive.
10. Other housed and outbuildings are of historic interests and the proposed house would impact upon some if these.
11. The amenities of the house would be adversely affected by overlooking from the first floor windows of nos. 17 to 21 Melcorn Drive.
12. The house is considerably larger than others close to the site.
13. The proposal does not meet any local need.
14. How does the current proposal preserve or enhance the Conservation Area?
15. The effect of compulsory soakaways and surface run-off to lower lying properties in Newton Road will be an unwelcome one.
16. Ownership of properties adjacent to the site and the previous use of the land as garden should not frustrate the council's strategy that the cultural and historic environment should be preserved and enhanced.

**Edwina Hart AM** – comments as follows:

I have been contacted by local residents who are opposed to planning application 2014/0769. Their objections are as follows:

That the application conflicts with Swansea Local Development Plan - Preferred Strategy – Consultation Draft (July 2013) Policy 13: Natural Heritage and the Cultural and Historic Environment, which states that the County's distinctive cultural and historic environment will be preserved and enhanced, in particular in conservation areas.

The proposed, insensitive, speculative, backland development is a purely commercial driven development in the heart of what is described as the "historical nucleus of the village", on "both sides of Newton and Nottage Road", in the Notification for Newton as a Conservation Area dated 22nd March 1996. It has been brought to our attention that the description of the site location is actively misleading; the massively intrusive development should, more accurately, be described as land:

- at the rear of 137, 139, 141, 143, 145 and 147, Newton Road and
- at the rear of 17, 19, 21 and 23 Melcorn Drive,
- all of which land is within the Newton village Conservation Area.

1. Proposed development on this site was refused three times by the Council (Application Nos.: 2002/1159, 2004/2932 and 2006/2102, with which the current application is very similar) because it would have a detrimental visual impact on the overall character and appearance of the Newton Conservation Area and as such would be contrary to the principles of the UDP and to Policies H2, BE2 and BE17 of the Swansea Local Plan, Review No.1.

2. After appeal, the development proposed in Application No. 2004/2932 was rejected by the Welsh Assembly because the proposals would result in an unsatisfactory form of BACKLAND development that would conflict with those policies that seek to preserve or enhance the character of a conservation area and to protect the interests of local amenity. (Swansea Local Plan, Review No.1 and Planning Policy Wales (2002) [PPW]).

3. Similar proposed developments (1977/1069 & 2006/0249) have also been refused by the Council and, probably as a result of this justified policy and numerous objections, another application, (2005- 1724) was withdrawn. Planning Policy Wales Edition 6, February 2014 – states that:

6.4.6 Development plan policies should make it clear that development proposals will be judged for their effect on the character and appearance of **conservation areas**, as identified in the assessment and proposal document, to ensure that any new development is in accord with the area's special architectural and historic interest. While the character or appearance of conservation areas must be a major consideration, it cannot prevent all new development.

While noting that all new development cannot be prevented, the LPA has previously refused BACKLAND developments in the area because it would result in unsatisfactory backland development and that opinion was reinforced by the planning inspector's decision in relation to planning application 2004/2392. Allowing the current application would be counter the LPA's previous position and set an unfortunate precedent for the conservation area.

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

1. We are greatly concerned that an application for very large dwelling (footprint is gross) has been submitted for such a relatively small site surrounded by existing houses.
2. The Site is within the Newton Conservation Area and the area deserves far better
3. We question if this is derelict land but we have not actually inspected the site.

**Dwr Cymru Welsh Water** – No objections subject to conditions

**Highways Observations** - Proposals are for a detached bungalow in an established residential area. The applicant proposes a new vehicle crossing and 3 parking spaces which satisfies current parking guidelines. There will be turning space within the curtilage of the property. There are no highway objections 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

**AMENDED SCHEME** (where the car parking area behind no. 17 Melcorn Drive has been moved away from their boundary)

Twenty four individual properties were consulted. TWO LETTERS OF OBJECTION have been received which are summarised as follows:

1. Development is extremely large and overbearing.
2. The current residents will be overlooked.
3. The building is out of proportion with the current properties and the site on which it is to be built.
4. The amended plans do not address my concerns and my previous objections still stand.
5. The Rock and Fountain have a beer garden which has been a bone of contention and its closure time is not adhered to and how can a further building be considered without solving this already fractious situation.

**Mumbles Community Council** – Objects as follows:

Overintensification. Visual impact on surrounding houses. Loss of health trees. Concern over extra traffic on Melcorn Drive

**APPRAISAL**

This application is reported to Committee for decision and a Site Visit has been requested by Councillor Miles Thomas to assess concerns over residential amenity, access and parking arrangements.

Full planning permission is sought for the construction of a detached single storey dwelling at the rear of 17 Melcorn Drive in Newton. The site is an irregular "U" shape which measures between approximately 19m and 28m in depth and approximately 21m and 31.5m in width, excluding the proposed access. The proposed access would measure between approximately 5.7m and 6.5m in width for a depth of 21m from the pavement edge on Melcorn Drive. The wing to the rear of Melcorn Drive would host the sleeping area and the wing to the rear of Newton Road would house the open plan living/kitchen/dining area. The central part of the house comprises the utility room, boiler room and family bathroom.

The proposal comprises of a single storey, U-shaped building set around a central courtyard amenity space. The building itself comprises of an L-Shaped section with a traditional pitched roof and incorporating a chimney. This L-Shaped section is attached to a further linear section with a mono pitched roof incorporating an additional steeper section towards the ridge abutting the courtyard. Due to the site topography this visually differentiated linear section of the dwelling lies at a slightly elevated position in comparison to the remainder of the house which steps down towards Newton Road. It is proposed to finish the exterior of the building in brick with a folded zinc roof above. In addition to this it is proposed to incorporate flat roofed timber canopies to the courtyard side of the north eastern and south western wings of the building. Large contemporary window openings are proposed facing onto the internal courtyard with smaller windows of varying size on the outer facing walls of the house.

The site has a long planning history. Of most relevance, planning permission was refused under planning application Ref: 2004/2932 for two detached dwellings for the following reason:

- 1. The proposed development would constitute a cramped form of insensitive residential infill development on this backland site which would have a detrimental visual impact on the overall character and appearance of the Newton Conservation Area and as such would be contrary to Policies H2, BE2 and BE17 of the Swansea Local Plan Review No. 1.*

This application was subsequently dismissed at Appeal to the Welsh Assembly where it was concluded that the resultant loss of the trees would impact significantly on the current semi-rural qualities of this part of the Conservation Area and would not therefore preserve or enhance the character and appearance of the Conservation Area. Furthermore the noise, traffic and disturbance associated with the development along the side of No 17 Melcorn Drive and the small rear gardens of No's 17 to 25 Melcorn Drive would be detrimental to their residential amenities. Furthermore the proposed dwellings would be overlooked at relatively close distances from the upper floor of No's 17 to 25 to the detriment of the residential amenities of the future occupiers of the properties.

In order to try and address the Inspectors concerns a subsequent planning application was submitted for one dwelling under planning application Ref: 2006/2102. Whilst it was acknowledged that this revised scheme reduced the number of dwellings and led to a less intensive form of development, it was considered that the Inspectors concerns raised had not been sufficiently addressed and the application was refused for the following reasons:

1. *The proposed development would constitute a cramped form of insensitive residential infill development on this backland site which would have a detrimental visual impact on the overall character and appearance of the Newton Conservation Area and as such would be contrary to Policies H2, BE2 and BE17 of the Swansea Local Plan Review No. 1.*
2. *The proposed development by virtue of the close proximity of the access drive to the existing properties at 17 and 19 Melcorn Drive and the resultant increased traffic movement in and out of the site would lead to an unacceptable increase in noise and general disturbance to the detriment of the residential amenities that could reasonably be expected to be enjoyed by the occupiers of those properties, contrary to Policies H2 and BE2 of the Swansea Local Plan Review No. 1.*
3. *The amenities of the occupiers of the proposed dwelling would be adversely affected as a result of overlooking from first floor windows on dwellings 17 to 21 Melcorn Drive thereby giving rise to a loss of privacy detrimental to the residential amenities reasonably expected to be enjoyed by the occupiers of the dwelling contrary to Policies H2 and BE2 of the Swansea Local Plan Review No. 1.*

The main issues to be considered therefore are the impact of a new dwelling house at this location upon the visual and residential amenities of the Conservation Area and highway safety having regard to the previous planning history on the site and the requirements of Policies EV1, EV2, EV9 HC2 and AS6 of the City and County of Swansea's Unitary Development Plan 2008 (UDP).

Policy EV1 requires developments to comply with good design criteria, Policy EV2 states that preference is for development on previously developed sites, Policy HC2 refers to criteria for residential development sites in the urban area and Policy AS6 states that developments must comply with minimum parking standards.

As the site lies within the Newton Conservation Area, the planning test is also whether the proposal preserves or enhances the character and appearance of this area in accordance with Chapter 6 of Planning Policy Wales (edition 5), Circular 61/91 and Policy EV9 of the Unitary Development Plan 2008. Policy EV9 specifically requires that "development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character or appearance of the conservation area or its setting.

Furthermore due to the location and nature of the site the development is deemed to be backland development and is therefore subject to the guidance set out in the Infill and Backland Design Guide Supplementary Planning Guidance (SPG).

The Conservation Area schedule for this area describes its special character:

*"Briefly stated 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."*

The architectural character of the Conservation Area is fairly varied and as a result there have been applications for contemporary residential development within the locality.

New development in such locations must also be of a high standard of design, respond to the area's special characteristics, and pay particular regard to: important views, vistas, street scenes, roofscapes, trees, open spaces, and other features that contribute to the character or appearance of the conservation area, the retention of historically significant boundaries or other elements that contribute to the established pattern of development, the relationship to existing buildings and spaces, and pattern of development, scale, height and massing, architectural design, established detailing, and the use of materials, boundary treatment and public realm materials."

The site comprises of a disconnected rear garden space to the rear of 139 Newton Road which lies within the applicant's ownership. The site is bound on all sides by rear gardens of properties fronting onto Newton Road and Melcorn Drive except to the north west where it is bound by the parking area of the Rock and Fountain public house. It is proposed to utilise part of the existing garden space to the side of 17 Melcorn Drive (also under the applicant's ownership), to provide access to the proposed dwelling. The site slopes slightly downwards from a small plateau at the north western corner (+77m) towards the eastern boundary (+74.5m).

The proposed site area forms the rear most part of a generous garden area to the back of 139 Newton Road. This area is currently overgrown and has a clear visual separation from the maintained part of the garden to the rear of the property as a result of existing wall structures between these two areas. The proposed 'cut off' point between these two areas also aligns with the rear of the adjacent gardens to either side of 139 Newton Road and as such the proposed site area has a logical form. The proposed dwelling has a varied single storey form which references typical rural outbuildings in its appearance, albeit in a more contemporary manner. This is considered appropriate to the locality and backland nature of the development.

In terms of residential amenity, the south western boundary of the site lies close to a garden fence boundary running across the rear of the existing dwellings at Melcorn Drive. However due to a combination of the site topography, the height of this boundary fence as well as the single storey nature of the development it is considered that this will have a minimal impact upon the outlook from the rear of the existing dwellings in this location. Broadly speaking the internal courtyard arrangement with the dwelling outlook onto this space minimises the potential overlooking impact between the proposed dwelling and the backs of the existing surrounding dwellings. This approach is in line with the guidance set out in section 7.15 of the Infill and Backland Design Guide SPG.

The proposed dwelling has several windows on its outward facing exterior. Those windows facing to the north west look onto the proposed parking and turning area in front of the dwelling as well as the car to the adjacent pub and are therefore acceptable. Those windows facing to the south west look directly onto the rear boundary fence of the dwellings at Melcorn Drive and are therefore also considered acceptable. The windows facing to the north east would potentially give rise to overlooking to the rear of the dwellings at Newton Road. However this potential overlooking impact has been minimised through having these windows face onto the rear of an existing shed structure as well as a retained wall structure of a former outbuilding.

The u-shaped form of the building means that there is the potential for some overlooking from the rear of existing dwellings lying to the south and to the east of the site. Whilst a minor degree of mutual overlooking is to be expected between the amenity spaces of dwellings in close proximity to one another the proposed dwelling presents a high level of glazing onto its courtyard area as well corners windows which also face towards the south east boundary and may result in overlooking into the dwelling itself. However it appears that it is proposed to overcome this through the use of flat roofed canopies as well as the strategic placement of specimen trees along the open end of the courtyard. This approach is considered acceptable subject to the imposition of a condition seeking further details of these specimen trees to ensure that these are appropriate to the local context and do not impinge on the sense of outlook from existing dwellings lying in close proximity to these.

Given the private backland nature of the site it is considered that the development would not detrimentally impact upon the character or appearance of the conservation area. Furthermore the proposals are considered to be an appropriate response to the backland nature of the site in line with the guidance set out in the Infill and Backland Design Guide Supplementary Planning Guidance. It is also considered that the scheme has been designed, for the most part, in a manner which minimises the potential impact on the amenity of existing surrounding properties. It is also considered that the current proposal successfully addresses the concerns of the Appeal Inspector on the previously dismissed planning application ref. 2004/2932.

The Head of Transportation and Engineering raises no highway objection as the applicant proposes a new vehicle crossing and 3 parking spaces which satisfies current parking guidelines. There will be turning space within the curtilage of the property. There are no highway objections subject to the construction of a vehicular crossing to Highway Authority Specification.

Turning to the concerns raised by the objectors regarding visual impact, traffic issues, noise, disturbance and impact upon residential amenity, these have been addressed above in the main body of the report.

In conclusion and having regard to all material considerations, it is considered that the proposed development is an acceptable form of development at this location that would neither unduly impact upon the visual or residential amenities of the Newton Conservation Area or highway safety. It is considered that the proposal offers an acceptable solution for the redevelopment of a difficult site that complies with the requirements of EV1, EV2, EV9 HC2 and AS6 of the City and County of Swansea's Unitary Development Plan 2008 and approval is recommended.

## **RECOMMENDATION**

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

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





- 8 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.
- 9 Foul water and surface water discharges shall be drained separately from the site.  
Reason: To protect the integrity of the Public Sewerage System.
- 10 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.
- 11 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.

## INFORMATIVES

- 1 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.
- 2 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).
- 3 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.

ITEM 2 (CONT'D)

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- 4 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, HC2, EV9, AS6, EV3
- 5 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
- 6 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 7 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.

## PLANS

HG.13.34.11A site location plan, HG.13.34.10A block plan, HG.13.34.21A ground floor plan, HG.13.34.22 roof plan, HG.13.34.25A sections, HG.13.34.26A elevations, HG.13.34.29A dated 28th May, 2014.

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ITEM 3

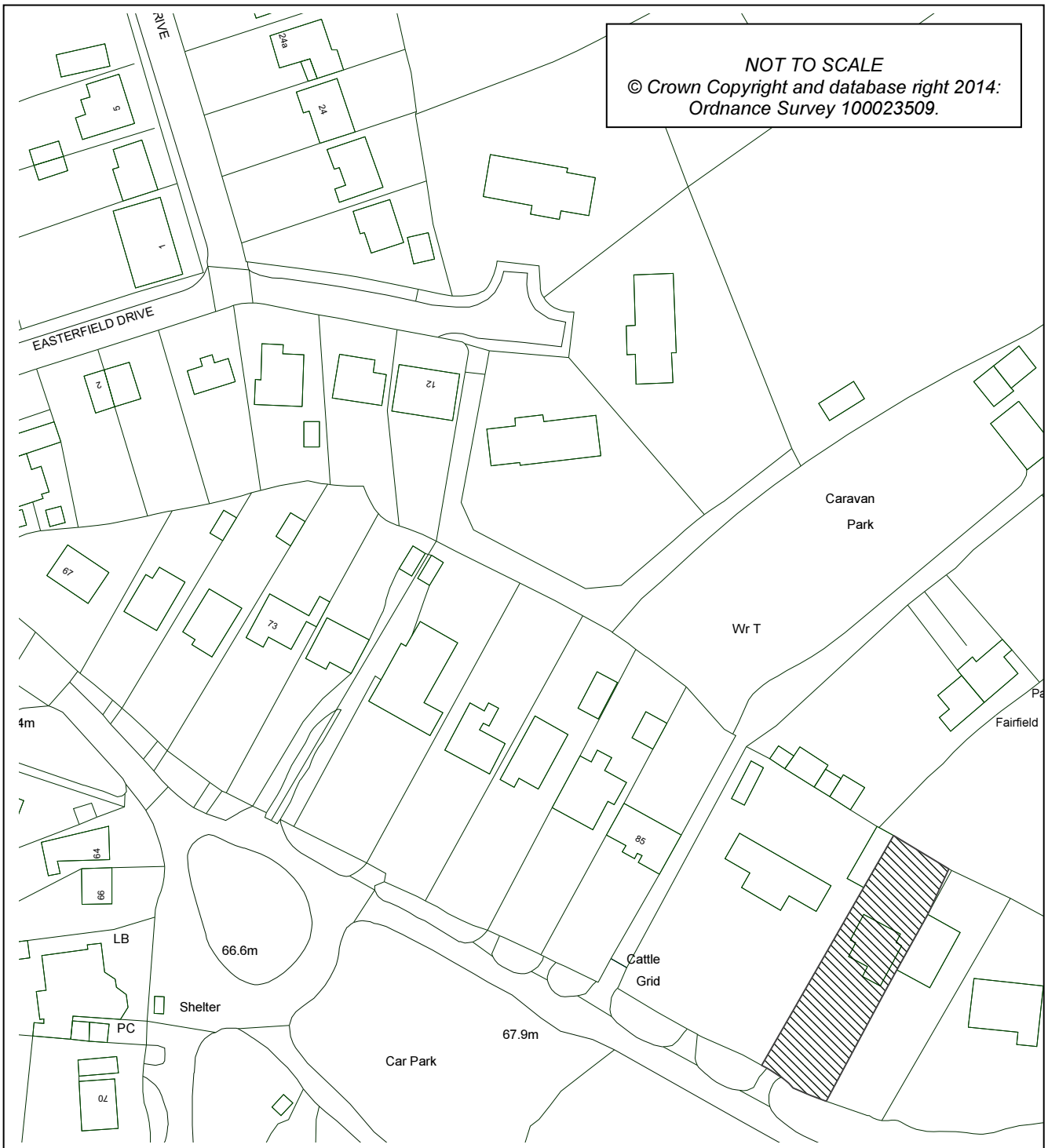
APPLICATION NO. 2014/0889

WARD: Pennard Area 2

**Location:** 89 Southgate Road, Southgate, Swansea SA3 2DH

**Proposal:** Replacement dwelling and detached outbuilding with associated landscaping

**Applicant:** Mr Neil Chamberlain



**BACKGROUND INFORMATION****POLICIES**

<b>Policy</b>	<b>Policy Description</b>
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 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 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**

None.

**RESPONSE TO CONSULTATIONS**

The application was advertised on site and two neighbouring properties consulted. ONE letter of OBJECTION has been received which is summarised as follows:

- Inappropriate design with living accommodation on the first floor
- Compared to the existing property at 89 the mass will be increased by over 100 percent and the height will be increased by almost 50 percent. This will result in a box without any tapering of the roof that could alleviate the impact. With such close proximity it will dominate our property and there will be a major impact on the level of natural light received.
- The location of the living area on the second storey and provision of a balcony immediately adjacent to our lounge and patio will significantly reduce the level of privacy in both these and the rest of the garden. Even with the proposed screen it will be possible to look directly into our lounge.
- The proposed mass will have a large detrimental affect on the visual aspect from all parts of our property.

- It may interrupt our broadband connection that relies on direct line of sight to the transmitter at Pennard Stores.
- We hope that the existing plan will be rejected and that a satisfactory compromise may be reached that will prove acceptable to all parties. As previously discussed with the applicants a successful compromise could include moving the footprint two metres further west than proposed and either removing the balcony or moving it to the western side of the property.
- We believe there are several ways this could be addressed to minimize the affect on us while achieving many of the aims of the applicants.
- ***Re Letter from Lisa Tucker to Raum architects dated 13 March 2014. Pre Application Advice. Document no. 129942.***

While we do not object in principle to the proposal of a modern design it is misleading to suggest that it would sit comfortably with the mixture of dwelling types in this part of Southgate Road, or within the village. To our knowledge there is only one other comparable example in Southgate that is located at the end of a row of two storey structures. More importantly, we do not believe that the architects have sufficiently addressed the concerns of the effect of overbearing mass or the resulting loss of natural light.
- ***Re Design and Access Statement Prepared by Dan Belton of Raum Ltd.***

In the introduction there is a comment that the existing building is now uncharacteristic of the overall street scene and that repeating the existing property's scale would be underutilizing the potential of the site. While we agree with this to some extent we firmly believe that the overall mass should not dominate our property.

