

**PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015**

**ITEM 1**

**APPLICATION NO.**

**2014/1656**

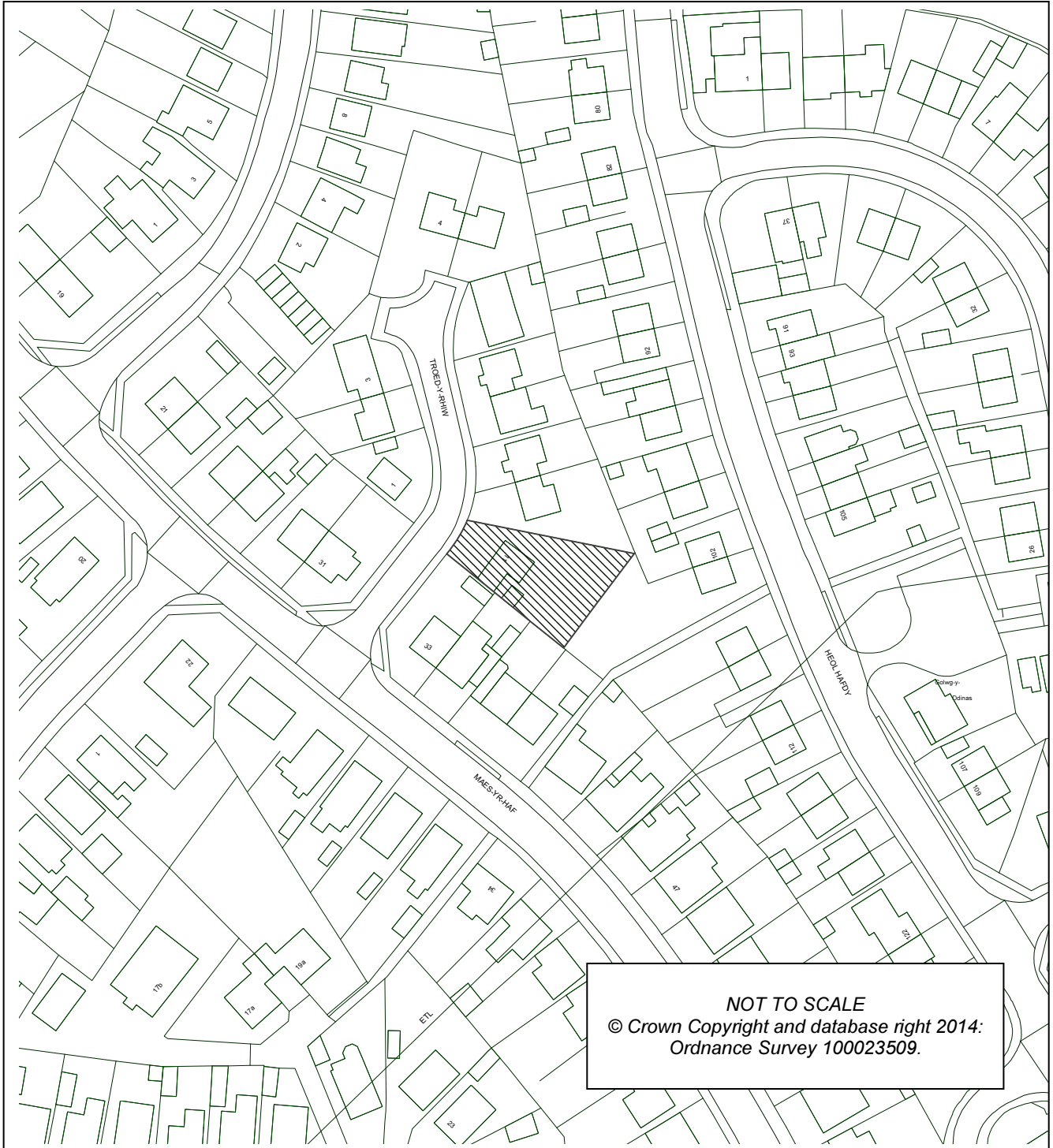
**WARD:**

**Llansamlet**

**Location: 11 Troed Y Rhiw, Llansamlet, Swansea, SA7 9SA**

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

**Applicant: Mr N Frost**



## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 1 (CONT'D)

APPLICATION NO.

2014/1656

### BACKGROUND INFORMATION

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, effect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2004/1429	Extension of existing dormer window on front elevation Decision: Grant Permission Conditional Decision Date: 10/08/2004

#### **RESPONSE TO CONSULTATIONS**

EIGHT NEIGHBOURING properties were consulted. ONE LETTER OF OBJECTION has been received. Concerns summarised as follows;

1. Overshadowing.
2. Lower ground level.
3. Loss of view due to close proximity of extension.

**Highways Observations** – No objections raised.

#### **APPRAISAL**

This application is called to Area 1 Committee for determination at the request of Councillor Uta Clay to allow members to consider the effects of the extension on nearby residents. A site visit has also been requested.

#### **Description**

The application seeks full consent for a two storey side extension to a detached property located at 11 Troed Y Rhiw, Llansamlet. Original plans have been amended and the agent has confirmed these amended plans should now be considered. Concerns in regards to the original scheme related to the excessive and disproportionate scale proposed in relation to the host dwelling which would also give rise to a detrimental visual impact within the wider street-scene. This would have been exacerbated by the elevated and highly visible siting of the application dwelling.