It is stated that the points raised by Lisa Tucker in the Pre Application Advice letter have been considered and additional information provided to support the application. We strongly disagree with this and believe the additional information is both selective and often disingenuous.
- ***"Specifically property frontage widths and heights have notably increased with newer developments."*** While this is generally true it does not indicate that the width of the plots of both 89 and 91 Southgate Road are considerably narrower than most and the impact of such resultant close proximity is amplified in comparison.
- ***It is demonstrated within section 2 of the guidance; character, the application site is fortunate enough to have an unencumbered view to one of the few identified key panoramas on Gower - Oxwich point. To not maximise the opportunity that exists in this natural beauty would be ignorant.*** While we are very sympathetic to the aim we believe the use of 'ignorant' has no place in a planning application and should not be achieved to the detriment of existing properties. It begs the question of who would be ignorant, the architects, the Planning Department, neighbours or all three? Sadly this seemingly arrogant attitude prevails in many parts of the application where misleading statements or obfuscation abound.

- It is obvious that the historical texts have been chosen to support the proposal of a two storey construction which would be acceptable if it not were for the reality of existing properties and the need to develop with a good degree of sensitivity.
- It should be noted that the photographs comparing 89 Southgate Road with 25 East Cliff have been transposed and selective in their usage. While the aerial photograph shows that 25 in close proximity to the adjacent building it fails to show that it, and all of the properties to the east in the row are of two storey construction. Photograph from the front of 25 East Cliff clearly demonstrate another important difference, in that it, and adjacent properties are located towards the front of the plots and this significantly reduces the impact on privacy. The obvious potential impact of overbearing mass is, therefore, greatly diminished. It should also be noted that the balcony is located away from the neighbouring property.
- The property would have significant impact on privacy both in the amenity space to the front and potentially into the neighbouring lounge. The claim that this would be constrained by vegetation is false because of the layout and proximity of the properties. To retain privacy would require trees/bushes in excess of 5 metres tall which would have a detrimental impact on the level of natural light received in the neighbouring garden, lounge and bathroom.
- The diagram clearly shows that while there is a considerable angle of view directly to the sea it does not affect neighbouring privacy. We strongly object to the note that there are no side elevation windows to habitable rooms as this is clearly misleading. As can be seen in the final plans to our extension that were approved in 2010 there are windows to the family bathroom, utility room and velux windows in the kitchen. The overall mass and height of the proposal will have a significant negative impact on the light levels experienced in the utility room and in the bathroom, which also provides a source of natural light for the hallway. This negative impact will, in turn, preclude possible future changes to the layout: it is possible that the utility room could be converted into a bedroom if required.
- The stated measurements do not make sense in either metric or imperial units. The inclusion of a second storey balcony was not emphasised in previous conversations with the applicants and we are alarmed at the impact it will have on our privacy. We believe that this is another example of the architect being disingenuous in that it implies that people on the balcony will only look straight out to sea. This is patently false. It is claimed that the proposed structure will have minimal change. It is absurd to think that the proposed structure will not significantly reduce the levels of light from about 16.00 onwards compared to those existing. It is expected that from about 18.00 the level of shading will be greatly increased in the area of our lounge and patio, with an obvious impact on the use of our amenities.
- Response to objectives of good design:

***“Access from the street, to the parking, to the front entrance will all be without steps. The design intent champions the concept of blurring the internal-external threshold. The seamless connection of creating fluid indoor-outdoor spaces allows level access for visitors or residents with restricted movement. The omission of these barriers also works in a similar capacity on a psychological level. These connections will help to make full use of the site’s opportunities, by both visually and physically connection seamlessly with the external space and the view.”*** While these are laudable objectives, they should not be achieved by ignoring the constraints placed by existing properties. Should this proposal be approved it will result in us becoming, psychologically, prisoners in our home and garden. See photographs below showing views from our lounge; now and should application be granted:

- While there may only be a modest increase in the footprint there will be an increase in mass by over one hundred percent which is very significant considering the size and shape of the plot.
- It should be noted that between 2006 and 2010 we presented several plans for approval that incorporated a limited area second storey that would have provided further **bedroom** accommodation, see Planning Application No's: 2006/2457, 2007/1953, the latter having been developed after close consultation with the Planning Department only to be rejected and condemned by a Senior Planning Officer at an Appeal hearing. The detailed reasons provided by the Planning Inspectors at the appeals indicated that the proposals provided by our architects, although both convincing and with good intent, would have resulted in a negative impact on 89 and were abandoned in favour of a single storey extension that was subsequently approved and built. In our opinion the overbearing mass, proximity and change of living use of the proposed development will have a significant negative impact on the living, privacy, and visual aspects of our property similar to those listed by the Planning Inspectors.
- It is extremely disappointing that these plans contain minimum non-standard measurements and rely on comparison with the existing property for illustration. It is also believed disingenuous not to include the location of the existing windows, glazed door and velux windows of our property. Together with accurate measurements they would have allowed a much better and easier comparison.
- The inclusion of a terrace on the second storey will have a dramatic negative impact on the light and privacy enjoyed both in our lounge and patio.

**The Gower Society** – offer the following observations:

1. The existing building appears to us to have little architectural or historical value but never the less it is a small flat roofed 1930's bungalow that sits very low down in the landscape and between its neighbours. In principle we are not supportive of the demolition of properties that could be adapted for modern use.
2. The proposed two story dwelling is considerably higher than the existing dwellings on either side of the property. The footprint may only be slightly larger but the volume 'doubles' that of the existing.

3. In addition the higher square flat roofed architecture presents a dominating impact upon the neighbours as well as the street scene fronting it.
4. The application appears to be at odds with EV1, EV2, EV17, EV26 and the AONB Design Guide. In our opinion these clauses must be used to protect the AONB and not to be manipulated to justify a proposal that damages it.
5. The elevated living space (bedrooms below) and windows of the first floor will seriously compromise the privacy of the adjacent properties, especially so at the rear.
6. We have read the extensive Design and Access Statement and note the references to Gower Societies Gower Journal, Vol.8 dated 1955 but this is irrelevant. The current Design Guide is far more comprehensive and indeed more relevant to the present day. Other references in the Design and Access Statement have no planning criteria and there is much said about the views outwards from the proposal rather than its impact from without!
7. Trying to assess application is made particularly and unnecessarily difficult through the lack of simple key dimensions.

### **Pennard Community Council - NO OBJECTION**

#### **APPRAISAL**

This application is reported to Committee for decision and a site visit has been requested by Cllr Lynda James to assess the impact of the proposal upon the amenities of neighbouring residents.

Full planning permission is sought for a replacement dwelling and detached outbuilding at 89 Southgate Road, Southgate.

The application site is rectangular in shape, includes the existing small 1950's bungalow and measures approximately 15 metres in width and 56 metres in depth. The existing bungalow is built of masonry, rendered with roughcast and painted white; and is set back 35m from the front boundary line into the site.

The site lies within the existing village boundary with no properties to the rear. This section of Southgate Road has a varied collection of existing detached dwellings. Southgate Road splits into Hael Lane and East Cliff just east of the entrance to the site and the existing property is of traditional post war design and of little architectural merit.

The main issues to consider in this case are the impact of residential development on the character and visual amenity of this part of Southgate, having regard to policies EV1, EV2, EV26 and EV17 of the Unitary Development Plan. There are not considered to be any additional overriding considerations arising from the provisions of the Human Rights Act. In particular, Policy EV17 which relates to large villages the amplification to which specifically refers to Pennard and Southgate where further intensification of development along East Cliff and West Cliff will not be permitted.



Policy EV17 of the Swansea UDP is the relevant policy when considering applications for new or replacement dwellings within defined settlements. This policy states that within the boundaries of identified large villages development will be limited to existing commitments, small infill plots and, and in locations outside the AONB small scale rounding off, subject to set criteria. Development that involves:

- (i) The 'capturing' of surrounding countryside through an extension of the built up area and residential curtilages,
- (ii) The extension of a settlement in the form of ribbon development, or
- (iii) The coalescence of villages will not be permitted.

Development will be required to be appropriate to its location and will only be approved where it meets the criteria of Policy EV1 which sets out objectives of good design.

The intention of both these policies is to avoid inappropriate development that detracts from the character of the area. The application site, although within defined settlement boundaries is also located within the Gower AONB and Policy EV26 seeks to ensure that the areas natural beauty is conserved and enhanced.

The Gower AONB Design Guide recognises that the most common opportunities for residential development within the AONB are within the defined villages. New residential development, must successfully integrate with its surroundings, taking into account the character of the village in which it sits. Whilst it is important to take into account a sites surrounding context, new development should respect only the best qualities of neighbouring properties. The requirement for development to be sympathetic to the character of the village is not intended to discourage innovative sensitive design approaches, as long as that they do not harm the character amenity of the settlement.

Dwellings along East Cliff are highly individual in nature and exhibit a variety of appearances as a result of differences in form, style roofscapes and material finishes. The Gower Design Guide recognises that this area has been significantly altered by post war developments and states:

“ . . . Unfortunately Kittle and Southgate have been subject to a number of insensitive urban developments in the past and a settlement character statement would not be of any assistance in raising standards. However this does not mean that poor quality design is acceptable; future developments are expected to raise standards of design by following the appropriate overarching guidance sections of the Design Guide.” (Ap5.5)

Whilst no overarching settlement strategy exists for Southgate, the relevant guidance sections as set out in the Gower Design Guide should be followed. Section A1.4 of the Guide states that all residential proposals whether traditional or contemporary in design must demonstrate that they are of the highest quality, sensitive to their surroundings in terms of layout, scale and massing, and that the choice of materials and detailing is appropriate to the context, form and function of the site.

Visual Amenity

A variety of house styles and designs are to be found in the locality which includes East Cliff as well as the nearby West Cliff area. As a result of the lack of any overarching architectural style or features a contemporary design approach to the proposed dwelling in line within paragraph 1.3.2 of Policy EV1 can be considered. Paragraph 1.3.10 requires the preservation and/or enhancement of the Gower AONB and echoes section A1.4 of the Gower AONB in terms of providing high quality design, materials etc.

The proposal is for a 3 bedroom family house with first floor living accommodation and a modest increase in building footprint with an additional storey above. The proposed dwelling has a contemporary open-plan design with a strong horizontal emphasis incorporating high levels of glazing. Although it is acknowledged that the flat roof design is not characteristic for Gower in general, it must be noted that the existing dwelling is a flat roof structure, and as such it can not be argued that the principle of a flat roof design is out of character per-se. Furthermore, the proposed building's position on the site matches that of the existing and is consistent with others along this street scene which are set deep within the plot.

A single storey outbuilding would be provided on the northern end of the site, which would serve as an office and bike store.

Given the mixture of dwelling types and appearances along the road frontage and in Eastcliff and Westcliff the proposed contemporary approach is, therefore, considered acceptable subject to detailing. Similarly the proposal to replace the existing single storey dwelling with a new 2 storey property is also considered acceptable given the presence of both single storey and 2 storey dwellings in the row. The proposed dwelling would roughly sit in the same position as the existing dwelling albeit with a more regular rectangular form which is considered to better respect the building line.

The scheme sets out a contemporary approach which creates a bold visual statement in this prominent location with both strong horizontal and vertical lines being a characteristic of the proposed dwelling. As such the proposals requires careful consideration to provide 'clean' lines which align with one another to create a crisp appearance to this visually prominent dwelling. The proposed external materials palette for the dwelling comprises of white render, timber cladding and limestone to the various external walls, with a profile metal flat roof, with powder coated aluminium door and window frames and a glass balustrade. The form and material palette proposed is considered simple, much in line with the methodology of traditional Gower houses.

Overall the proposal represents a contemporary dwelling which maintains clean, crisp lines and a well balanced appearance. The proposal is considered to be high quality in terms of sustainability and design and demonstrates how well considered contemporary design can respond positively to a sensitive landscape and visually prominent location.

On this basis in visual terms the proposal is regarded as acceptable.

Residential amenity

The proposed dwelling achieves a 1.4m separation distance from the common boundary with No. 91 (2.2m from the property itself) whilst this relationship is fairly close, it achieves a marginally greater separation than the existing dwelling. Nevertheless the additional height of the proposed building is acknowledged, however, the maximum eaves height at some 5.6m is not considered to be so excessive such that the overbearing impact would warrant refusal of the application. Dwellings at No's 89 and 91 are currently sited in relative close proximity to the common boundary and the ground floor windows on the side elevation of the neighbouring dwelling are non-habitable rooms, the outlook from which is currently directly onto the boundary; a scenario that will not change. All door and window openings are front and rear facing and the proposed front balcony will be fixed with a solid timber privacy screen to avoid overlooking to the east (No. 91).

Notwithstanding this however, it must be noted that any overlooking from the balcony would be to the area of curtilage forward of the neighbouring dwelling, which is acknowledged (as with all of these properties) to be a more substantial area of curtilage than that found to the rear. Despite this fact, it is difficult to argue that the front curtilages, no matter how extensive, act as private useable amenity space as these areas are currently in full view from surrounding public vantage points.

For the avoidance of doubt and completeness of assessment (although normally applied to rear amenity space), the 45° standard has been applied in this instance using the centre point of the front facing neighbouring habitable window as reference, and in this respect the siting of the proposed dwelling does not conflict with this guide. Overall, whilst it is accepted that the replacement of a single storey property with a two storey property will inevitably have a degree of impact, it is not considered that that impact is so sufficiently harmful as to warrant refusal of this application.

### Representations

The occupiers of this neighbouring dwelling have expressed concern over the impact of the proposal upon their residential amenities, and general visual amenity given the contemporary design of the proposed dwelling both matters are addressed in detail above.

The comments received from the Gower Society refer principally to matters of visual and residential amenity which are addressed above. Further points made relate to reference within the submitted DAS to an outdated Gower Journal, which is noted but not material to the consideration of this application.

### Ecology

The application was accompanied by a protected species survey which concludes that the property is not host to any roosting bats, and having consulted the Councils Ecologist it is considered that there would be no ecological implications for the demolition of the host building and construction of a replacement dwelling. Standard conditions relating to protected species are recommended in any event.

## Highways

With regard to highway safety matters, the existing access arrangement onto Southgate Road will be retained, including the set back and 4 parking spaces including a turning area will be incorporated within the curtilage of the site. On this basis the Head of Transportation and Engineering raises no highway objection.

## Conclusion

For the reasons set out above, it is considered that the development accords with Policies EV1, EV2, EV17, and EV26 of the UDP and will complement the character and visual qualities of the area. As such, it is also considered to accord with Planning Policy Wales (2014) and TAN 12 (Design) which supports quality innovative and contemporary design when the vision and design concept are strong and well founded in a sound appreciation of the site and its context, and the final design and execution of the project are secured through appropriate detailed plans, specifications and conditions. The submitted scheme achieves this and is therefore considered an appropriate form of development that will have limited impact upon the visual and residential amenities of the area and will not compromise or prejudice current highway safety standards. As such approval is recommended.

## RECOMMENDATION

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 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.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Classes A, B, C and D 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.
- 4 The fixed timber privacy screen detailed on the proposed first floor plans shall be erected prior to the first use of the first floor terrace and shall be retained in accordance with the details hereby approved unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To protect the privacy of the occupiers of neighbouring properties.

**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: (insert the policies referred to in the officer's report)
- 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 birdCare should be taken when working on buildings particularly during the bird nesting season March-August.

**PLANS**

1384\_CHS 100 site location plan, 1384\_CHS 101 existing site plan, 1384\_CHS 102 proposed site plan, 1384\_CHS 201 proposed ground floor plan, 1384\_CHS 202 proposed first floor plan, 1384\_CHS 400 existing front and west elevations, 1384\_CHS 401 existing rear and east elevations, 1384\_CHS 402 proposed front elevation, 1384\_CHS 403 proposed rear elevation, 1384\_CHS 404 proposed east and west elevations, 1384\_CHS 500 proposed outbuilding dated 18th June 2014.

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ITEM 4

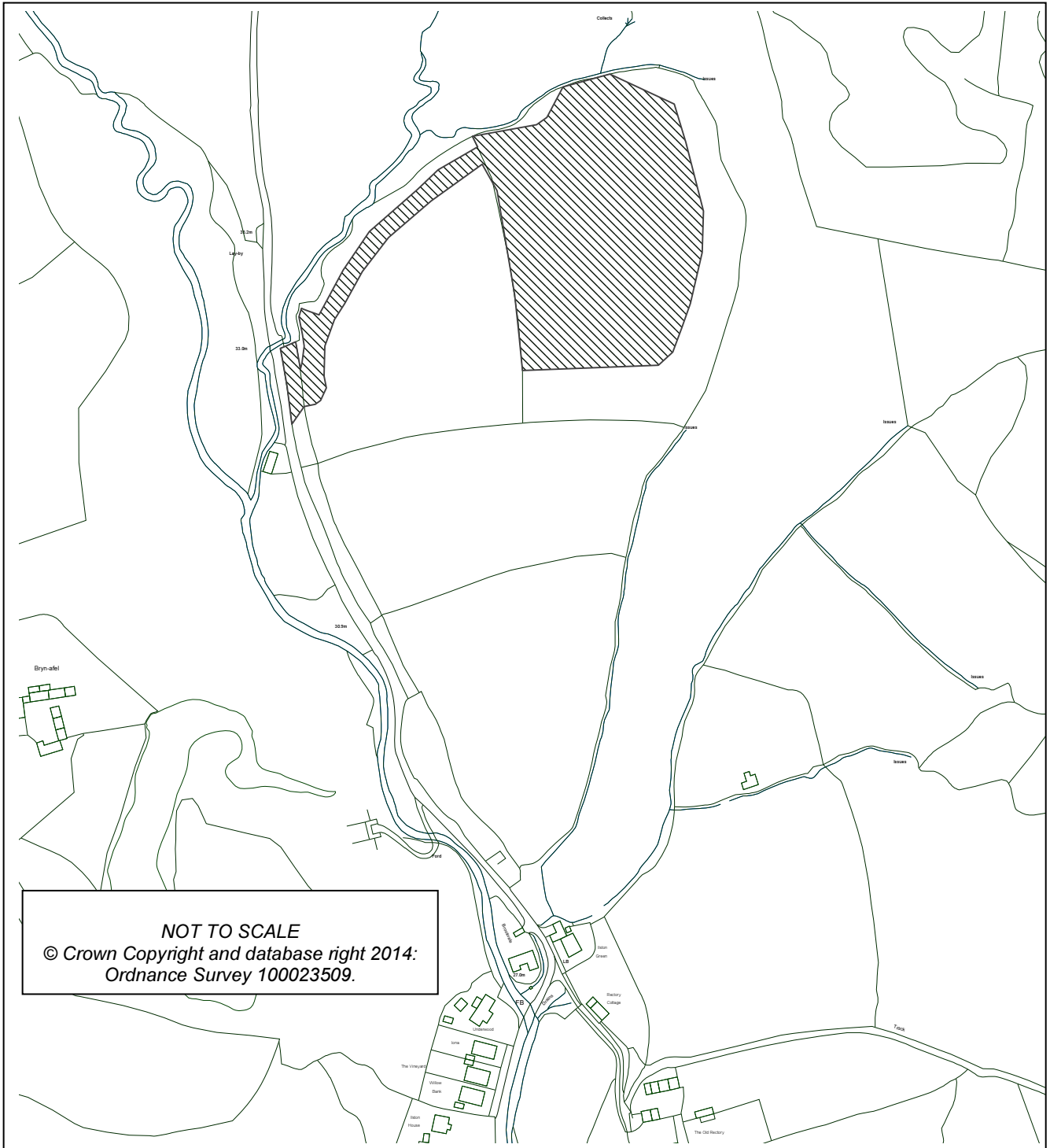
APPLICATION NO. 2014/0876

WARD: Gower Area 2

**Location:** Webbsfield, nr Brookvale, Ilston, Swansea SA2 7LD

**Proposal:** Ground mounted solar array; capacity up to 1MW, ancillary infrastructure including access track, fencing, security cameras, inverter kiosks and substation building

**Applicant:** Mr Anthony Flanagan



**BACKGROUND INFORMATION****POLICIES****Policy Policy Description**

- Policy EV1 New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
- Policy EV21 In the countryside non-residential development will only be permitted where it can be demonstrated that it is beneficial for the rural economy, or it meets overriding social or economic local needs, or it is appropriate development associated with farm diversification, sustainable tourism or nature conservation, or it provides an acceptable economic use for brown field land or existing buildings, or it is essential for communications, other utility services, minerals or renewable energy generation. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV22 The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through:  
 i) The control of development, and  
 ii) Practical management and improvement measures.  
 (City & County of Swansea Unitary Development Plan 2008)
- Policy 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 R11 Proposals for the provision of renewable energy resources, including ancillary infrastructure and buildings, will be permitted subject to compliance with specified criteria. (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>
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## Response to Consultations

The application was advertised on site and in the Local Press. 27 Letters of OBJECTION received and 77 Letters of SUPPORT received which are summarised as follows:

### LETTERS OF OBJECTION

- Disturbance and destruction: During construction works there will be disturbance and damage to the narrow country lanes as well as with on-going maintenance
- Webbfields is situated in a pretty village on the edge of the Gower peninsular. This area is renowned for its open countryside and is designated an area of outstanding natural beauty. The village church of St. Illtyd attracts large numbers of visitors and school children through the whole year.
- A field of solar panels is completely out of character in a small rural village. The erection of solar panels and related industrial buildings and high level CCTV is in no way in character in this rural setting.
- How much research/ studies have been carried out to determine the affect of magnetic fields on flora and fauna such as bats
- Approving such an application would pave the way for future installations across Gower. Also on cessation of the solar panel use this area would be open to being designated as brown field site and therefore open to future development.
- This application would have an adverse affect on the appearance and character of the landscape and village
- The planning application notice is considered to be inadequate and inconspicuous in its siting, further the display has been made during a time when the least objections are foreseeable ie during the peak holiday season.
- We believe that approving this application contravenes your own LDP section 7.25, 7.57 and 7.59
- It will set a precedent. The area they would like to industrialise is in an conservation Area, a SSSI and AONB. If it goes ahead here I fear all of Gower will be blotted with Glass panels.
- Made up tracks and ancillary buildings will look distinctly odd in this area.
- The newly planted deciduous trees will only camouflage part the Solar farm for half The year.
- The half erected poly tunnel now in situ gives an idea of the visual impact on the area.
- These are very small roads and have already seen a dramatic increase in traffic leading to blocked roads, and so affecting safety. If they are allowed to put in parking, tracks and ancillary buildings it will set a precedent for the rest of Gower.
- Finally by virtue of its prominent siting and inappropriateness for the area the solar farm would fail to conserve or enhance the character and appearance of Ilston and Gower AONB, and fails to meet the Gower AONB design guide.
- Nothing of such gravity has ever been proposed in Ilston before.
- The proposal is industrial in scale and would damage the visual qualities of the area and AONB
- The narrow road network is not capable of supporting the inevitable construction vehicles
- The local community would receive no benefit
- The glint and glare will cause threat to landing aircraft at Swansea Airport
- The proposal will result in the loss of grazing land



- The proposal includes numerous serious misrepresentations. These are demonstrated under the headings:
  - Potential Visibility Misrepresented.
  - Purpose of the Development Misrepresented.
  - Community Consultation Report Misrepresented.
  - Landscape Character Misrepresented.
  - Existing Road Falsely Shown.
  - Traffic Movements Misrepresented.
  - Increased Vehicular Traffic Misrepresented.
  - Decommissioning Misrepresented.
- Increased Flooding Risk.
- **An Industrial Development is not appropriate in an Area of Outstanding Natural Beauty.**
- a) A solar farm of this scale is an industrial development. Section 1 of the *Supporting Environmental Document*, states that the development will be owned by the “Gower Power Energy Co-operative (an **industrial** and providence society).
- b) Section 2.1 of the same document states it is a “**Large scale** ground mounted solar array.”
- c) Section 23 of the application form also confirms it comes under the “**Industrial and Commercial Processes...**” category.
- d) An AONB is an area the nation has set aside for its natural beauty to be appreciated by people from all over the nation. Gower is Swansea’s principal tourist draw. It is not a place for industrial installations.
- e) The guidance issued by solar farm installation companies recommend that developers avoid AONBs when selecting sites for solar farms.
- f) The CRoW Act (2000) requires authorities to have regard to the purpose of conserving and enhancing the natural beauty of AONBs when performing their function. The proposed development neither conserves nor enhances the AONB.
- **Approval Would Set an Unacceptable Precedent.**
- **Potential Visibility Misrepresented.**
  - a) The developer attempts to deal with the fact that this industrial installation is not suitable for an AONB by arguing at great length that the site is not very visible. In doing so he seriously misrepresents the case.
  - b) He states that although it is to some extent visible, this visibility will be reduced when additional hedge planting is carried out. He includes 9 photographs from selected viewpoints around the site. All of these photographs include trees and hedges in full leaf. Visibility will be completely different when the leaves fall. The visibility aspect is therefore seriously misrepresented.

- c) When considering visibility by walkers the developer only refers to the local public rights of way. He makes no mention of the fact that the adjacent common is open access land upon which the public have the right to roam. Also the wooded common land which runs east and then north from the village of Ilston is walked regularly. The walking public would therefore be able, if they so wished, to walk close to 3 sides of the 2.4m security fence. This obvious aspect has been ignored in the submission.
- **Purpose of the Development Misrepresented.**
    - a) The introduction, section 1, of the *Supporting Environmental Document* states that the “GPCC is a ‘not for profit company’ limited by guarantee. GPCC intends to transfer ownership of the development to Gower Power Energy co-operative (an industrial and provident society) in order to raise the finance for the development through the issue of community shares, and in order to ensure that the development is 100% community owned.”
    - b) At 1.1 it goes on to detail that in addition to the solar farm, GPCC aims to facilitate local ownership of Sources of Food, Means of Exchange and Local Ecology.
    - c) Whilst the parent company may be a not for profit company, the Gower Power Energy Cooperative most certainly is a company whose intention is to make a profit. Investors willing to stump up the £1,200,000 necessary to finance the scheme would not do so if there were no prospect of profit. The introductory image of the application being submitted under a “not for profit” banner is therefore misleading and misrepresents the truth.
    - d) The site was obtained for the developer, Mr Flanagan, at auction by paying £162,000 for this 2 hectare (5 acre) site; a price vastly in excess of the value of agricultural land. Evidently Mr Flanagan has significant capital behind him.
    - e) 5.18 of the *Community Consultation* report states that “*The site has been selected s unique characteristics.*” It was therefore purchased with this industrial development in mind.
    - f) Mr Flanagan, using a different company called Pencefnarda Solar Ltd, has also applied (planning application 2014/0761) for permission to develop a 3.6 MW solar farm at Gorseinon. He has shown himself to be knowledgeable as to what money is available from government subsidised schemes and adept at obtaining grants.
    - g) The word ‘Community’ usually refers to a group of people living locally. The actual local community is the village of Ilston in which everyone strongly opposes this development. In this case ‘community’ must have a different meaning, presumably a group of people who are not local to the scheme.
    - h) The ‘green/ community’ aspects promoted in the application are the vehicle by which the developer and any other moneyed investors involved intend to make money. This application is from a commercially minded developer.
  - **Community Consultation Report Misrepresented.**
    - a) The *Community Consultation Report* is a substantial document within the application. It correctly details how the developer has thoroughly consulted the public by delivering 15,250 flyers to households which he considers would have an interest, holding several consultation events in halls, attending community council meetings, being available for consultation at Parkmill, etc. No expense was spared on this exercise.

b) However it goes on to show the result of questionnaires it asked people to complete and presents the resulting opinions from those questionnaires as though they represent public opinion. Although the developer thought 15,250 households would be interested, only 147 people completed the questionnaire. Despite the total response being **less than 1%** of the number of households contacted, the report presents the findings as though they represent the “community’s” views. Clearly only those who were generally interested in the development completed the questionnaire. The views of over 99% of those contacted are not considered. This is a clear misrepresentation.

○ **Landscape Character Misrepresented**

a) Section 5.5.5 of the *Supporting Environmental Document*, states that “Possible slight adverse landscape and visual effects that could arise from the proposed development will be mitigated as follows: .....Provision of security fencing, **using 2.4m high fencing to**

**be in keeping with the countryside character.”** [Highlighting added.]

b) This is a total misrepresentation of the existing landscape. Prior to its purchase by the developer the site was pristine agricultural land. How can the developer even consider that a 2.4m high security fence is in keeping with the area?

**7. Existing Road Falsely Shown.**

The Site The Site Plan and Development Boundary Plan are wrong and significantly misleading. They show the existing road:

a) To extend to the river. It does not.

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b) The drawings are stated as being to scale. Based on the 5m measurement on the Site Access plan, the width of the existing road is shown as 7.7m, increasing to 8.9m. It is actually 3.0m. The distance to the river at this point is only 4.6m.

c) The actual width of the existing road increases from 3.0m at the access point to 3.9m at the north end of the temporary work area, being only 3.2m half way along. This is an enormous difference from that included in the application.

d) This is particularly relevant as it would be difficult turning HGVs in the actual area as opposed to that indicated on the plans.

e) The plans are therefore a flagrant misrepresentation.

- **Traffic Movements Misrepresented.**a) The *Transport Statement* in the developer’s application is devoted to access to site and construction traffic movements. Traffic movements are assessed and compared in detail with other traffic at Killay on the A4118. It shows that the increase in traffic in Killay would be small. True but Killay is not even in the AONB! The increase would be far greater on the B4271, particularly west of the Three Crosses turn and an enormous increase in traffic in the lane which runs from the B4271 across the common toward Ilston. There are no passing places for HGVs on this lane. b) Whilst the application purports to cover all aspects it does not even mention the fact that the lane across the common toward Ilston has a sign on it advising that the lane is” *Not Suitable for Heavy Goods Vehicles*”. Discussing traffic movements in Killay and not mentioning this important fact is totally misleading. c) The *Transport Statement* does not mention the Ready Mixed Concrete Lorries and waste skip Lorries which the *Construction Method Statement* states will be used.

○  
ITEM 4 (CONT'D) APPLICATION NO. 2014/0876

○  
○ **Increased Vehicular Traffic Misrepresented.**

a) The *Transport Statement* at 1.3 states “...maintenance requirements are expected to consist of bi-annual cleaning of the panels, periodic inspections and routine replacement of electrical equipment and emergency maintenance, traffic volumes are likely to be no greater than **one vehicle per fortnight** over the 25 year lifetime of the scheme.”

b) This in itself is a self evident misrepresentation as how could bi-annual cleaning possibly be carried out during a fortnightly visit. This misrepresentation is confirmed by section 4.5.3 of the *Supporting Environmental Document* which states that visits will be “**at least**

**1 two-way movement per week**”. But this is further confused by section 5.4 of the same document which states that visits are “**unlikely to be more than once a week**”. Which are we supposed to believe?

○ **Decommissioning Misrepresented.**

a) Section 2.11 of the *Supporting Environmental Document*, states that “On reaching the end of its operational life of 30 years the development will be decommissioned. The solar array will be dismantled and completely removed leaving no visible trace of the development. The site will be completely restored to agricultural land and there will be no lasting implications on the land usage or character. There are no fixed foundations, other than those of the site substation building and inverter kiosks which will be broken down entirely and removed from site.”

b) It states that the panel supports will have no fixed foundations but section 2.3 of the *Supporting Environmental Document* states that the foundations for the panel supports “can be ground anchors, piles or ballasted foundations.” They would depend upon the existing ground conditions which **appear not to have been established**.

c) Section 2.3 of the *Transport Statement* states, “At the end of the operational lifetime of the solar array **it may be decommissioned and the site reinstated. It is unlikely that the any (sic) foundations would be removed.**” This is in direct contradiction of the statement quoted at a) above.

d) There is no mention of how decommissioning would be financed / provided for if the company disappears, nor even if it does not disappear.

e) The whole decommissioning aspect has not been properly considered and is confused and contradictory. It therefore misrepresents this aspect; the conflicting statements in different sections of the application cannot all be correct.

○ **Increased Flooding Risk.**

a) In June 2014, Natural Resources Wales (NRW) wrote to several properties in the village of Ilston offering flood protection boards as NRW considered that the properties, at times of prolonged torrential rain, were at risk of flooding.

b) The proposed 4m wide rows of solar panels will shield large areas of the land from rain and reduce the natural ability of the land to absorb and retain some of the water. The panels will concentrate the rainfall run-off at the base of the panels, significantly increasing the local volume of water and thereby increasing the rate of run-off down to the river. Peak river levels which flood the valley are only present for short periods. It is critical that additional water is not added at these peak times. The proposed panels are likely to cause water which would naturally be held in and on the ground and which currently gradually seeps away, to flow more quickly to the river at the time of peak flows.

c) The proposed development is therefore likely to increase the flooding risk to properties within the actual community of Ilston.

- Despite what was said at the exceptional parish meeting in Penmaen last week we still do not think that an enterprise which has a capital outlay of over £1.25 million and is expecting to make a profit from a 4.25 acre solar system heavily dependent on decreasing government subsidies and which can only hope to fuel 200 houses and has only a 25 year working span, is ever going to make a profit in any conventional sense of the term.
- The enterprise may fall into the hands of a third party. Despite the protestations of Mr Flanagan who is, I believe a most genuine person, when business matters go wrong, anything can happen. There can be no guarantee of the durability of good faith largely because rapacious firms can afford the best lawyers who will usually succeed in overturning protective measures.
- At the parish meeting we were told that the Gower Power Co-operative is indebted to the utilities provider Centrica. Such companies are ever anxious to be seen to offer sacrifices to the Government's sacred cow of sustainable energy.
- This enterprise may either eventually be found wanting perhaps on the grounds of Insufficient power generation or may indeed may be seen to be showing great potential which the addition of more solar panels or other such devices would assuredly help to exploit. Whichever way it may fall, it is not inconceivable to imagine that an idealistic organisation of this sort would feel morally justified in gradually adding all manner of power generating appurtenances to achieve their sincerely held objectives and indeed with a little commercial pressure, of persuading adjoining land owners to sell their fields.
- Fierce local objections should carry weight the need for sustainable developments is understood, but they should be in keeping with locality. An area of outstanding natural beauty is not the right environment and this seems extremely insensitive.
- There are so many brownfield sites which would seem more suitable
- Welsh Government 'Planning Policy Wales' 2014 states: "Should any proposed development conflict with the objective of preserving or enhancing the character or appearance of a conservation area.....there will be a strong presumption against the grant of the planning permission".
- The conservation area covering Ilston includes the whole settlement, the Area of Special Scientific Interest, the road approaches and the immediate hillsides which form an integral part of the visual character of Ilston. Set in the heart of Gower, it epitomises and defines the precious landscape whose distinctive character and natural beauty is so outstanding that it is protected for future generations (Area of Outstanding Natural Beauty).
- In its Technical Advice Note 8: Planning for Renewable Energy, the Welsh Government recognises the importance of conservation areas and, by default, advises against solar Pv approvals where the impact would be damaging to conservation area vista.
- Evidence suggests that solar inverters generate low levels of noise beyond the site boundary. Whilst this may not result in any significant adverse effect, it is likely to have a slightly eroding impact on the tranquillity of the immediate environs.
- This development with its large expanse of non-porous surfaces (the solar panels) will significantly increase the volume of surface rain water draining directly into a river in spate, presenting a serious flood risk to properties in the village.

**Swansea Airport** - At Swansea Airport there is now a growing concern that such a large amount of solar panels is being proposed to be sited so close to the airport.

The proposed site is potentially very near to the final approaches to the main South facing runways. The concern is that it could cause any student pilot, resident aircraft owner or visiting pilot of an aircraft to be momentarily distracted or even blinded temporarily on final approach whilst trying to land his / her aircraft.

When a pilot of an aircraft lines up for final approach the aircraft is descending and very low (a few hundred feet above the ground) and being flown slowly (normally approx. 10% above stall speed) in preparation to land. This is a critical phase of flight requiring complete concentration and sudden high glare could startle and disorientate a pilot which could lead to disastrous results.

The proposed location is only a few fields away from the end of a main runway and the aircraft would be passing in very close proximity overhead. The main runways are regularly used at the airport.

No doubt the argument in favour may well be that the proposed site is not directly in line with any runway but this is besides the point as the reflection could come at anytime given the position of the sun at any given time during daylight hours.

Finally there seems to have been no consultation with anyone at the airport about this proposal as it's suddenly appeared from nowhere and on behalf of Swansea Airport and all resident aircraft owners, Swansea Airport wishes to lodge an objection to the proposal in the interests of safety.

## **LETTER OF SUPPORT**

- This development has the potential to set a new benchmark for community owned renewable energy
- As well as providing energy it creates a wider social outcome that benefits on many various levels
- The project has little visual impact and is well screened
- The land will retain dual purpose as sheep will still be able to graze
- It is understood that Gower Power Community Co-operative will use the money generated to fund an award winning social programme that aims to facilitate the local ownership of food energy and biodiversity.
- The proposal is in keeping with the Welsh Government's policies on sustainable development and green energy generation.
- it is important to reduce the country's dependence on fossil fuels and to develop alternative methods of electricity generation.
- Solar energy is a proven technology and Wales should take advantage of the natural resources that it has.
- AONBs across the UK must embrace the need to do something about climate change and energy security
- The development is hidden from view and the ecologists report stated that it will lead to conservation gain through its habitat management plan

- The proposal will make a positive contribution towards meeting the Government's targets for low carbon electricity generation.
- I hope the Local Authority adhere to what will be expected of them when the Future Generations Bill comes into force and take into the account the Social, Environmental and Economic Benefits
- In particular how the economic benefits will be very local and ploughed back into the local community.
- Solar energy is a proven technology and Wales should take advantage of the natural resources that it has.
- We should be encouraging more of this sort of initiative as it is empowering local communities to tackle issues in their local areas
- These sorts of initiatives have been used to good effect to regenerate areas of Scotland where they are becoming common place. Particularly some of the islands off Scotland where they were in terminal decline, economically and their population was declining. As a community they invested in Renewables and have used the profits from this to reinvest in the local area, leading to thriving local economies and opportunities for people to move back and work on the islands.
- If Local Authorities do not support these initiatives then they will have missed a huge opportunity to regenerate large numbers of communities across Wales and the UK
- there is a great need on a national and global level to shift toward cleaner sources of energy in order to protect our environment I feel this project has a great deal to offer.
- As well as being in keeping with Government policy on sustainable development and renewable energy, this site also serves to act as a model for how energy generation can co-exist with environmental conservation
- it is clear that there are many possibilities for implementing measures to assure appropriate conservation including the addition of shallow water ponds which will significantly benefit the biodiversity of the site and surrounding area in addition to increasing colony connectivity and robustness of Local Biodiversity Action Plan species
- It would also appear that every consideration has been taken to ensure the site remains hidden from view so that it does not negatively infringe upon the fact that the area is an AONB.
- Apart from generating renewable energy, the development will also result in small-scale environmentally friendly (sustainable) growing of fruit and vegetables, and will provide a local hub for environmental education.
- This sort of development is precisely the type of small-scale community owned sustainable and forward thinking project that should be encouraged.
- The site will also benefit from management, particularly the conservation measures that were identified in the report such as pond creation. This would undoubtedly result in locally significant conservation gain.
- It would be a tremendous shame if this development were not allowed to go forward.

**Wales Co-operative Centre - Support the application:**

Planning Reference: 2014/0876 - Webb5field Solar Array, 115ton As Chief Executive of the Wales Co-operative Centre, I would like to give my support for the ground mounted solar array planning application to be located at Webbsfield, near Ilston (Reference: 2014/0876). The Wales Co-operative Centre is the largest co-operative development agency in the UK. Established in 1982, it delivers a range of projects to promote social justice through financial and digital inclusion and social enterprise.

Co-operative businesses are owned and run by and for their members, whether they are customers, employees or residents. As well as giving members an equal say and share of the profits, co-operatives act together to build a better world. Across the UK, co-operatives are owned by just over 15 million people - and these numbers keep on growing. The mix of self-help and mutual aid has made co-operative business an international force for good. 100 million people around the world are employed by co-operatives, whilst around one billion are members.

Community co-operatives have a particularly important role to play in Wales. As well as providing employment and essential services, co-operatives attract and retain wealth in their local communities, offering resilience and stability in tough economic conditions. The strength and scale of the co-operative economy in Wales proves that our nation shares a common purpose and has tremendous community spirit. In 2013, there were almost 500 co-operatives in Wales employing approximately 11,000 people, boasting more than 725,000 memberships and accounting for a total annual turnover of E1.54 billion.

The intended local ownership of the Webbsfield Solar Array development is crucially important as it will ensure that local residents benefit directly from the project revenue. Not only will it be owned by the community, it will create renewable energy for over 300 houses.

The Wales Co-operative Centre welcomes a local community owned renewable energy as this will ensure the economic, environmental and social benefits are maximised for the local people. This is the competitive advantage of the co-operative model, by sharing ownership you give those involved in the business a share in its success. Co-operatives offer wide-ranging opportunities to local people to engage in self help activities and exercise their democratic control. The Webbsfield solar array will allow local people to do this through the development of community supported agriculture and investment of profits from renewable energy into farming.

We fully support the proposal to invest all the profits from the solar array into improving the local community's access to affordable organic local produce and community farming. The proposal to invest profits generated from the Webbsfield solar array into community supported agriculture will open up many far reaching opportunities for local people. The list includes a supply of fresh organic seasonal produce, learning through hands-on involvement growing their own food, volunteering in community farming activities and participation in social events in and around the production of food.

I hope the benefits of the Webbsfield Solar Array proposal will be recognised by the City and County of Swansea and that planning permission will be forthcoming.



**Byron Davies AM –**

I refer to the above planning application and would make the following comments:-  
Under the interim CAA Guidance on Solar Photovoltaic Systems (SPV) it is recommended that, as part of a planning application, the SPV Developer provide safety assurance documentation (including risk assessment) regarding the full potential impact of the SPV installation on aviation interests. The Developer should also be aware of the requirements to comply with the Air Navigation Order (ANa) 2009. In particular, Article 137 - Endangering safety of an aircraft; Article 221 - Lights liable to endanger; Article 222 - lights which dazzle or distract.

On perusing the documentation, it would appear that this information does not exist, therefore, before make a decision on the merits of this scheme, can the Developer provide the planning office with this information for consideration?

I concur with other comments, that an archaeological watching brief condition is attached due to the historical interest of this site" should the application be approved.

**The Gower Society - OBJECT**

We refer to the above application and supporting doc ' that we have studied closely as well as visiting the site and surrounding areas. We must stress~.. that this appears to be the first commercial application of its type to be made for the AONB and as such warrants the most careful scrutiny if we are to avoid a flood of further applications for similar schemes. We, therefore, comment as follows on this application:

1. UDP Policy EV26. This policy is the cornerstone of the AONB and states that Within the Gower AONB, the primary objective is the conservation and enhancement of the areas 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. The proposed development fails this Policy because:

- a. It is contrary to the natural character of the designated AONB.
- b. It detracts from the sense of tranquillity in this part of Ilston.
- c. It is an intrusive utilitarian element in the open countryside with 4000 solar panels, buildings, security cameras, security fences and access.
- d. It is incongruous in this beautiful secluded area.
- e. The public have a right of access under the CROW Act 2000 from Ilston green over common land along the eastern perimeter (through the single pedestrian gate next to Ilston Green cottage) and onto Fairwood Common and along the northern boundary of this site. They walk alongside the site.
- f. The photographs were taken when trees were in full leaf and are not representative of the visual intrusion that will occur during the winter months.

2. Policy EV9. This policy relates to Conservation areas and clearly states Development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character or appearance of the conservation area or its setting.

- a. Ilston Conservation Area CA007 lies directly alongside the land ownership proposing this development.
- b. Ilston Quarry is a managed Nature Reserve that lies within the Conservation Area and overlooks the proposed site.

- c. Ilston Quarry is also an important SSSI.
- d. A solar panel array can not possibly be said to preserve the character or appearance of an area unless it is a brownfield site or an area occupied by commercial or industrial buildings.

In addition, the ambience of the lane, river, mature hedges and fields that are adjacent to this Reserve could be described as idyllic and to construct this solar array in its midst would be a travesty and destroy the whole ambience of the Conservation Area.

3. This proposal is not in accord with Westminster Government policy. We enclose a copy of a recent Planning Inspectorate Appeal Decision and refer you to paras 22 - 26, 66 -75, and 101 - 108. a. Para 101. The conflicting balance between harm to valued landscape and loss of land for 25 years.

b. Para 102. Brownfield land should be prioritised; no other site of poorer quality land had been identified or a search even undertaken.

c. The proposal is an inappropriate use of agricultural land.

d. It is agricultural land that could readily be improved from its current grade 3A and indeed the Applicants have talked about using part of the land for community allotments/gardens.

e. It is not necessary to use this land just because it was purchased in 2012 for a considerable sum (£162,000).

4. UDP Policy EV21. This policy states that non residential development will only be permitted where:

a. It is beneficial to the rural economy etc.

b. It meets overriding social or economic needs.

c. It is an appropriate development associated with farm diversification.

d. It is essential for utilities or renewable generation.

Clearly this application fails the criteria on all of these counts as well as others in this Policy.

5. There has not been any direct liaison or consultation with the Airport Authority, Fairwood Airport management or the various clubs and interested parties (including learner pilots) operating out of the airport that the site. The Applicants have not carried out a risk assessment or produced an expert's report.

6. Whilst the Applicants claim to have substantial community support, canvassing 15,250 households, only 147 questionnaires were returned.

7. Rainfall runoff on the site would be more rapid than from open agricultural land. Ilston and Parkmill are prone to flooding. This aspect has not been addressed by the NRW. The catchment is known to be very "flashy" without this.

8. Approval will set a precedent for similar development elsewhere in the AONB and the rest of the remaining land owned by the Applicants.

9. The following policies, which would be compromised or breached, must be implemented in the interests of the AONB: EV1 Design, EV2 Siting and Location, EV21 Rural Development, EV22 Countryside General Policy, EV24 Greenspace, EV25 Sites of International Importance, EV26 AONB, EV27 SSSIs and National Nature Reserves EV28 Sites of Local Importance, EV29 Common Land.

The Gower Society has faced many threats to Gower over the last 66 years and we see this application as having the potential irrevocably to damage the landscape as we know it. Gower and the AONB are the Jewels in the Crown of Swansea and we urge you to reject this application and not allow the policies to be manipulated to allow a development that has no place within the very first AONB to be created.

**Glamorgan Gwent Archaeological Trust** – the Proposal will require archaeological mitigation. No objection subject to standard condition.

### **Ilston Community Council – OBJECT**

The Council, at a special meeting held on 17th July 2014 attended by 25 members of the public, objected to this Planning Application.

Comments on planning application reference 2014/0876 for the installation of a solar farm at "Webbsfield" Ilston, Gower. Procedural matters we would like to express our concern regarding the processing and supporting information of the application. Nature aiplanes. The proposed development is supported by a set of plans described as "indicative site infrastructure"; we do not consider it satisfactory that important details are considered indicative. For example the design of solar farms vary - the panels are stacked on arrays and the number of panels stacked impacts on the height of the panel array. A single stacked array is lower and of likely to be of lesser impact. The ground fixings are left open in the proposal. The tallest element of the development appears to be the proposed CCTV camera poles. However the siting of these poles is not clear from the site plan and the exact number is left open.

The substation proposed close to the adjoining public highway is not defined in the submission with only maximum dimensions given. A degree of uncertainty over the nature of the substation can be accepted as these buildings are usually defined by the electricity distribution company; however it would be re-assuring to know what the current specification of substation required by Western Power. This should be relatively straight forward for the applicant to supply upon request to the electricity company. The applicant has stated that a grid connection has been secured. They have however not detailed this and suggested that it will be underground "where possible". Re-assurance should be given that the cables can be underground. The caveats add to the uncertainty as to the nature of the development. The application contradicts itself in places the "supporting environmental document" on pages 44-45 suggests: a 2.5 metre high weldmesh fence and CCTV cameras on poles with a maximum height of 5 metres. On page 41 the fence is described as 2.4 metres in height and elsewhere it is described as a deer fence (not a weldmesh). On page 42 document the CCTV poles are indicated to be a maximum of 4 metres in height. This is confusing and leads to uncertainty as to the nature of the development proposed. We note a recent appeal (reference 2196612) where the proposal only required 2.5 metre high poles for the mounting of CCTV cameras - why does this site require much higher and more prominent pole mountings? This degree of uncertainty about what is proposed is not considered acceptable and should be addressed by the local planning authority through a request to the developer to submit a definitive set of plans showing what is proposed.

## EIA screening opinion

Page 20 of the supporting document suggests that the Local Planning Authority has issued an EIA screening opinion. Could a copy of this decision with the reasons the LPA considered that the "potential impact from this development will not be significant on the environment by way of its size, location and nature of development"; be forwarded please? It has not been possible to find the screening opinion on your website and it is understood that it is a legal requirement that such opinions are put on the Planning Register. While we appreciate that your website may not amount to the register it would in our view help public participation if such information was made available as part of the application information or separately on the web site. Would it be possible to advise if screening opinions could be made available on the website in future? Are you able to provide copies of any pre- application advice provided to the applicant as this would give us a better understanding of the context to the supporting information submitted? Advertising the application as affecting a conservation area the site is within 200 metres of the Ilston Conservation Area. The Ilston conservation area statement states that "The Conservation Area includes the whole settlement, the Area of Special Scientific Interest, the road approaches and the immediate hillsides which form an integral part of the visual character of Ilston." The Town and Country Planning (Listed Buildings and Conservation) Area Act 1990 section 73 requires that: "Where an application for planning permission for any development of land is made to a local planning authority and the development would, in the opinion of the authority, affect the character or appearance of a conservation area, subsections (2) to (7) of section 67 shall apply as they apply in the circumstances mentioned in subsection (1) of that section." The conservation area statement suggests that road approaches and immediate hillsides are critical to the visual character of Ilston and consequently its conservation area. This site is a short distance outside the conservation area and raised up above the valley floor. It introduces an uncharacteristic form of development and appears to affect features considered integral to the visual character of the area. Has the proposal been publicised as affecting a conservation area? If not could it be confirmed that the LPA do not consider that the proposal will have any impact on the character and appearance of the conservation area (including views out of it). Piecemeal development of the site the ecological assessment at paragraph 1.4 notes that buildings at the site are likely to include a barn, pig and cow sheds an electricity substation and "small scale community buildings". The bat survey at section 2 refers to the development of "a learning centre". All of this development will have an attendant impact on the character and appearance of the area and we are concerned about what the likely overall impact of this development would be

And what the overall aim for the site is. Solar arrays and agriculture are potentially possible in the countryside - it is the suggested need for a car park," community buildings" and a learning centre, which seem to us much less justified at the site. We would suggest that development such as this should be put forward in sustainable and accessible locations. The change to the character of the area from the solar farm will it is considered make future development more acceptable, the additional development will be a relatively minor development in the context of a solar farm landscape subtype - rather than development in the open countryside. We believe that a comprehensive application should be submitted which shows the overall proposals for the site, without this we feel that we are looking at a progressive creep of development and alteration to the character of the site, with no clear end point to development.

### Landscape and visual impact

The need for a review of the supporting Landscape and Visual Impact Assessment (LVIA)

The site is located in an AONB, close to a conservation area and is within and adjoins landscape character areas of high sensitivity. The development with its tall security fence, multiple rows of 4,000 panels and CCTV towers will introduce an uncharacteristic form of development into the tranquil, rural setting to the settlement of Ilston. The applicants LVIA appears comprehensive, but it should be fully scrutinised to ensure that its methods and conclusions are correct. We would hope that the LPA has available an appropriately qualified person, such as a member of the Landscape Institute, to review the information submitted. It is firmly viewed that the LPA should work with Natural Resources Wales to commission an appraisal of the applicants supporting statement. Could you confirm the process for reviewing such assessments by the Authority?

### Supporting information

The viewpoints submitted are supported by photographs only. They are not supported by wire frames to show the topography of intervening ground or photomontages - it is therefore guesswork to assess the likely impact from viewpoints requiring assumptions both as to the appearance of the development from the viewpoint and the topography of the intervening ground. This approach has the potential to mislead as to the impact and does not fully support public understanding of the development. Could wire frame landscape models and photomontages be requested from the applicant to support their assessment? This is considered clearly proportionate due to the industrial nature of the development and the sensitive character of the area and is common practice within these types of assessment and we would suggest is in line with the advice in GLVIA.

### Assessment of significance of change of landscape and views

The high sensitivity of the landscape receptors such as the Landscape Character Areas identified and the AONB is agreed with. The sensitivity of viewpoint receptors is also not disputed.

The L VIA however, consistently records a "low" magnitude of change to these highly sensitive landscapes. In respect of the Lunnon LCA it is put forward that rather than the low magnitude of change suggested in the L VIA there should at least be a "medium magnitude of change". In accordance with the applicants methodology a medium magnitude of change would result in: "Partial loss or alteration to one or more key elements, features or characteristics of the baseline landscape so that the post development character and composition of the baseline landscape resource will be partially, but noticeably changed." In relation to visual impact it would also appear that there will be a change in the character, make-up and balance of the views in the area, with the proposal noticeably distinct in the wider landscape. We are concerned that there maybe a consistent understating of the magnitude of change resulting from this development.

The applicant's assessor mainly takes the view that the impact is low due to the presence of screening vegetation. As other third parties - knowledgeable local residents - have noted the effectiveness of the screening is questionable, particularly in the winter and spring. Where the trees will be bare and the landscape considerably more open. The applicants have indicated that they will plant in the area to further screen the site. We would express concern about the compatibility of screening close to the arrays as trees will impact the operation of a solar farm. Trees can both shade and drop leaves onto solar panels - both of these are unsatisfactory for the efficient operation of the panels. Over time these impacts may increase as trees grow resulting in felling to ensure the efficient operation of the enterprise and consequent reduction in the screening effect.

The screening in part relies on land which is part of the common and covered in trees, the applicant has no ownership or control over these trees. There is no guarantee that these trees will be retained. The assumption that these trees are an ever present is not necessarily accepted - there are many instances of fires set on the common, these grass fires have the potential to spread into areas of trees, reducing the screening effect they offer.

#### Viewpoints I

It appears from the supporting information that the viewpoints were agreed with the LPA only. This suggests that there was no engagement with the Community Council, local residents, Natural Resources Wales or amenity societies such as the Gower Society or the National Trust. It would have been preferable if the selection of viewpoints had been more inclusive and therefore more reflective of local concern and knowledge - did the local planning authority suggest that any consultation was undertaken with local communities or not? We feel that it is unsatisfactory if your authority did not advocate this. Without addressing the above it is our view that the proposal cannot be considered as being shown to comply with your UDP policy, EV40

Other Impacts on tranquillity the surroundings are tranquil and quiet with disturbance intermittently from cars and the occasional aircraft. It is noted that the proposed inverters are known to produce a "hum" and it is not clear if the substation will emit any noise.

We would like to know what standards the highways authority is applying to this access in particular what the visibility and layout requirements are? Also what gradient will be required? How far back will gates be set back of the carriageway?

Lorry turning within site and passing places

The panels are delivered on HGVs, the site maybe capable of being accessed but the limited construction compound appears to offer only a limited opportunity for manoeuvring particularly when the yard will be occupied by deliveries, welfare units and other storage. Can a HGV turn around and leave the site in a forward gear? Will development need to extend beyond the site of development to allow for this manoeuvring?

Reversing movements on to the public highway seem to be likely either for HGVs to leave the site or when two vehicles meet accessing the site. It would seem likely that a HGV would use most of the width of the access and all of the carriageway to egress from the site in reverse. Such manoeuvring on the public highway is dangerous and disruptive to road users.

Can it be clarified if or the reasons why a swept path analysis of the access and any turning area has not been submitted? This would clearly demonstrate the nature of the access and its acceptability - without this information the local highways authority are guessing and assuming about the acceptability of arrangements - unless they have undertaken their own analysis. The public highway is very narrow and it is acknowledged that there are passing places on the common road - but it is doubted if these are of sufficient dimensions to accommodate both a HGV delivering to the site and the agricultural vehicles with trailers which use this road, the passing places are also of poor condition and road users are reluctant to use them. The upgrading of the passing places to an appropriate standard would perhaps be a real community benefit from the proposal, but it is noted that such works may need approval under Common Land related legislation. Have improvements to passing places been requested from the applicants? Could any improvements to passing places be notified to the community council if proposed? The site is accessed from the public highway and lorry routeing down the B4271 is suggested. This route is agreed with as common sense if development is permitted, but there is clearly the option for vehicles to turn left out of the site and enter Ilston and cause chaos on the even more substandard roads through the village. How are the LPA proposing to control this? Or are we to rely on delivery drivers unfamiliar with the area to not follow their sat navs and turn right out of the site? It is suggested that the LPA should consider a section 106 agreement to ensure appropriate lorry routeing to the site, with perhaps a fining mechanism to ensure compliance with its requirements. It is noted that the WO Circular 11/95 advises against the use of conditions for the purpose of lorry routeing and we would assume that this would equally apply to conditions that require compliance with an applicant's traffic management plans. How will the LPA ensure that the lorry routeing is complied with?

We would request that our comments are put to the local highways authority and that the LP A has done this is confirmed to us in writing. Could any response to this be forwarded to us so that we can understand the highways authority's view on the points raised? We would also like some re-assurance that the highways officer has visited the site to clarify the situation on the ground against the situation put forward in the supporting planning documents.

Without addressing the above it is our view that the proposal cannot be Considered as being shown to comply with your UDP policy RII(iii).

#### Glint and Glare

It is understood that the application has been objected to by the operator of Swansea Airport. We note the applicant's view on this matter within their Glint and glare assessment, while not disputing the claims made; they don't show a consideration of the individual situation at the site and are a generic statement. The assessment essentially puts forward that view that there is no prospect of Solar PV ever impacting on aviation interests. We are concerned that the airport do not agree with this view and are particularly disappointed that the airport state that they have not been contacted by the applicant. We feel that there should be a discussion to ensure that the safety of users of the airport and residents are not undermined. We are concerned that the airport operator commented that the airport is heavily used by training pilots, this is in contrast to the situation referred to in the glint and glare assessment which relates to large commercial airports with greater infrastructure and more experienced pilots.

It is not clear that what we have been presented with by the applicant amounts to an "expert assessment" of the likely impact of the panels. We would be much more reassured if the glint and glare assessment was clearly undertaken by an expert in such matters with aviation experience. It is not clear what the qualifications are or the professional knowledge of the writers of the applicants supporting environmental document - what knowledge do they have of assessing glint and glare? - Their report fails to tell us, this is noticeably in contrast to the LVIA which has been undertaken by a landscape architect. In this instance the airport manager's evidence of risk must be given weight until such time as a full assessment is undertaken of the specific circumstances, with the assessment demonstratively carried out by someone with appropriate experience.

We would also hope that the CCS has consulted relevant bodies such as NATS,CAA and the MoD. Could you advise of the specialist advice that CCS has available to assess this matter? We consider that advising us of this would be re-assuring to local residents many of whom have expressed their worry on this issue. Without addressing the above it is our view that the proposal cannot be considered as being shown to comply with your UDP policy RII(iii).

#### Ecological Impact

##### Bats

We have noted the advice of CCS ecologist who has suggested that a bat survey is undertaken prior to work taking place. This approach is entirely inappropriate and advised against in paragraph 6.2.2 of Technical Advice Note S Nature Conservation and Planning which states that "Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval" and goes on to say "Where a survey is required by the authority, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/ or planning obligations, before the permission is given." It is not clear how the advice of the ecologist complies with the legal requirements placed on the local planning authority by the Habitats Directive or how a recommendation to the CCS planning committee to accept this advice would be appropriate or free from the prospect of a successful legal challenge. If no further surveys are requested could an explanation be provided why they are not required?

##### Dormouse

Dormouse records are noted at the Gelli-Hir wood. This site appears to be clearly ecologically connected to the site by continuous woodland and field boundaries. It is suggested that dormouse "appear unlikely to be common in this area" (9.1 ecological surveys) this assertion is not justified. We would remind the LPA and their advisors of the advice in TANS paragraph 6.2.2 which states that: "the level of likelihood that should trigger a requirement for developers to undertake surveys should be low where there is a possibility that European protected species might be present." Dormouse is a European Protected Species it is recorded nearby according to the applicant's consultant and the two sites are ecologically connected. If no survey is requested could an explanation be provided why it is not required?



#### Protected Species General

Could the Local Planning Authority advise if they consider works will require a European Protected Species licence?

#### Protected Sites

The conclusion by the CCS ecologist that there will be no impact on the protected sites (the Gower Commons SAC at least) is noted. Could we enquire if this is reliant on compliance with the Construction Management Plan (CMP)? If the CMP is not in place and construction and operations not regulated through this mechanism is there potential for an impact?

Without addressing the above it is out view that the proposal cannot be considered as being shown to comply with your UDP policy R11(iv).

#### Loss of agricultural land

Appeals have supported the view that solar farms can reduce the supply of the best and most versatile agricultural land - they reduce the utility of the land to grazing by small livestock only. The most versatile land is protected by national planning policy. The applicants note that they don't consider this land to be of the highest agricultural quality, but fail to note how it is classified in the Agricultural Land Classification (ALC). The ALC is a strategic approach in any case and is not a substitute for assessing the 'site Use. In' our view the impact of the proposal on agricultural land should be quantified and assessed by an appropriately qualified consultant. To allow for this to be properly taken into account in decision-making. At present it is only an assumption and assertion that this field is of poor agricultural quality and utility. The policy has not been shown to comply with UDP policy EC13.

#### Nature of the Gower Power Community Co-Operative

A community based co-operative scheme is likely to be more attractive and possibly more likely to be supported by the CCS as it maybe associated with wider community benefit. It is noted that the nature of the Gower Power Co- Operative has been queried in third party representations. As a Community Council we have no reason to doubt the bona fides of the application put forward, but we are concerned that we have not been presented with full details about how the whole thing works or. What guarantees can be offered as to the profit and benefits accruing-from the proposal. The applicant is the sole owner of the land; he is hoping to raise capital through bonds and would like bond holders to be local (based on their website). If the LPA feels it should give weight to the co-operative it is suggested that this should only issue a personal permission for the benefit of the co-operative and satisfy itself that the proposal delivers community benefit, otherwise we would suggest that no weight is given to the nature of the applicant and-that the proposal is treated no differently to any other solar farm proposal. There is no evidence that the development amounts to farm diversification - there is no farming enterprise that we are aware of to diversify and this should not be given weight.

#### Tourism impact

Tourism is vital to Gower and we are concerned that developments such as this will lead to a reduction in tourism income and impact on the local economy. We hope that in making its decision CCS will take into account any relevant research into this impact and pertinent policy.

Conditions in the event that planning permission is granted.

We thought it would be useful to provide some general comments on what we would consider is particularly important in terms of conditions:

#### Time limitation

If weight is to be given to the temporary nature of the proposal then it should be given a time limited permission with de-commissioning a requirement.

#### De-commissioning

While it appears likely that the activity will be a profitable enterprise- this cannot be said with certainty; for example the installation of security cameras and fences will not change the isolated nature of the site and the potential for there to be theft of panels and cables, vandalism etc. This could undermine the enterprise to the extent that it is no longer able to produce electricity. The same could be said for the future of the GPCC, they are a relatively new group lacking a track record. There is the potential for this activity to cease and for there to be nobody responsible for decommissioning the site notwithstanding conditions requiring this. This would seem an unacceptable situation and we would hope that any approval would require a bond to the council to ensure that decommissioning is undertaken in the event that electricity generation ceases and that paying for this does not fall on the public purse. This is not addressed in the applicants supporting information and this requirement appears to be supported by UDP policy RII(vii)

#### Highways

As noted above we would like to see appropriate conditions to ensure that the access is safe and we are not convinced that the proposed arrangements are. We would also like to see an improvement to the passing bays available on the road to help highway safety and the free flow of traffic. We would also like to see lorry routeing managed in some way, this is particularly important due to the extremely poor nature of the roads within the village of Ilston.

#### No lighting

A condition should be imposed that there is no lighting of the site whatsoever, we note the applicant is not proposing lighting and we agree that this will help with the acceptability of development but for the avoidance of any doubt it must be prevented through condition. And to ensure compliance with UDP policy EV40

#### Compliance with Construction Management Plan (CMP)

There is a clear need for the CMP to be complied with to ensure no pollution. In general the development should work to the appropriate British Standards in relation to working in open environments and minimising pollution.

#### Hours of operation

The site is tranquil and quiet close to the village of Ilston, reasonable hours for construction 8am to 6pm for example should be required through condition with no development works on weekends or public holidays.

#### Removal of permitted development rights

No further fences or other means of enclosure should be permitted other than those expressly permitted. Restoration of construction compound

**Drainage scheme**

A scheme should be submitted to ensure effective drainage of the site and no detriment to residents down stream.

**Applicant's response to comments received.**

We are aware that The Gower Society (TGS) has objected to the proposals for a Solar Array at Webbsfield. Locogen have considered these comments on behalf of Gower Power Community Cooperative (GPCC) and now wish to provide a response to these, which is provided under the headings below. Please note that letter is provided as a clarification of The information Locogen has already submitted in the planning application and supporting documents.

**Nature of Development**

TGS implies that this is a commercial development and that there is a risk that it would set a precedent for many more solar farms in the AONB.

This is not correct as this is a community project which intends to invest revenues from the scheme in community agriculture and other schemes to create benefits for the rural economy and communities.

There are very few, if any other suitable sites in the AONB for a project of this scale as Webbsfield is uniquely screened from view and located adjacent to one of the only overhead electricity lines which would be able to accept this scale of power export. In addition, any subsequent applications at other sites in the AONB would likely be required to be considered with respect to any cumulative impact from the developments.

**Use of agricultural land**

The site is not proposed to be taken out of agricultural production. Only one third of the area will be used for infrastructure (including the panels). Sheep can roam and graze underneath the panels and in addition, GPCC is proposing to use some of the areas between panels for the community agriculture scheme and some for biodiversity enhancement.

This project diversifies the existing agricultural activities at the site and will provide revenues which will be used to directly fund and support the community agricultural project on the site.

**Policy EV26 - AONB**

In the preparation of the supporting environmental documentation that accompanies the planning application, studies were undertaken that assessed the potential impacts of the development on different aspects of the environment including visibility, ecology and cultural heritage.

It is considered that the results of these studies demonstrate that there will be no significant adverse effects on the natural beauty, wildlife or cultural heritage of the AONB. The site is very well screened by both topology and vegetation and an LVIA has been undertaken by a Chartered Landscape Architect.

The LVIA concludes that the development would result in a moderate-minor, not significant effect on the AONB designation overall. In addition, this general absence of visibility and limited activity around the site after the construction period means that the conservation area in Ilston and associated buildings would have a negligible visual or other impact from the proposed solar array. The scheme has been designed to be as low ecological impact as possible and will incorporate a Habitat Management Plan to support the local ecology and increase biodiversity. The Phase 1 Ecology Report concludes that the scheme has the potential to result in locally significant biodiversity gain for a variety of species of importance for conservation at the national and local levels.

It is also noted that TGS references a right of access through areas around the perimeter of the site. It is considered that although the CROW Act 2000 may give a broad right of access over any common land, the course mentioned does not appear on maps, is not noted as a Right of Way and is largely impassable owing to poor ground conditions and vegetation.

### **Policy EV9– Conservation Areas**

The ecology survey has concluded that as the Ilston Quarry SSSI is noted for geological features no effect is likely to occur from the development. Likewise, as discussed elsewhere, there is very limited, if any visibility of the site from Ilston Conservation Area (CA). In practice there will be no intervisibility between the site and Ilston CA and whilst there may be some temporary disturbance to the tranquillity of the area during construction, there would be no long term adverse effects to the character of Ilston

### **Airport consultation**

The airport consultation is not addressed in this response to TGS objections, however it is noted that Swansea Airport was consulted on the development in July 2013 by way of telephone and email correspondence with the airport owner. It appears that details of the proposal were not fully circulated within the airport at that time and that some parties had not been made aware of the development at all. Since this communication issue has come to light by means of an objection from Carl Williams, information has been provided to groups with flying interests at the airport.

### **Changes to run off characteristics**

TGS has expressed concerns as to the potential effect of alteration of run off from the panels. The panels have gaps between each one and the next so once construction is complete, any effect on run off patterns are extremely localised.

NRW were consulted as part of the pre-planning enquires and it was determined that no further Flood Consequences Assessment was required.

During construction, any surface water issues are addressed in the Construction Method Statement included with the planning application. The impact is assessed in Chapter 7 of the Supporting Environmental Document.

**Valley Farm, Suffolk**

The Valley Farm solar project in Suffolk is entirely irrelevant as a comparison. It is 20 times the size of the Webbsfield project, occupying an area of 38.5 Hectares. It is a commercial development as opposed to a community owned scheme, and was expected to result in the loss of agricultural land unlike Webbsfield where the project is directly in support of increasing agricultural activity at the site.

We are aware that Ilston Community Council (ICC) has objected to the proposals for a Solar Array at Webbsfield. Locogen have considered these comments on behalf of Gower Power Community Cooperative (GPCC) and now wish to provide a response to these, which is provided under the headings below. Please note that letter is provided as a clarification of the information Locogen has already submitted in the planning application and supporting documents. In addition, some of the comments from ICC are directed at the Planning Authority and Locogen is not intending to respond to these in this letter.

**Nature of Plans**

- Drawing WS006A is the only drawing with 'indicative' infrastructure. We have assumed the 'worst case' in terms of building size, fence height etc. for assessment purposes as this is considered to be best practice.
- In terms of the panels, we have advised that the maximum height will be 3m.
- We have confirmed the number and location of CCTV cameras in the updated site layout drawing.
- We confirm that all grid connection cabling will be underground except for one additional span and pole where the cable tee off will be taken from the existing overhead line. The estimated length of this overhead tee-off is a maximum of 20m and would not breach the site boundary.
- With respect to the typos regarding the fence and CCTV in the Supporting Environment Document, we confirm that the fence is proposed to be of weldmesh construction (which is sometimes described as 'deer fence') with a maximum height of 2.4m. The CCTV poles are proposed as a maximum of 4m as per Drawing WS006 and this is to ensure the security of the project.

**Ilston Conservation Area**

With respect to the comments regarding the setting of the Conservation Area, it is acknowledged that the existing boundary of the Conservation Area extends beyond the built form of Ilston to include aspects of the approach roads and hillsides. This is shown clearly on the map in Drawing WS013.

The development is wholly outwith the Conservation Area and the ZTV indicates that only a very small part of the Conservation Area (to the south) lies within theoretical visibility. (see Drawing WS013).

In reality, owing to existing woodland, hedges and trees between the conservation area and the development, the project will be very well screened from the conservation area with the possible exception of the occasional glimpsing views through established vegetation. Having conducted an exploration on foot, the developer is not aware of any such glimpsing views.

**Piecemeal Development**

Reference is made to outdated information which suggests a number of additional aspects of the site development. To clarify this issue, no other developments are anticipated within the development boundary at the current time and this application describes the entire extent of the proposed development.

Regarding incremental change to the character of the area, any future application(s) would need to take account of cumulative impacts based on existing/approved development.

**Landscape and Visual Assessment**

There is no standard UK LVIA guidance on the assessment of solar developments and the methodology used in this application is commonly used and gives an adequate representation of any visual impact. A wireframe topology drawing is not considered to be required owing to the very limited height of the development when compared to wind turbine applications where wireframes are generally required. This is especially true when the presence of existing woodland screening and the consequent lack of visibility is considered.

The photos from the Viewpoints agreed with the LPA were provided as part of the community consultation. They have also been publically available on the GPCC web page for 4 months prior to submission of the application which was publicised on the flyers advertising the community consultation. No comments were received at any stage suggesting that the proposed viewpoints did not accurately represent views of the site or that they presented any concerns.

With respect to existing and proposed screening from vegetation we have undertaken an analysis to clarify the shading effect of the panels. This clearly shows that the additional planting is to the north of the array which will of course have no shading impact on the panels as the sun tracks to the south. It is also shown that the site has been designed to allow a gap between the development and the field edge such that no management of the surrounding trees will be required.

The site is generally screened by both topology and existing vegetation, much of which does fall within the applicants land as shown in the woodland ZTV. There is adequate space around the field boundaries to provide additional hedge screening if required in future.

With respect to specific queries on the LVIA methodology, the landscape architect has provided the following comments:

**“In respect of the Lunnon LCA it is put forward that rather than the low magnitude of change suggested in the LVIA there should at least be a ‘medium magnitude of change’.”**

From Viewpoint 1 (Road North of Ilston, to W of site), a ‘low’ magnitude of change is predicted and as stated in the LVIA, ‘where the access track, parts of the array and associated infrastructure would be visible, this would introduce an uncharacteristic change in the local landscape. With an industrial appearance, the proposed development would contrast with the strong rural character of the valley.

Although it would detract from its wooded and contained setting to an extent, nearly all of the array would be screened from view. The extent of changes on the surrounding landscape is therefore very limited and overall, the development would not introduce a prominent change in the landscape.

Furthermore, the prevailing intimacy and tranquillity of the valley would remain unaffected.

As noted in the LVIA Methodology, a 'low' magnitude of landscape change is summarised as a *'Minor loss of or to one or more key elements, features or characteristics of the baseline landscape so that the post development character and composition of the baseline landscape resource will be noticeably changed but the underlying character of the baseline landscape will be similar to the pre-development character.'*

In predicting a 'low' magnitude of landscape change at Viewpoint 1, a number of factors were evaluated in arriving at this conclusion. First and foremost, it is important to understand the context in which any landscape effects would be experienced from this viewpoint. Similar views would only be experienced along approximately a 50 m section of the road as beyond this, intervening trees and woodland are very likely to screen all of the development from view. From this short section of road, any views of the proposed development would be heavily filtered by birch and hazel alongside the road and furthermore, by existing boundary planting along the western edge of the site. During summer months, it is likely that nearly all of the array would be screened, especially when any mitigation has matured.

Considering these factors, only a very limited extent of the development would be visible and overall, the prevailing rural character and tranquillity of the valley would remain largely intact and the baseline landscape of an intimate wooded valley floor will be similar to the pre-development character.

**“In relation to visual impact, it would also appear that there will be a change in the character, make up and balance of views in the area, with the proposal noticeably distinct in the wider landscape. We are concerned that there may be a consistent understating of the magnitude of change resulting from this development.”**

In assessing the visual impact, this has been based on the worst-case scenario during winter months when the potential screening effect of vegetation is less evident. As noted in the methodology, a number of factors are considered in arriving at the magnitude of visual change including:

- The distance of the viewpoint from the development;
- The duration of effect;
- Extent of the development visible from the viewpoint;
- The angle of view in relation to main receptor activity;
- The proportion of the field of view occupied by the development;
- The background to the development; and
- The extent of other built development visible.

Particularly considering the very limited duration of effect from the nearby viewpoints, most of the development would tend to be screened from view (especially when the proposed planting has matured) and views would tend to be oblique; it is considered that magnitude of change is no greater than 'low' from any of the viewpoints assessed.

Furthermore, it should also be recognised that the viewpoints demonstrate the worst-case scenario of visual impact as from nearly all locations within the relatively small areas of theoretical visibility that are predicted; the development would be screened from view.

### **Highways**

We would like to clarify that once the construction period is completed the development will typically generate only one maintenance vehicle per week. For this reason the applicability of the standards referred to is questionable as presumably these relate to other types of development with a higher number of vehicle movements completed on a daily basis during operation.

It is suggested that the implementation of a Traffic Management Plan would ensure that impacts to other road users are minimised during construction. We can specify a delivery route for HGVs (avoiding Ilston) if required along with appropriate traffic management methods to ensure the safety of HGV travel on the approach road. Failure to comply with this would be a breach of permission and could be served with enforcement action. It is suggested that this gives the Council sufficient control over the construction stage without the need for a S106 agreement.

Please note that there is sufficient land available within the site to ensure that vehicles can exit in forward gear, including a space designed for turning to the east of the proposed substation building. In addition, the access layout and dimensions are shown in Drawing WS005.

### **Glint and glare**

It is noted that Swansea Airport was consulted on the development in July 2013 by way of telephone and email correspondence with the airport owner. It appears that details of the proposal were not fully circulated within the airport at that time and that some parties had not been made aware of the development at all. Since this communication issue has come to light by means of an objection from Carl Williams, information has been provided to groups with flying interests at the airport.

It is entirely understandable that if someone believed that solar panels created strong reflections that this could be cause to question whether or not there is the potential to impact the operations at the airport. However solar panels are designed to absorb light and hence the level of reflectivity is very low indeed. So much so that they are far less reflective than water or car parks.

The potential affect of glint and glare from reflections from the panels has been assessed in the planning application Supporting Environmental Documentation. The proposed PV array is situated within the wider landscape which includes a multitude of land uses. This places any reflections from the solar panels in the context of a wide variety of surfaces both natural and man-made many of which are significantly more reflective than the panels themselves. This assessment of the impact on airfields is mirrored by the presence of solar panels at many airfields and airports around the world both large and small.



The glint and glare assessment is based on the FAA report on solar panels and aviation which is widely considered to be the leading study in the field. The assessment presented in the application has been undertaken by Locogen which has significant experience in visual effects of renewable energy development including solar panels and shadow flicker from wind turbines. In addition, members of the Locogen team have personal experience in piloting light aircraft.

### **Ecology**

With respect to bats, TAN5 states that any survey to identify the impact on protected species cannot be a condition of planning. However survey has been completed as part of the investigations to date (see Appendix D, and no tree roosts have been found, and consequently no requirement for EPS (bat) License is identified. The three Habitat Regulations tests are therefore considered to be answered sufficiently to allow the LPA to consider/permit.

Mark Winder, CCS, has explicitly recognized the ephemeral nature of tree-roost use by bats and has also implicitly recognized that there is no scheduled timetable available at this stage; he is advising that the LPA conditions further, precautionary, investigation ahead of works. This is a conservative approach to bat conservation, and is a pragmatic approach to the otherwise intractable problem of occasional/erratic/ephemeral tree roost use by bats, and is consistent with the Appendix D 2013 Survey report's" discussion/recommendation" 10.2.

To address Mark Winder's advice/LPA Condition, Gower Power states its acceptance of the Survey Report recommendation at 10.2, and confirms that if any tree felling is proposed (which it is not currently), further (spring-summer) activity survey is undertaken, closer to the date of any tree felling and that further (spring-summer) survey for roost-use shall be undertaken at the trees, no more than six weeks ahead of any tree felling/lopping works.

With regard to dormouse, the rationale behind the approach is detailed in Row 15 of Table 1 of the Supporting Environmental Document. To address the comment about local status: Local Records Centre Data, and accumulated knowledge from working locally is that dormouse has been recorded in some of the larger woods in Gower, the nearest of these being Gelli-hir. However, there is no indication that the species is common or widespread: it is understood that where surveys have taken place (e.g. by Glamorgan Wildlife Trust at Gelli-hir) it has taken a lot of effort to record the animal. Surveys have also tended to concentrate on areas of potentially good habitat. Given that the removal of woody vegetation on the site is likely to affect hedgerows that are 'leggy' and connected mainly at canopy level, and will be very small scale, it is highly unlikely that work will affect its favourable conservation status or lead to an impact on this protected species. It follows that survey work, which requires sampling over the course of the active season is considered disproportionate to the likelihood of an effect occurring. This likelihood can be further reduced through timing of works (above ground scrubby vegetation should be removed in winter) as noted in the table.

**Use of agricultural land**

The land is not proposed to be taken out of agricultural production. Furthermore, the profits generated by the scheme are going to be used to support agriculture on site.

The total development area covers just under 2 hectares, however, the panels will actually only occupy around 0.6 hectares of this area – around a third of the total development area. Grazing will be possible under the panels and in the wide avenues between the panel rows. Therefore the majority of the development area will remain as open grassland suitable for agricultural use. In addition the applicant is proposing a variety of farming practices around the panels as part of its community agriculture scheme. The land is currently grazing and grassland which to the applicant's knowledge has not ever been used for arable production.

**Community nature of scheme**

The developer is not aware of a mechanism by which a 'personal' planning permission can be granted and believes that the development will be assessed on its merits. Gower Power Community Cooperative has an Option to take out a 30 year lease on the land which was a requirement to gain the financial support required to undertake the feasibility studies to date.

The community nature of the scheme is a fundamental part of the Gower Power strategy and is already operating at Webbsfield. It includes a community led initiative where a flock of 34 sheep are collectively owned and managed by 17 community members living within two miles of the sites. In addition they have planted an orchard of over 100 fruit trees and bushes, and many of this group and other members of the cooperative have planted over 1670 additional trees for biodiversity purposes. Also a farmer led community supported agriculture scheme, called Cae Tan CSA has been constituted which aims to provide fruit and vegetables for 30-40 subscribing community members in the coming year. Priority will be given to those living closest to the site. The solar project offers a real opportunity to diversify these activities and generate revenues to support the wider agricultural objectives of Gower Power.

**Rural economy**

The solar scheme will generate well over £100k per year in revenue from the electricity generated. Under 15% of this revenue will go to annual operating costs. A significant proportion will be distributed to the community of investors equitably. People living in the county of Swansea will be given priority allocation if they want to invest in the community shares. The applicant is not aware of any other investment schemes on Gower, which are sharing such economic benefits so equitably, nor a 5 acre field of poor agricultural value produce so much income for a community. As mentioned above any surplus income generated will go into a community benefit fund, which will support community engagement in agriculture.

**Highways -****PROPOSAL**

Proposals are for a ground mounted solar array, ancillary infrastructure including an access track, fencing, security cameras, inverter kiosks and substation building. The application site is an agricultural, rough grazing, field 2 ha in size, approximately 0.5km north of the village of Ilston. A new vehicle access is proposed from the public highway.

**VEHICLE ACCESS**

A new access point will need to be opened in the hedgerow and a track from the adopted highway is required on site which will provide permanent access to the substation and array for the purpose of service and maintenance. The new access track will be constructed to resemble farm tracks to minimise the visual impact of the development. The access track will have a setback of 5m from the public highway with 45 degree splays and a constant useable width of 3m.

**TRAFFIC GENERATION**

Vehicle movement to site will be higher during the construction phase. This will be the most disruptive stage and is expected to last approximately 14 weeks. Weeks 1 and 2 will see establishment of the site construction compound. It is estimated that there would be approximately 4 HGV deliveries per day. Track and trench construction works would also commence in week 1 and continue to 4 weeks with a total of 25 deliveries anticipated in that period. Commencing in week 3, inverters, support frames and panels would be delivered with deliveries likely to be phased over an 8 week period. It is expected that array and other large components would be transported in a total of 24 deliveries.

Construction personnel will generally travel to site in private vehicles and light vans which would be parked at the construction compound or within the site. It is anticipated that there would be a maximum of 30 staff on site at any one time. Amongst these it is likely there will be specialist contractors, not living locally who would probably arrive from local accommodation in groups of 3 or 4 per vehicle. Construction hours are likely to be limited to 08.00 - 18.00

During the construction phase the predicted number of two way movements by all vehicles during the busiest period represents a 0.3% increase on existing. The predicted number of 2 way HGV movements during the busiest period represents a 5.5% increase on existing. The worst case scenario would be construction traffic arriving and departing at peak times however construction sites usually work longer hours so this is unlikely. No abnormal loads are expected with the possible exception of a mobile crane, this would be addressed in line with the usual procedures.

On completion of the construction phase, the site is expected to function with minimum intervention from human operators and maintenance requirements are expected to consist of bi annual cleaning of the panels, emergency maintenance, periodic inspections and routine replacement of electrical equipment. Traffic volumes are likely to be no greater than 1 vehicle per fortnight over the 25 - 30 year life-time of the scheme

**ROAD SAFETY**

It is proposed that the array components are transported to site from the appropriate supply depot. Delivery vehicles will be likely to arrive at Swansea from the M4 and make their way to the A4118 from Swansea and onto the B4271 towards Fairwood Common. Approximately 1km along this road, they will turn left onto the minor road (U/S-Y1739) towards Ilston. It has been confirmed that there are no weight restrictions on this stretch of road.

The minor road (U/S-Y1739) to Ilston is narrow but it is straight in the main, affording good visibility, drivers are able to see approaching traffic from a good distance. There are a number of passing places en route. To access the field in question from this direction, construction traffic will not need to travel through the village itself.

Parking for site associated traffic during construction will be on site.

The developer has stated that they intend to provide a traffic management plan to reduce driver delays where possible and to reduce potential interaction and conflict between loads and other road users.

### **CONCLUSION**

There is some public concern with regard to highway access during the construction phase as regards there would be damage and disturbance to the narrow country lanes. As previously outlined, the approach road is narrow but straight with good forward visibility in the main. The construction phase has the potential to cause some disruption to residents. Although construction traffic will not need to pass through the village, residents could meet it on their route out onto the common, however, the developer will be required to prepare a traffic management plan to address this. In addition to this, the construction phase is temporary only and activity will drop to negligible following completion and demobilisation of the construction site. As this is a rural / residential area, it is expected that there will be occasional HGV / farm traffic activity on a day to day basis. With regards to concern over damage and disruption, it is possible to condition wheel washing facilities on site and also a pre-condition survey prior to any works being carried out on site.

### **RECOMMENDATION**

There are no highway objections subject to the following:

1. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
2. No other development shall commence on site until such time as the vehicular access to serve the development has been completed in accordance with details to be submitted to and agreed in writing with the Local Planning Authority prior to any development commencing on site.
3. Prior to the commencement of development, facilities for wheel cleansing shall be provided on site in accordance with details submitted to and approved in writing by the Local Planning Authority. Wheel cleaning shall be carried out in accordance with the approved details prior to any construction works commencing.
4. Prior to commencement of development, a pre-condition survey of the **approach** highway must be carried out in accordance with details to be agreed.
5. 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

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

Full planning permission is sought for the installation of a ground mounted solar array, with a capacity of up to 1MW, ancillary infrastructure including access track, fencing, security cameras, inverter kiosks and substation building at Webbsfield near Brookvale, Ilston.

The main issues for consideration are the impacts of the proposed solar park on the visual amenity of the area and AONB, upon residential amenity, highway safety, and upon ecology & habitats with regard to policies EV1, EV2, EV3, EV21, EV22, EV26 and R11 of the City & County of Swansea Unitary Development Plan 2008. There are no overriding issues with regard to the Human Rights Act.

In policy terms Welsh Government advice in the form of TAN6 is relevant and makes reference to diversification schemes. Para. 3.7 states that many economic activities can be sustainable on farmland and includes renewable energy schemes as one of the options that are likely to be appropriate. Policy EV1 is a general design policy and states that new development shall accord with the objectives of good design, including:

- (i) Be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density
- (ii) Integrate effectively with adjacent spaces and the public realm to create good quality townscape
- (iii) Not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements
- (iv) Incorporate a good standard of landscape design
- (v) Sensitively relate to existing development patterns and seek to protect natural heritage, the historic and cultural environment not only on-site, but in terms of potential impact on neighbouring areas of importance.

Policy R11 supports the provision of renewable energy resources including ancillary buildings and infrastructure subject to:

- (i) The social, economic or environmental benefits of the scheme in meeting local, and national energy targets outweigh any adverse impacts
- (ii) The scale, form, design, appearance and cumulative impacts of proposals can be satisfactorily incorporated into the landscape, seascape or built environment and would not significantly adversely affect the visual amenity, local environment or recreational/tourist use of these areas
- (iii) There would be no significant adverse effect on local amenity, highways, aircraft operations or telecommunications

- (iv) There would be no significant adverse effect on natural heritage and the historic environment
- (v) The development would preserve or enhance any conservation areas and not adversely affect listed buildings or their settings
- (vi) The development is accompanied by adequate information to indicate the extent of possible environmental effects and how they can be satisfactorily contained and/or mitigated
- (vii) The development includes measures to secure the satisfactory removal of structures/related infrastructure and an acceptable after use which brings about a net gain where practically feasible for biodiversity following cessation of operation of the installation.

The site is situated within both the Gower AONB and open countryside within an isolated location. The site lies outside the adjacent Ilston Conservation Area, Site of Special Scientific Interest (SSSI), the Special Area of Conservation (SAC), National Nature Reserve (NNR) and the Special Protection Area (SPA) and Ramsar site which are internationally recognised for their ecological importance.

In accordance with paragraph 4 of Part II of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and paragraph 32 of Circular 02/99(DETR) - Environmental Impact Assessments, the Local Planning Authority must screen every application for Schedule 2 Development, in order to determine whether or not an EIA is required.

The application site is wholly located in a sensitive area (Gower AONB)) as defined in regulation 2 (1) (paragraph 36) and adjacent to a Site of Special Scientific Interest, Special Area of Conservation, Special Protection Area, RAMSAR Site and National Nature Reserve (NNR) and therefore the proposal is EIA development.

New developments such as this falls within the project category, "Energy Industry ", as defined by paragraph 3(a) of Schedule 2 to the EIA Regulations "*schedule 2 development (such as this) does not constitute permitted development unless the local planning authority has adopted a screening opinion to the effect that EIA is not required.*"

It is also acknowledged that the proposed development also falls under the provisions of paragraph 3(a) of schedule 2 of the Regulations as the proposal exceeds the threshold level of 0.5ha.

The site is within the Gower AONB, and therefore under the EIA Regulations 1999 any development within these 'Sensitive Areas' is automatically Schedule 2 Development and the thresholds/criteria outlined in the second column of Schedule 2 do not apply here and as such all development such as this must be screened for the need for EIA.

Schedule 3 of the Regulations sets out the selection criteria which must be taken into account in determining whether a development is likely to have significant effects on the environment. Not all the criteria is relevant in every case.

A detailed screening exercise was undertaken at pre-application stage prior to the formal submission of the planning application and on the basis of the information provided and responses from our statutory consultees subject to the submission of further detail at application stage the scale of the proposal is of no more than local significance, and the potential impact from this development will not be significant on the environment by way of its size, location, and nature of development. In light of the above, it is considered that an EIA is not required in this instance.

### **Development Description**

The proposal involves the siting of 4, 000 solar panels covering 2ha in area, mounted on rows of metal frames, with a maximum height of 3m. It is proposed that the panel frames will be supported at a height of 0.9 – 1.4m from the ground to allow for sheep to graze underneath the panels in addition to protecting the development from flooding.

The solar panels will be connected together in strings which are then connected to inverters to convert the electricity, the housing required to protect the inverters from the elements will be located at intervals within the solar array to minimise cabling distance.

A transformer would be located in a glass reinforced plastic building located next to the 33 KV line along with necessary switchgear and protection equipment. The building will have maximum dimensions of 10.3m x 3m and a height of 3.15m.

The proposal also includes the formation of a new access track leading to the solar array and substation, totalling 200m in length and will also provide an improved access for the farmer for continued agricultural purposes.

Security fencing will be required around the perimeter of the site which will be of weld mesh type construction with a maximum height of 2.5m and finished in green to minimise visual impact. CCTV cameras will be mounted around the perimeter and regular intervals on poles some 5m in height.

There will be a requirement for construction compounds for delivery of the solar array equipment. These will comprise temporary compacted areas filled with aggregate; one at the site entrance and one at the entrance to the array field measuring 350m<sup>2</sup> and 530m<sup>2</sup> respectively and will be removed after the construction period.

In terms of grid connection, the cable connecting the solar array to the proposed grid connection point would be buried where possible to minimise visual impact. Any cabling requirements between the substation and overhead power lines will be undertaken by Western Power in exercise of their rights as defined by Class G OF Part 17 of the Town and Country Planning (General Permitted Development) Order 1995. It is considered necessary, however, to impose a condition on this permission requiring all grid connections within the site to be agreed in writing by the Local Planning Authority.

### **Landscape Visual Impact Assessment (LVIA)**

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application which describes the site and its setting and examined the existing landscape elements, their character, condition quality and sensitivity to change.

The site is located at Webbsfield approximately 300m to the north of the village of Ilston, 1.3km to the north-east of Lunnon and 2km to the north-west of Kittle, with Southgate located 2km to the south and Three Crosses 3.3km to the north-east.

Set within the small-scale Ilston Valley, the site comprises three small to medium sized fields of improved pasture, with boundaries defined by remnant hedgerows and trees. The land slopes gradually from west to east, and along the western boundary, a narrow local road, that runs alongside Pennard Pill, heads south towards the nearby village of Ilston and to the north, the B4271. The surrounding landscape is very rural and characterised by its wooded valley setting with adjacent land largely consisting of mature semi-natural woodland. To the north of the site is a belt of woodland that runs along a tributary of the Pennard Pill, and separates the site from the open lowland heath that characterises Fairwood Common located further to the north,

The site is almost entirely visually contained and enclosed by surrounding trees and woodlands and as such, there are no significant views or vistas from the site apart from localised glimpses from the nearby lane to the west of the site and from parts of the open Fairwood Common to the north.

To focus the assessment the landscape study area was split into a total of 24 Landscape Character Areas, and of the 24, 9 are predicted to experience theoretical visibility of the proposal. These are:

- Lunnon
- Pengwern Common
- Fairwood Common
- Parkmill
- Mynydd Bach Y Cocs
- Llanmorlais
- Crofty to Three Crosses and
- Pwlldu Head

Eight View points have been selected as location to undertake a detailed assessment of the landscape and visual effects of the proposed development. These represent the typical views experienced by a variety of visual receptors, at varying distances, and within a number of landscape character areas. The viewpoints selection is as follows:

- Road North of Ilston to the West of the site
- Right of Way North of the site
- Footpath east of Ilston
- Rights of Way north-west of site
- SAC North of site
- Field South-west of Ilston



- B4271 North Gower Road
- Filed Adjacent to Gower Way

The LVIA has satisfactorily identified that the proposed development would not result in any significant visual effects, primarily due to the wooded setting of the site which for the most locations, screens the development from view. Where any open views do exist, these tend to be glimpses of the array and often filtered by intervening trees. Where the development would be noticeable amongst gaps in surrounding woodland, only a small proportion of the development would tend to be seen and as such, the extent of any change is very localised.

The visual impact of ancillary works including the substation, CCTV, and lighting and security fencing together with the reinstatement of site compounds can be appropriately mitigated through conditions.

It is therefore considered that the size and location of the proposed solar array, including the ancillary works is acceptable in terms of its impact on the visual amenity of the area and would conserve the character and appearance of the Gower AONB and is broadly compliant with the requirements of Policies EV1, EV2, EV3, EV22, EV26 and R11 of the City and County of Swansea Unitary Development Plan 2008.

### **Residential Amenity**

Turning now to residential amenity, the site is generally contained within the wider farm land and neighbouring residential properties are located significant distances away from the installation. In this respect, and due to the relatively low lying nature of the scheme, it is not considered that the proposal would result in any adverse physical overbearing or overshadowing impact in this instance.

### **Ecology**

There have been two ecological surveys carried out on the site, a bat survey and an ecological appraisal. The bat survey showed that the site is used by both commuting and foraging bats of several species; the proposed development shouldn't adversely affect this use of the site as the hedgerows and other features used by bats will be retained. The surveyor indicated a number of trees that have features that could be used by bats. Although no bat roosts were identified bat use of such features is often intermittent any arboriculture work affecting these trees should be preceded by a bat survey. A suitably worded condition requiring further Bat survey work to be carried out on any tree that has features that could be used by bats be carried out prior to any work taking place on site.

There are a number of significant hedgerow trees that have been identified in section 3 of the ecological appraisal, several having features associated with veteran trees. These trees should be retained. As such an appropriate condition requiring these trees to be retained and if any are to be removed or require arboricultural work carried out, the written permission of the LPA be obtained prior to any such works being carried out.

The site is adjacent to the Fairwood section of the Gower Commons SAC. The development will not significantly affect the conservation status of any of the SAC features. As part of the survey a habitat management plan has been drawn up the adherence to this should be encouraged.

### **Glint and Glare**

In terms of the potential for glint and glare, particularly from private amenity spaces in the properties, Swansea Airport and in the wider surrounding area, a glint and glare assessment has been submitted which outlines the materials and principles of photovoltaic (PV) cells. Studies have been undertaken to compare the reflectivity of solar panels with other material, the most commonly reference source is a Federal Aviation Study into solar panels located at airports, which concludes that photovoltaic panels typically reflect just 2% of incident light as they are designed to absorb light and not reflect it. Although they can cause reflection under certain conditions, these are considerably less intense than direct sunlight. A geometric assessment has also been undertaken to determine if and when local residents may be exposed to direct solar reflections from the proposed PV panels, using this information in combination with the installation angle direction of reflections can be ascertained, the panels will be installed at around 22° and aligned directly to the south for maximum capture of light. In its track the sun's rays approach the panels from the south of the array and the reflection directed upwards to the north of the array resulting in nearby properties not experiencing solar reflection as these will be directed upwards, and in any event the site is not visible from any surrounding residential properties.

Solar PV panels are efficient and absorbing and then converting solar energy into electrical energy. Their resultant dark colour and specially coated glass means their reflectivity level is significantly lower than much material utilised in building and many naturally occurring features in the wider landscape.

Significant concern has been expressed that the glint and glare from the array will have a detrimental effect on the nearby Swansea Airport. Solar installations are presently operating at a number of airports including megawatt-sized solar facilities covering multiple acres. The following international airports are known to have installations at them:

- Boston
- Denver
- London Gatwick
- Munich
- San Francisco
- Stuttgart
- Zurich

As referenced earlier a Federal Aviation Authority study undertaken states that:

Solar installations are presently operating at a number of airports including megawatt-sized solar facilities covering multiple acres. Project managers from six airports where solar has been operation for one to three years were asked about glare complaints. Air traffic controllers were contacted from three of those airports and asked to comment on the effect of glare on their daily operations. To date there have been no serious complaints from pilots or air traffic control due to glare impacts from existing solar PV installations.

Having regard to the above it is not considered that there would be any adversely unacceptable glint or glare impacts from this installation that would justify a refusal of this application in this instance.

### **Access and Highway Safety**

Proposals are for a ground mounted solar array, ancillary infrastructure including an access track, fencing, security cameras, inverter kiosks and substation building. The application site is an agricultural, rough grazing, field 2 ha in size, approximately 0.5km north of the village of Ilston. A new vehicle access is proposed from the public highway.

A new access point will need to be opened in the hedgerow and a track from the adopted highway is required on site which will provide permanent access to the substation and array for the purpose of service and maintenance. The new access track will be constructed to resemble farm tracks to minimise the visual impact of the development. The access track will have a setback of 5m from the public highway with 45 degree splays and a constant useable width of 3m.

Vehicle movement to site will be higher during the construction phase. This will be the most disruptive stage and is expected to last approximately 14 weeks. Weeks 1 and 2 will see establishment of the site construction compound. It is estimated that there would be approximately 4 HGV deliveries per day. Track and trench construction works would also commence in week 1 and continue to 4 weeks with a total of 25 deliveries anticipated in that period. Commencing in week 3, inverters, support frames and panels would be delivered with deliveries likely to be phased over an 8 week period. It is expected that array and other large components would be transported in a total of 24 deliveries.

Construction personnel will generally travel to site in private vehicles and light vans which would be parked at the construction compound or within the site. It is anticipated that there would be a maximum of 30 staff on site at any one time. Amongst these it is likely there will be specialist contractors, not living locally who would probably arrive from local accommodation in groups of 3 or 4 per vehicle. Construction hours are likely to be limited to 08.00 - 18.00

During the construction phase the predicted number of two way movements by all vehicles during the busiest period represents a 0.3% increase on existing. The predicted number of 2 way HGV movements during the busiest period represents a 5.5% increase on existing. The worst case scenario would be construction traffic arriving and departing at peak times however construction sites usually work longer hours so this is unlikely. No abnormal loads are expected with the possible exception of a mobile crane, this would be addressed in line with the usual procedures.

On completion of the construction phase, the site is expected to function with minimum intervention from human operators and maintenance requirements are expected to consist of bi annual cleaning of the panels, emergency maintenance, periodic inspections and routine replacement of electrical equipment. Traffic volumes are likely to be no greater than 1 vehicle per fortnight over the 25 - 30 year life-time of the scheme

It is proposed that the array components are transported to site from the appropriate supply depot. Delivery vehicles will be likely to arrive at Swansea from the M4 and make their way to the A4118 from Swansea and onto the B4271 towards Fairwood Common. Approximately 1km along this road, they will turn left onto the minor road (U/S-Y1739) towards Ilston. It has been confirmed that there are no weight restrictions on this stretch of road.

The minor road (U/S-Y1739) to Ilston is narrow but it is straight in the main, affording good visibility, drivers are able to see approaching traffic from a good distance. There are a number of passing places en route. To access the field in question from this direction, construction traffic will not need to travel through the village itself.

Parking for site associated traffic during construction will be on site.

The developer has stated that they intend to provide a traffic management plan to reduce driver delays where possible and to reduce potential interaction and conflict between loads and other road users.

There is some public concern with regard to highway access during the construction phase as regards there would be damage and disturbance to the narrow country lanes. As previously outlined, the approach road is narrow but straight with good forward visibility in the main. The construction phase has the potential to cause some disruption to residents. Although construction traffic will not need to pass through the village, residents could meet it on their route out onto the common, however, the developer will be required to prepare a traffic management plan to address this. In addition to this, the construction phase is temporary only and activity will drop to negligible following completion and demobilisation of the construction site. As this is a rural / residential area, it is expected that there will be occasional HGV / farm traffic activity on a day to day basis. With regards to concern over damage and disruption, it is possible to condition wheel washing facilities on site and also a pre-condition survey prior to any works being carried out on site.

In view of the above, therefore, the Head of Transportation and Engineering recommends that there are no highway objections subject to the following:

1. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
2. No other development shall commence on site until such time as the vehicular access to serve the development has been completed in accordance with details to be submitted to and agreed in writing with the Local Planning Authority prior to any development commencing on site.

3. Prior to the commencement of development, facilities for wheel cleansing shall be provided on site in accordance with details submitted to and approved in writing by the Local Planning Authority. Wheel cleaning shall be carried out in accordance with the approved details prior to any construction works commencing.
4. Prior to commencement of development, a pre-condition survey of the approach highway must be carried out in accordance with details to be agreed.
5. 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

### **Flood Risk**

Based on current flood map information, the proposed solar farm site is not considered to be at risk of flooding. However, part of the access/egress route to the site is shown to be at risk and is classed as Zone C2 on the development advice maps published in conjunction with Welsh Government guidance, TAN15 (July 2004). It is also shown on National Resource Wales flood maps as being at risk of flooding in both the 1% and 0.1% flood. However, in light of the nature of proposal and distance from the point of potential flood risk it is not considered that the potential for flooding is so significant to warrant refusal of the application.

### **Main River**

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of NRW is required for any proposed works or structures in, under, over or within 7m metres of the top of the bank of the Ilston Pil, designated a 'main river'. The applicant should contact NRW's Flood Risk Analysis Team, based in Llandarcy for further information in this regard (01792 325596).

### **Pollution Prevention**

The biggest risk with this proposal, from a pollution viewpoint, occurs during the construction/installation phase. In accordance with best practice the application is accompanied by a Pollution Prevention Method Statement detailing all necessary pollution prevention measures for the construction/installation phase of the development prior to commencement. In particular, details on what measures will be in place to reduce the risk of contaminated surface run-off from entering and pollution controlled waters.

### **Response to consultations**

As detailed above, significant response has been received to the application, 27 letters of objection raising issues principally relating to:

- Visual amenity
- Appropriateness of proposal
- Loss of agricultural land
- Flood risk
- Highway safety
- Impact upon AONB and rural location
- Impact upon ecology
- Impact upon Swansea Airport

All of the above are addressed in detail above. One further point in relation to precedent is consistently raised; however, all applications are treated and considered on their own individual merits.

The 75 letter of support are noted and the comments contained therein are also reiterated above.

### **Conclusions**

Solar Farms present opportunities for the provision of renewable energy in the UK and such schemes are encouraged by the Government's feed-in tariffs for schemes producing 5MW or more. There is wide scale commitment to expand the deployment of renewable energy to secure the future energy demand within the UK and protect the end users of the sector from the instability of fossil fuels. Such schemes also provide investment, jobs and contribute to the UK's drive towards carbon reduction. UK Government Policy on renewable energy is set out in the Energy White Paper 'Our Energy Future - Creating a low carbon economy (2003) and this document establishes a national target of achieving 20% of electricity needs from renewable energy by 2020. This target is broadly reflected in Welsh Assembly document TAN 8. This compulsion drives the financial mechanism for Government incentives for the development of large scale renewable energy generation. Certain Areas of the UK have been identified as being optimum areas for solar energy generation. The South West and South Wales are classed as optimum areas ([uksolarenergy.co.uk](http://uksolarenergy.co.uk))

In essence, the scheme assessment and decision outcome is essentially a balance between the national and international will for a future with renewable energy, supported by regional and local policy in principle, against the impact of such schemes on the landscape and environment in which they are sited.

The scheme is considered appropriate in terms of its scale and design and would not cause unacceptable loss of amenity to neighbouring properties or surrounding land. There would not be significantly adverse visual impact on landscapes, open spaces and the general locality from the site and there would be no significantly adverse or detrimental impact on the ecology, habitats, highway safety or land drainage in the area.

On balance the scheme is considered acceptable and is in accordance with the criteria laid out in Policies EV1, EV2, EV21, EV22, EV26 and R11 of the City and County of Swansea Unitary Development Plan 2008 and accordingly approval is recommended. APPROVE, subject to the following conditions:

### 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 submitted Bat Survey dated September 2013 identifies a number of trees that have features that could be used by bats. Further bat survey work shall be undertaken specifically on these trees and approved in writing by the Local Planning Authority prior to any works commencing on site.  
Reason: In the interest of protecting species listed under the Conservation of Habitats and Species Regulation 2010.
- 3 No development or other operations shall commence on site until a landscaping scheme indicating the removal of trees and any arboricultural work required is submitted to and agreed in writing by the Local Planning Authority.  
Reason: In the interest of protecting species listed under the Conservation of Habitats and Species Regulation 2010.
- 4 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: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway.
- 5 No other development shall commence on site until such time as the vehicular access to serve the development has been completed in accordance with details to be submitted to and agreed in writing with the Local Planning Authority prior to any development commencing on site  
Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway.

ITEM	4 (CONT'D)	APPLICATION NO.	2014/0876
6	<p>Prior to the commencement of development, facilities for wheel cleansing shall be provided on site in accordance with details submitted to and approved in writing by the Local Planning Authority. Wheel cleaning shall be carried out in accordance with the approved details prior to any construction works commencing.</p> <p>Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway.</p>		
7	<p>Prior to commencement of development, a pre-condition survey of the approach highway must be carried out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway.</p>		
8	<p>A crossing over the footpath/verge in the existing highway shall be completed before the development is brought into use in accordance with details to be submitted to and approved by the Local Planning Authority.</p> <p>Reason: In the interests of highway safety.</p>		
9	<p>The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute of Field Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.</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>		
10	<p>Within two months of the use of the solar PV panels permanently ceasing, a scheme for their removal and restoration of the land, including a timescale for the works, shall be submitted for the written approval of the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.</p> <p>Reason: In the interest of visual amenity</p>		
11	<p>The design, location and orientation of any/all new lighting provision installed as a consequence of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any lighting is erected, and the scheme shall be implemented and retained in accordance with the approved details</p> <p>Reason: To ensure that the development hereby approved does not result in unacceptable levels of light pollution to the surrounding area.</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: Policies EV1M EV2, EV21, EV22, EV26 and R11 of the Swansea Unitary Development Plan 2008.
- 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 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

**PLANS**

WS001 site location plan, WS002 block plan, WS003 site layout plan, WS004 outline planting scheme, WS005 access details, WS006A indicative site infrastructure, WS007 bare earth model, WS015 viewpoints & ZTV, WS017 viewpoint 1, WS018 viewpoint 2, WS019 viewpoint 3, WS020 viewpoint 4, WS021 viewpoint 5, WS022 viewpoint 6, WS023 viewpoint 7, WS024 viewpoint 8 dated 17th June, 2014

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ITEM 5

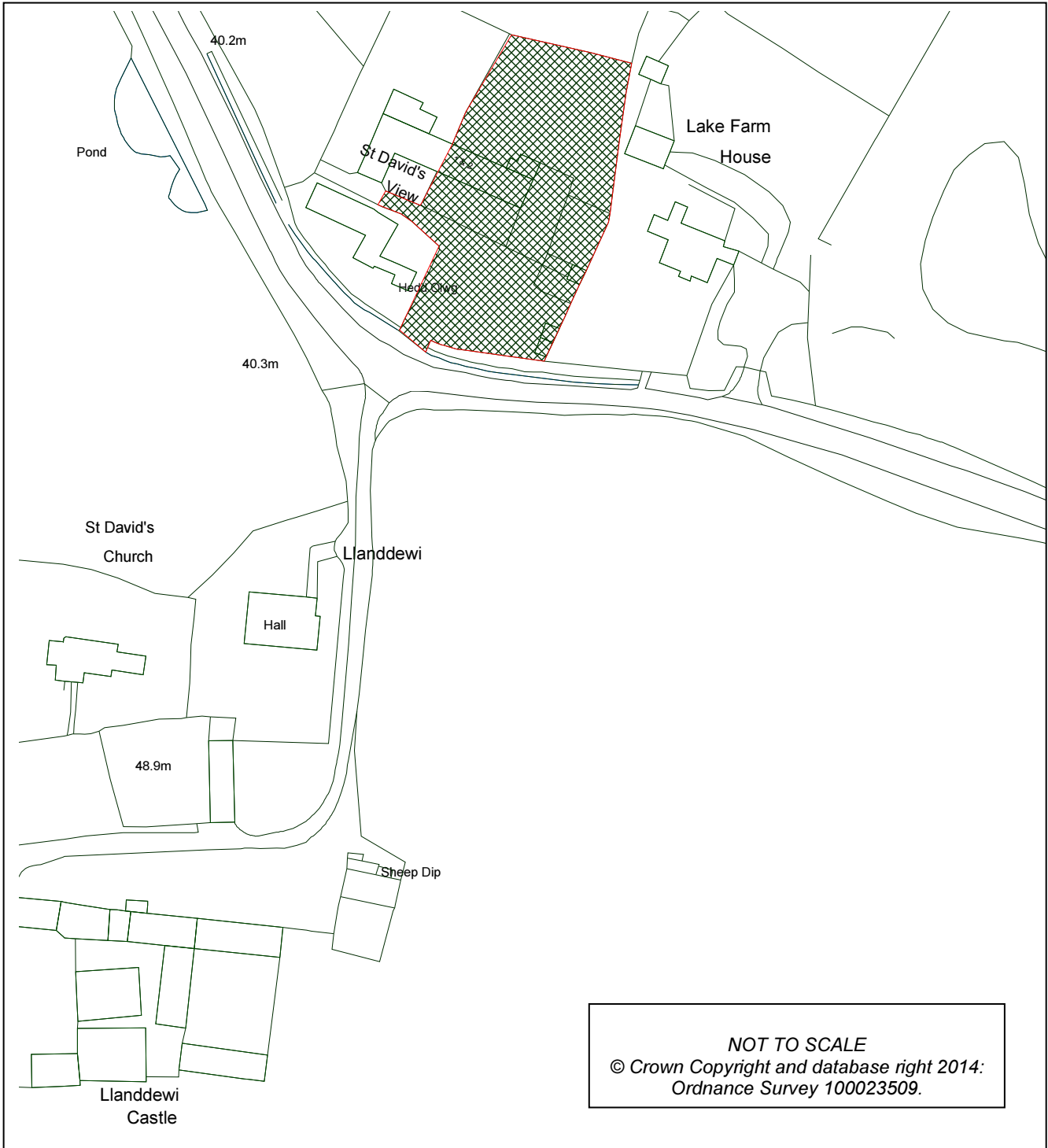
APPLICATION NO. 2014/0677

WARD: Gower  
Area 2

**Location:** 2 St Davids View, Reynoldston, Swansea SA3 1AU

**Proposal:** Variation of condition 2 of planning permission 2011/0413 dated 2nd June 2013 and use of the outbuilding as a separate unit of holiday accommodation

**Applicant:** Mr Andrew Banbury



**BACKGROUND INFORMATION****POLICIES**

<b>Policy</b>	<b>Policy Description</b>
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 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 EC19	The creation of well-designed un-serviced tourist accommodation through the conversion of existing appropriate rural buildings will be supported. (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 EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: <ul style="list-style-type: none"> <li>i) The control of development, and</li> <li>ii) Practical management and improvement measures.</li> </ul> (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>
2011/0413	Detached two storey outbuilding Decision: Grant Permission Conditional Decision Date: 02/06/2011

ITEM	5 (CONT'D)	APPLICATION NO.	2014/0677
A01/0033	CONVERSION OF REDUNDANT BARN TO SINGLE DWELLING UNIT AND INCREASE IN RIDGE HEIGHT TO FORM ADDITIONAL LIVING ACCOMMODATION (AMENDMENT TO PLANNING PERMISSION 98/1308 GRANTED ON 5TH JANUARY 1999) Decision: *HRP - REFUSE PERMISSION Decision Date: 13/03/2001		
99/1543	CONVERSION OF PART OF FORMER GOWER FARM MUSEUM INTO SINGLE DWELLING HOUSE (AMENDMENT TO PLANNING PERMISSION 96/4058/S GRANTED ON 30TH AUGUST 1996) Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 14/02/2000		
98/1392	CONVERSION OF PART OF FORMER GOWER FARM MUSEUM INTO SINGLE DWELLING HOUSE (AMENDMENT TO PLANNING PERMISSION 96/4058 GRANTED ON 30TH AUGUST 1996) Decision: *HRP - REFUSE PERMISSION Decision Date: 05/01/1999		
98/1308	CONVERSION AND EXTENSION OF REDUNDANT BARN TO SINGLE DWELLING HOUSE (AMENDMENT TO PLANNING PERMISSION 96/4058/S GRANTED ON 30th AUGUST 1996) Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 05/01/1999		
98/1507	SITING OF STATIC CARAVAN FOR A TEMPORARY PERIOD OF 12 MONTHS Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 05/01/1999		

## RESPONSE TO CONSULTATIONS

The application was advertised on site. One letter of SUPPORT received which is summarised as follows:

- The applicants, our immediate neighbours, are responsible advocates and promoters of low impact sustainable tourism to the Gower, favouring and supporting local businesses, benefiting the local community.

**Port Eynon Community Council** – OBJECT for the following reason:

- The original planning application (2011/0413) was approved solely on the condition that this 'workshop' *shall remain at all times an integral part of the existing dwelling and shall not be sold, let or otherwise occupied, as a separate unit of accommodation.*
- The request for change of use to provide holiday accommodation is now made solely on the grounds of financial gain to the owner.

**The Gower Society** – make the following comments:

1. We refer to the fact that there was a clause included in the original permission for Application 2011/0413 preventing residential use. This is now applied to be lifted after a period of only 3 years.
2. The original use was claimed to be for craft purposes and circumstances must have either changed or it was always intended to be used for residential purposes. This concerns us.
3. If allowed it is essential that the building is never sold off as a separate unit or used for anything other than associated domestic use to the main dwelling or as holiday accommodation but never for full time residential occupancy.

### **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.

This application seeks planning permission allow an outbuilding at 2 St David's View, Reynoldston to be used as holiday accommodation.

The application building was originally granted planning permission under Ref: 2011/0413 and condition 2 attached reads as follows:

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

The reason for the condition was:

“It is not considered that the property is suitable for the creation of separate units of accommodation”

The above planning permission has been implemented and although the development is not entirely complete it is evident that internally the building has not been built in accordance with the above reference approved plans, and has been fitted with a staircase to a mezzanine level and incorporates a kitchen, bathroom and two bedrooms. In this respect, therefore, the development has been built as a self contained residential unit within the countryside and not as an ancillary outbuilding in accordance with the requirements of Planning permission Ref. 2011/0413. In policy terms therefore, the application must be considered as a scheme for the retention of the existing building and for its use as holiday accommodation.

### **Main Issues**

The main issue for consideration during the determination of this application relate to the acceptability, in principle, of the proposed holiday accommodation at this countryside location within the Gower AONB having regard to the provisions of Policies EC17, EC19, EV16, EV17, EV20, EV22 and EV26 of the City and County of Swansea Unitary Development Plan (2008) (UDP).

Policy EC17 of the UDP supports proposals for tourism and recreation development of an appropriate scale in locations which relate acceptably to the existing pattern of development and in this respect Policies EV16 and EV17 provide that appropriate development will be permitted, subject to criteria, within defined small and large villages. In this instance the application site falls within the countryside where Policy EC19 supports the creation of well designed unserviced tourist accommodation through the conversion of existing appropriate rural buildings.

As stated above, whilst planning permission was granted for the application building in June 2011 the development has not been completed in accordance with the approved plans as an ancillary outbuilding but has been developed as independent living accommodation. In this respect therefore the proposal does not meet with the requirements of the above UDP policies, and is regarded as being contrary to the provisions of Policies EV20, EV22 and EV26 which seek to resist unjustified residential development in the countryside and to conserve and enhance the character and appearance of the Gower AONB.

Whilst Policy EC12 refers to conversion of existing building in the countryside and extensions thereto that contribute to the local economy Section 2.6.16 in the amplification to the Policy states that for the purpose of this Policy, appropriate rural buildings are those that meet the criteria listed in Policy EC12.

In terms of compliance with Policy EC12, criterion (iv) *states that in the case of buildings extended or constructed with the benefit of agricultural permitted development rights, these buildings have genuinely been used for the agricultural purposes they were constructed for.* Whilst the application was not built under permitted development it is nevertheless a recently consented outbuilding and the thrust of Policy EC12 is to prevent the conversion of newly constructed rural buildings (permitted development or otherwise) to alternative uses. Section 8.1 of the Conversion of Rural Buildings SPG also states that all planning applications for the conversion of relatively newly constructed rural buildings must be accompanied by evidence that the original building has been used for the intended purpose for a significant period of time and that proposals for the conversion of new buildings i.e. less than 10 years old, will come under particular scrutiny and will not normally be considered favorably.

On this basis in policy terms the building is not considered to be a suitable rural building that would qualify for conversion under the provisions of Policy EC12 and the Council's adopted SPG entitled the Conversion of Rural Buildings. It is accepted that the building is intact and safe access could be provided for pedestrians and vehicles and as a holiday let the use would contribute to the local economy. However, the nature of the building and its very recent construction would dictate that it would not comply with the underlying objectives of UDP Policy EC12 and the proposal therefore constitutes unjustified residential development in the countryside contrary to the provisions of Policies EC17, EC19, EV16, EV17, EV20, EV22 and EV26 of the UDP which seek to conserve and enhance the character and appearance of the area and the Gower AONB.

With regard the impact upon residential amenity, the nearest properties considered to be potentially affected by the proposal are No's 1 and 3 St David's View. The scale of the building remains unchanged and therefore no additional issues of physical overbearance or overshadowing, or overlooking arise.

It is acknowledged that the use will change, however, it is not considered that the levels of comings and goings likely to be generated will give rise to any significant demonstrable harm. Overall therefore in residential amenity terms the proposal is considered to comply with Policy EV1 of the City and County of Swansea UDP.

### **Access and Highway Safety**

Access and on site parking facilities are acceptable and therefore the Head of Transportation and Engineering recommends that no highway objections are raised.

### **Responses to Consultations**

With regard to the objection received from the local community council which refers principally to the applicants seeking financial gain through the use of the outbuilding. This is noted but not relevant to the determination of this application.

### **Conclusions**

In conclusion therefore and having regard to all of the above, the proposal is regarded as unjustified development in the countryside contrary to the provisions of Policies EC17, EC19, EV16, EV17, EV20, EV22 and EV26 of the City and County of Swansea Unitary Development Plan (2008) which seek to conserve and enhance the character and appearance of the area and the Gower AONB, and the Council's adopted SPG's entitled "The Conversion of Rural Buildings", and "Gower AONB Design Guide". Refusal is therefore recommended.

### **RECOMMENDATION**

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

- 1 The proposal constitutes an inappropriate and unjustified form of development in the countryside contrary to the provisions of Policies EC17, EC19, EV16, EV17, EV20, EV22 and EV26 of the City and County of Swansea Unitary Development Plan (2008) and the Council's adopted SPG's entitled "The Conversion of Rural Buildings", and "Gower AONB Design Guide" which seek to conserve and enhance the character and appearance of the area and the natural beauty of the Gower AONB

### **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, EV22, EV26, EC12, EC17 and EC19 of the Swansea Unitary Development Plan 2008.

ITEM 5 (CONT'D)

APPLICATION NO. 2014/0677

**PLANS**

E01 site location plan and existing site layout, E02 existing south and west elevations, E03 existing east and north elevations, E04 existing ground and first floor plans, P01 proposed site layout and pictorial views, P02 proposed ground and first floor plans dated 8th May, 2014.

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ITEM 6

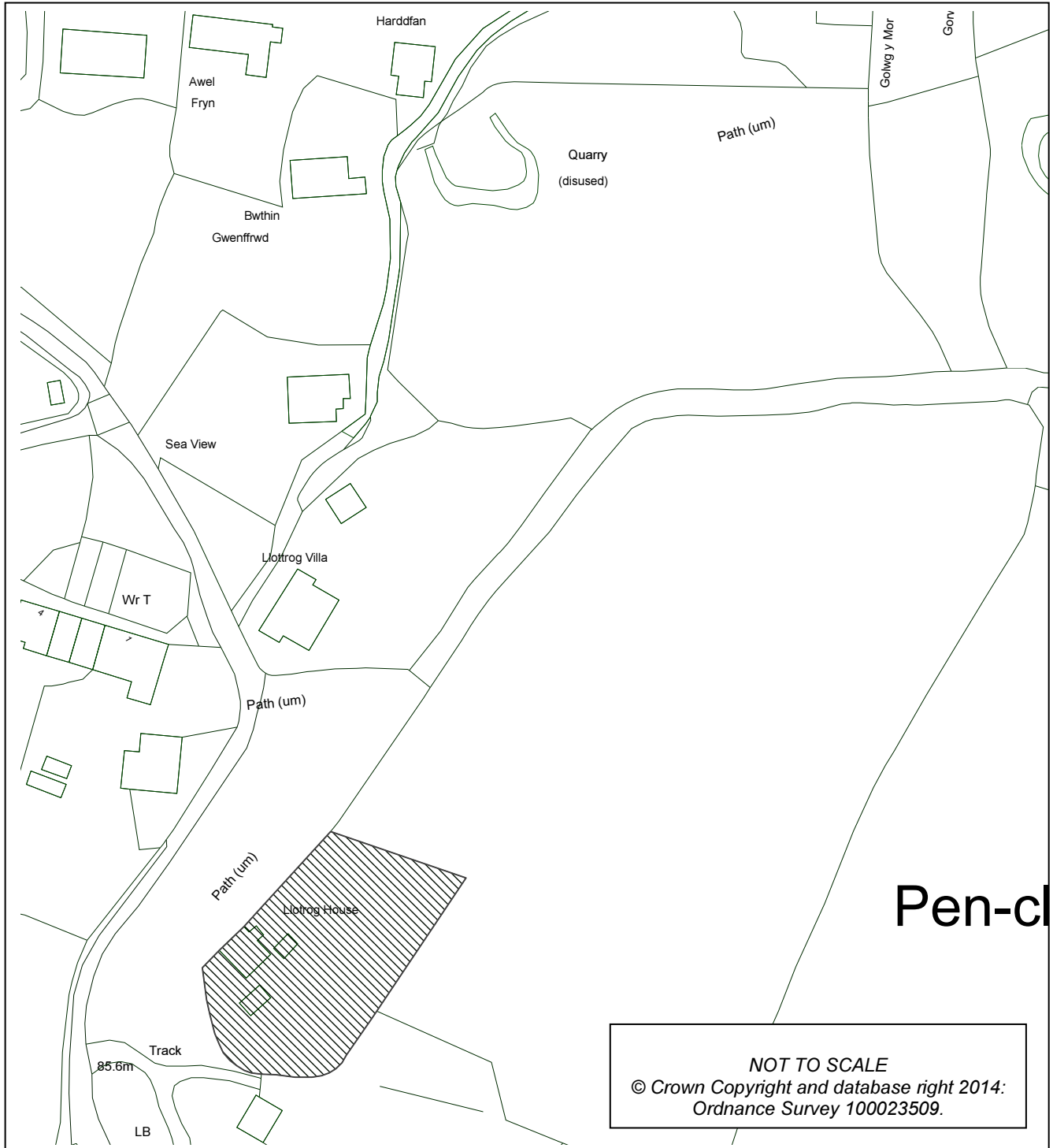
APPLICATION NO. 2014/0825

WARD: Penclawdd  
Area 2

**Location:** Llotrog House, Llotrog, Penclawdd, Swansea SA4 3JX

**Proposal:** Two storey side/rear extension with balcony

**Applicant:** Mr Alan Jenkins



**BACKGROUND INFORMATION****POLICIES**

<b>Policy</b>	<b>Policy Description</b>
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 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 EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: <ul style="list-style-type: none"> <li>i) The control of development, and</li> <li>ii) Practical management and improvement measures.</li> </ul> (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>
2010/0513	Detached dwelling (outline) Decision: Refuse Decision Date: 22/06/2010

2014/0197 Two storey side/rear extension with balcony and detached garage  
Decision: Refuse  
Decision Date: 19/03/2014

## RESPONSE TO CONSULTATIONS

The neighbouring occupants at Trelyn were sent a letter of consultation on 23<sup>rd</sup> June 2014. A site notice was also posted outside the property on 23<sup>rd</sup> June 2014. Four letters of support have been received which are summarised below – each letter of support is identical.

- The scheme is an interesting proposal which has been designed to a good quality by the architects.
- The existing house has always had a large garden and the proposed extension sits well with the existing building and only occupies a very small part of the garden of Llotrog House.
- The proposed extension improves the overall appearance of the house and provides better modern accommodation for the family home.

## Highway Observations

The Head of Transportation and Engineering was consulted and responded with the following comments:

*There is no increase in demand for parking and the parking/turning area within the curtilage of the property is sufficient to be able to accommodate the 3 required parking spaces. There are no highway objections.*

## APPRAISAL

This application is reported to Committee for decision and a Site Visit has been requested by Councillor Mark Thomas to assess the letters of support received in further detail.

The application site comprises a two storey detached dwelling in Llotrog which is situated in the ward of Penclawdd.

A previous application for a two storey side/rear extension with balcony and detached garage (2014/0197) was refused planning permission on 19<sup>th</sup> March 2014 for the following reasons:

1. *The proposed extension, by virtue of its size, design and siting, does not relate to the existing dwelling and by virtue of the nature of the proposals, the existing house would become subservient element of the development. As such, the proposals go beyond the scope of 'extension' works and are considered tantamount to the creation of a new dwelling in the countryside without the requisite justification, contrary to Policies EV1, EV22, EV20 and HC7 of the adopted City & County of Swansea Unitary Development Plan and the guidance contained in 'A Design Guide for Householder Development' and the 'Gower AONB Design Guide' Supplementary Planning Guidance.*

2. *The proposed extension, by virtue of its scale in relation to the existing property, and by virtue of the finishing materials and the detailing of the proposed projecting front gable feature and hanging bay window is considered to result in an overly large incongruous and unacceptable addition to the original property, to the detriment of the original character and appearance of the dwelling and the visual amenities of the area, contrary to the requirements of Policies EV1 and HC7 of the adopted City & County of Swansea Unitary Development Plan 2008 and the guidance contained in the Supplementary Planning Guidance documents 'A Design Guide for Householder Development' (2008) and the 'Gower AONB Design Guide'.*
3. *The proposed garage, by virtue of its height would result in an excessively tall structure with top heavy appearance, which does not relate well to the character of the original dwellinghouse on this site and would be detrimental to the visual amenities of the area. As such, this element of the proposal is contrary to the requirements of Policies EV1, EV22, EV26 and HC7 of the adopted City & County of Swansea Unitary Development Plan 2008 and the guidance contained in the Supplementary Planning Guidance documents 'A Design Guide for Householder Development' and the 'Gower AONB Design Guide'.*

The area of land lying to the front and west side of the application dwelling, up to the boundary with the road, is designated as Common Land under Policy EV29 of the adopted City and County of Swansea Unitary Development Plan. Furthermore, the dwelling lies in a relatively rural location close enough to boundary of the Gower Area of Outstanding Natural Beauty (AONB) to be considered a 'Gower fringe' area, as highlighted in Section 1.2 of the Council's Supplementary Planning Guidance document the 'Gower AONB Design Guide'. Therefore this application will be considered with regard to the provisions of Policy EV26 of the City and County of Swansea Unitary Development Plan, which refers to the impact of proposed development on the character and appearance of the AONB.

Llotrog abuts the main part of Penclawdd to the south-west with dwellings following the road running between Park Road to the north and Caban Isaac Road in Blue Anchor to the south. Development in the northern part of Llotrog is informally laid out and denser than that in the southern part, which has more intermittent development along a road predominantly of single vehicle width, with hedge and field boundaries either side. The dwellings in Llotrog predominantly comprise short rows of two storey terraced houses, semi-detached and detached dwellings of various styles, materials finish and roof forms. There is, therefore, no overarching character to the locality.

The application seeks full planning permission to construct a two storey extension to the side elevation of the property. The proposed extension will measure approximately 7.8 metres wide and approximately 20.6 metres deep and would straddle, it is considered, outside of the cartilage of the dwelling.

The proposed layout indicates that the lower ground floor of the existing dwelling would become a kitchen and gym and the ground floor would become a home office and the extension proposed would effectively be the main dwelling. It appears that the proposal would result in a new dwelling in the open countryside for which no justification has been submitted

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, EV2, EV20, EV22, 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 extension will be constructed to the side and rear of the property and will therefore be visible from public vantage points.

The proposed extension is significant and represents an increase in floor area of more than twice that of the existing property. This results in a situation whereby the existing dwelling would become subservient to the proposed extension. As such, the proposals are considered to go beyond the scope of 'extension' works, and are more akin to the construction of a new dwelling attached to the side of the existing dwelling. This approach is contrary to the guidance set out in the Gower AONB Design Guide at Section A1.51 (b) which states:

*"It is important to note that there is a point at which an extension can become too dominant, and the following design principles should be considered:*

*. . . (b) Extensions should remain subordinate to the original dwelling in order that they do not have an adverse impact upon the overall composition of the building."*

This guidance is also present in paragraphs 1.1, 1.4 and 1.8 of the adopted Supplementary Planning Guidance document 'A Design Guide for Householder Development'.

In relation to the front elevation of the proposal, the proposed side extension is approximately the same width as the existing dwelling, which results in a form similar to a pair of semi-detached dwellings. Whilst the proposed extension is set down from the ridge of the main dwelling and set back from the front elevation, the excessive width conflicts with Section 1.5 of the Design Guide for Householder Development.

The proposal seeks to utilise stone and larch cladding boards, with large contemporary openings which do not reflect the size or appearance those found on the original dwelling. This approach of differing materials and fenestration to the original dwelling also conflicts with the advice set out in Sections B.13 and B.14 of the Design Guide for Householder Development in terms of respecting the original character of the dwelling.

The proposed fenestration has altered from the previous application in that the hanging bay window, the large rear gable has been removed and the balcony has been reduced in size. However it is not considered that these amendments overcome the fundamental reasons for refusal.

Whilst it is recognised that one reason for refusal has been overcome in that the detached garage has been removed from the proposal, the concerns with regards to the size of the extension have not been addressed.

The siting of the proposal in relation to neighbouring residential properties is such that no adverse affects would result to the occupiers of those dwellings in terms of overshadowing/loss of light, overbearing physical impact or an unacceptable increase in overlooking.

There are several issues of concern regarding the proposals, which are considered excessive in their current form and which would result in a development where the proposed extension would become the main part of the dwelling. This would, therefore, result in a fundamental change to the character of the property, contrary to the requirements of Policy HC7 of the City and County of Swansea Unitary Development Plan, as well as conflicting with the guidance set out in the Supplementary Planning Guidance document 'A Design Guide for Householder Development', specifically paragraphs 1.1, 1.4 and 1.8 which relate to detached properties. Whilst it is noted that alterations have been made from the previous refused application, these have not gone far enough in overcoming the previous reasons for refusal. The current proposals are fundamentally the same as that which was refused under planning application 2014/0197.

In conclusion it is considered that the proposal represents an unacceptable form of development which has not overcome the previous reasons for refusal. The proposed development is contrary to the provisions of Policies EV1, EV2, EV20, EV22, EV26 and HC7 of the City and County of Swansea Unitary Development Plan and the guidance contained within the Design Guide for Householder Development and the Gower AONB Design Guide.

## **RECOMMENDATION**

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

- 1 The proposed extension, by virtue of its size, design and siting, does not relate to the existing dwelling and by virtue of the nature of the proposals, the existing house would become the subservient element of the development. As such, the proposals go beyond the scope of 'extension' works and are considered tantamount to the creation of a new dwelling in the countryside without the requisite justification, contrary to Policies EV1, EV20, EV22, EV26 and HC7 of the adopted City and County of Swansea Unitary Development Plan and the guidance contained in 'A Design Guide for Householder Development' and the 'Gower AONB Design Guide' Supplementary Planning Guidance.
- 2 The proposed extension, by virtue of its scale in relation to the existing property, and by virtue of the finishing materials is considered to result in an overly large incongruous and unacceptable addition to the original property, to the detriment of the original character and appearance of the dwelling and the visual amenities of the area, contrary to the requirements of Policies EV1 and HC7 of the adopted City and County of Swansea Unitary Development Plan 2008 and the guidance contained in the Supplementary Planning Guidance documents 'A Design Guide for Householder Development' (2008) and the 'Gower AONB Design Guide'

ITEM 6 (CONT'D)

APPLICATION NO. 2014/0825

**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, EV26 and HC7

**PLANS**

HG.13.07.01 site location plan, HG.13.07.10 existing floor plans, HG.13.07.11 existing elevations dated 6th June 2014 HG.13.07.12B block plan, proposed floor plans and elevations dated 20th June 2014.

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ITEM 7

APPLICATION NO. 2014/0847

WARD: Gower Area 2

**Location:** Haven, Llangennith, Swansea SA3 1HU

**Proposal:** First floor balcony to rear elevation

**Applicant:** Mrs Sally Hayman





**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 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>
2002/1630	Addition of porch on side elevation Decision: Grant Permission Conditional Decision Date: 08/11/2002
97/1577	TWO STOREY REAR EXTENSION Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 09/01/1998
82/0651/02	ERECTION OF A DWELLING HOUSE AND GARAGE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 29/07/1982
81/1451/01	ERECTION OF A HOUSE OR BUNGALOW Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 31/12/1981

**CONSULTATIONS**

The neighbouring occupants at Heatherdale and Sunnymead were sent letters of consultation on 14<sup>th</sup> July 2014.

- No representations have been received to date.

A letter of No Objection has been received from **Llangennith Community Council**

**APPRAISAL**

This application has been reported to Committee for decision at the request of Councillor Richard Lewis to assess the impact of the proposed development on the AONB within which the application property lies.

Full planning permission is sought for a first floor balcony to the rear elevation at the property known as Haven in Llangennith. The balcony will project approximately 1 metre from the main back wall of the existing dwelling.

The application site comprises a two storey detached dwelling along Moor Lane which is situated in the ward of Llangennith. The application site benefits from off road parking and a modest curtilage. The site is also located in the Gower Area of Outstanding Natural Beauty (AONB).

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, EV26 and HC7 of the City and County of Swansea Unitary Development Plan (2008). The application will also be 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 balcony will be constructed on the rear elevation of the property and will not therefore be visible from public vantage points.

In visual terms, the balcony given its sympathetic siting, scale and design is not considered to have an unacceptable visual impact. The balcony will be constructed using oak posts with stainless steel balustrades and tempered glass between these handrails. The balcony is therefore considered to blend in sufficiently with the existing dwelling and the surrounding area and as such complies with Policies EV1, EV26 and HC7 of the Unitary Development Plan and the Gower AONB Design Guide.

In terms of overbearance and overshadowing, the balcony given its sympathetic position in relation to the neighbouring properties will not have an unacceptable impact. In terms of overlooking, there is considered to be sufficient distance between the balcony and the neighbouring properties to mitigate against any harmful overlooking impacts. Therefore the proposed development complies with the provisions of Policies EV1, EV26 and HC7 of the City and County of Swansea Unitary Development Plan, the Householder Design Guide and the Gower AONB Design Guide.

In conclusion it is considered that the proposal represents an acceptable form of development. The proposed first floor balcony causes no significant adverse impact upon the privacy or residential amenities of any adjoining neighbours. 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 or the AONB within which the property lies.

ITEM 7 (CONT'D)

APPLICATION NO. 2014/0847

## **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, EV26 and HC7

## **PLANS**

Site location plan dated 11th June, 2014. Block plan, proposed elevations and existing and proposed floor plans dated 16th June, 2014.

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ITEM 8

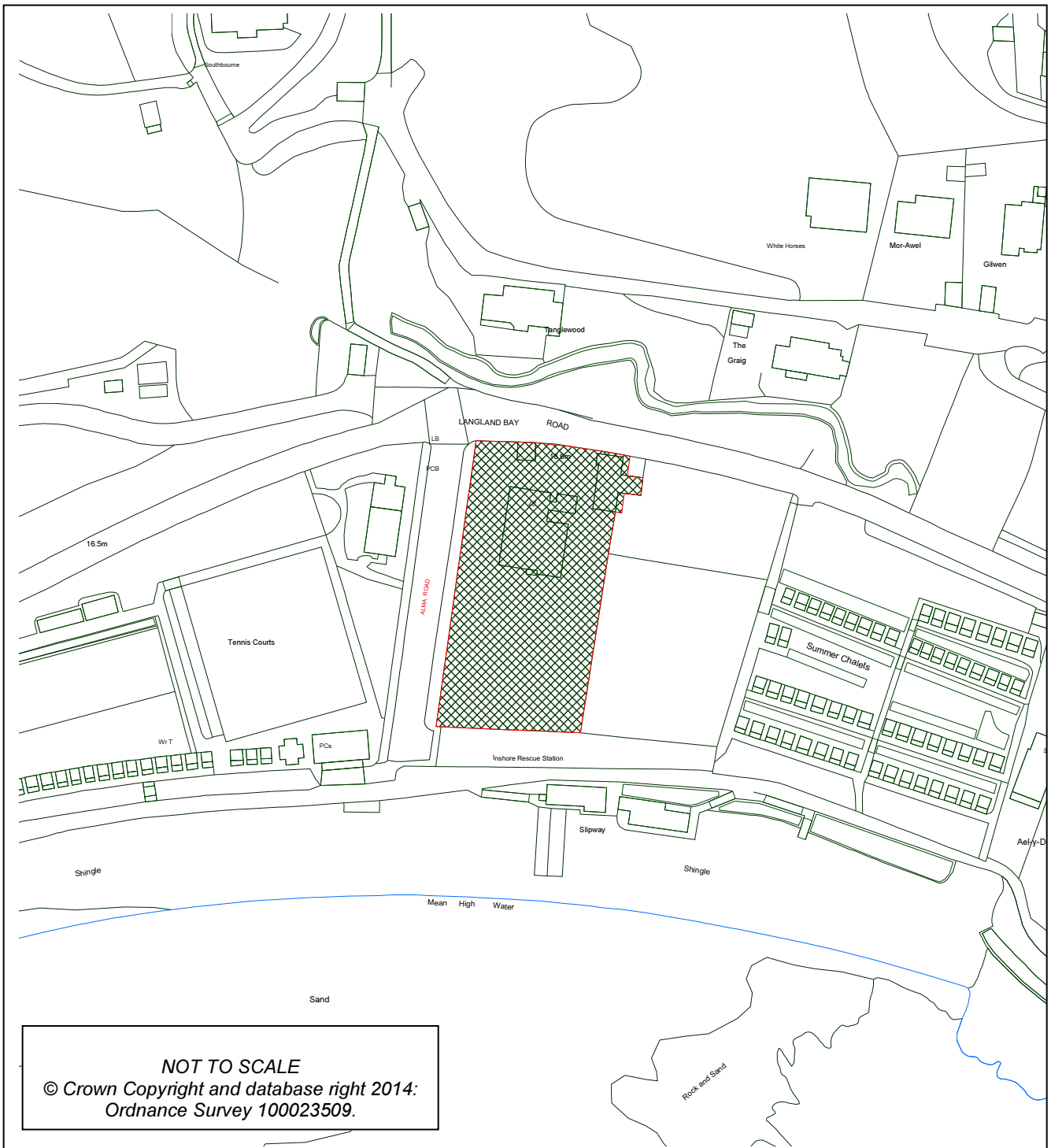
APPLICATION NO. 2014/0816

WARD: Newton Area 2

**Location:** Llangland Bay House, Llangland Bay Road, Llangland, Swansea SA3 4QP

**Proposal:** Variation of condition 1 of Planning Permission 2009/0618 granted 17th June 2009 to extend the period of time for a further 5 years to commence works

**Applicant:** Mr M Thomas



**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)

**SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2009/0618	Conversion of existing detached garage/store to form separate living accommodation ancillary to the main dwelling Decision: Grant Permission Conditional Decision Date: 17/06/2009
2003/0786	One detached dwelling with double garage and new vehicular access (Renewal of outline planning permission A00/0642 granted on 9th June 2000) Decision: Grant Permission Conditional Decision Date: 15/07/2003
A00/0642	ERECTION OF A DETACHED DWELLING HOUSE WITH DOUBLE GARAGE AND NEW VEHICULAR ACCESS (RENEWAL OF PLANNING PERMISSION 97/0333 GRANTED ON 9TH MAY 1997) Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 09/06/2000

**RESPONSE TO CONSULTATIONS**

The application was advertised in the press and on site as a development within the Langland Bay Conservation Area. No response.

**Highways Observations** – I recommend no highway objection to this extension of time.

**APPRAISAL**

This application is reported to Committee for decision as the applicant is a Councillor for the Newton Ward.

Planning permission is sought to extend the period of time for commencement of works for the conversion of an existing garage and store to form an ancillary unit of living accommodation at Langland Bay House in Langland Road. Planning permission for the proposal was granted in June 2009 – 2009/0618 refers.

The proposed conversion will leave the external elevations largely unaltered. The existing unit presents as a single storey garage and shed complex with a mock Tudor first floor gable directly above the garage door opening. The proposed alterations will see windows inserted in the existing garage doors that will be retained. Other than this no external alterations are proposed.

The main issues to be considered therefore are whether there has been any significant material change in planning circumstances since the original planning permission was granted having regard to the requirements of Policies EV1, EV2 and EV9 of the City and County of Swansea's Unitary Development Plan 2008 (UDP).

Policy EV1 requires developments to comply with good design criteria, which has no undue impact upon visual or residential amenity or highway safety. Policy EV9 states that proposal for development with a Conservation Area must preserve or enhance its overall character and appearance.

With regard to the impact of the proposal upon visual amenity the proposal would not, it is considered, materially impact upon the character and appearance of either the conservation area or the existing dwelling. It is considered therefore that in visual terms the proposal would comply with the requirements of Policies EV1 and EV9.

Turning to residential amenity impacts and given the siting and location of the property in respect of its neighbours it is not considered that the proposed conversion would introduce any harmful impact upon residential amenity by virtue of overlooking, overbearing or overshadowing.

The Head of Transportation and Engineering raises no objection to the proposal to convert the detached garage and store for residential use as there is sufficient room on the drive for adequate parking to be retained within the site even though the garage facility will be lost in the conversion. Therefore no objection is lodged on highway grounds subject to the converted building remaining an integral part of the main property in perpetuity and not being let or sold as a separate unit of accommodation.

In conclusion and having regard to all material considerations, including the Human Rights Act, it is not considered that there has been any material change in circumstance which would justify a refusal of the extension of time for the implementation of this development which by virtue of its nature would not have a detrimental impact upon the residential amenities of neighbours or highway safety and would preserve the character and appearance of the existing building and the Conservation Area in accordance with the of Policies EV1 and EV9 of the City and County of Swansea Unitary Development Plan (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 proposed development shall remain at all times an integral part of the existing dwelling and shall not be sold, let or otherwise occupied, as a separate unit of accommodation.  
Reason: It is not considered that the property is suitable for the creation of separate units of accommodation.

**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
- 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.
- 4 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 dated 9th June 2014.

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