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In addition, the potential impact to the residential amenities of neighbouring occupiers predominantly by reason of overbearing physical impact was of particular concern, again due to the position of the application dwelling on an upward gradient in relation to neighbouring dwellings sited to the south-west.

### **Policy Considerations**

Policy EV1 is concerned with design and seeks to ensure that new development, amongst other criteria, should be appropriate to the local context in terms of scale, form and massing and should sensitively relate to existing development patterns. Furthermore, Policy HC7 aims to ensure extensions are acceptable in terms of their relationship to the host dwelling and do not adversely impact on the residential amenities of neighbouring occupiers. Policy EV2 states that regard should be given to the physical character and topography of the application site and its surroundings whilst Policy AS6 seeks adequate parking arrangements. The considerations associated with Policies EV1, EV2 and HC7 are explained in more detail within the supplementary planning guidance entitled “A Design Guide for Householder Development” (2008).

### **The Main Issues**

These are considered to be the effect of the proposal on the appearance of the host dwelling by virtue of its design and scale, the visual impact to the wider area and the potential effect to the residential amenities of neighbouring occupiers by reason of the proposal's siting, scale and size.

### **Visual Amenity**

The amended extension would be set back from the front of the property and set down from the ridge line in accordance with the advice contained within the supplementary planning guidance entitled “A Design Guide for Householder Development” (2008). In addition, the reduced proportions are now considered acceptable and the proposed structure would be satisfactorily subservient in relation to the host dwelling. Given the reduced proportions now proposed it is not considered that a significant detrimental visual impact within the wider street-scene will arise by virtue of the proposed scale.

### **Residential Amenity**

The proposal is shown to be set 0.9 m off the side boundary of the application site at its nearest point and 1.3 m at furthest. It is this side boundary which forms the rear boundary of the properties at 33 and 35 Maes-Yr-Haf. The distance from the rear elevation of 33 Maes-Yr-Haf to the rear boundary is 11.7 m and therefore total overall separation distances of 12.6 m at minimum and 13.0 m would be achieved. A minimum separation distance of 15.0 m is specified within the supplementary guidance for new residential developments adopted in January 2014 entitled “Places to Live” specifically in order to prevent an overbearing impact to neighbouring habitable rooms and gardens. Given this insufficient spacing, also made worse by the siting of the application dwelling on higher ground levels in relation to the affected neighbours, it is considered that the proposal will result in a detrimental overbearing impact. Therefore, in seeking to apply one of the main principles of Policy EV2, the proposal is considered to fail in as much as insufficient account has been taken of the topography of the site in relation to neighbours. Whilst an existing side garage is present at the application site and a single storey outbuilding is sited within the rear garden of 33 Maes-Yr-Haf, the first floor element of the proposal will rise significantly above the height of both these structures. The result will be additional massing and bulk causing a much more oppressive outlook to neighbours particularly due to their location on lower ground levels.

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In addition to the above, Part C.2 of the adopted supplementary planning guidance entitled "A Design Guide for Householder Development" emphasizes that in order to avoid an overbearing impact a two-storey extension should not be positioned very close to the boundary adjacent to the garden of a neighbouring property such that it would unacceptably encroach upon the sense of openness and outlook. The proposal is considered to fail in this respect and, overall, does not accord with part (v) of Policy EV1 which seeks to ensure new development sensitively relates to existing development patterns.

Furthermore, Part (iii) of Policy HC7 specifically states that in assessing proposals for residential extensions particular reference to physical impact should be considered in relation to neighbouring properties. Whilst an attempt has been made to address the main issues in relation to potential overbearing impact via the reduced amended scale of the scheme, concerns still exist given the siting of the two storey structure in relation to neighbouring properties to the south, particularly 33 and 35 Maes-Yr-Haf. Although potential for overshadowing and loss of light does not raise significant concern the combination of inadequate separating distances and the elevated siting of the two storey structure will cause a significant overbearing impact to occupiers of adjoining property.

### **Conclusions**

In conclusion, and having regard to the relevant material considerations, including the Human Rights Act, the proposal is considered to represent an unacceptable form of development which fails to accord with Policies EV1, EV2 and HC7 of the adopted City and County of Swansea Unitary Development Plan (2008) and the supplementary planning guidance documents entitled "A Design Guide for Householder Development" (2008) and "Places to Live: A Residential Design Guide" (2014).

### **RECOMMENDATION**

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

- 1 The proposed two-storey side extension would have a dominant and significant detrimental overbearing impact on adjoining occupiers at Nos. 33 and 35 Maes-Yr-Haf by virtue of its siting and elevated location on higher ground levels in relation to these properties to the detriment of residential amenity and fails to comply with Policies EV1, EV2 and HC7 of the City and County of Swansea Unitary Development Plan (2008) and the supplementary planning guidance entitled "A Design Guide for Householder Development" (2008) and "Places to Live: A Residential Design Guide" (2014).

### **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, HC7 and AS6.

### **PLANS**

A.02.4 site location and block plan, A.01.1 existing floor plans, A.01.2 existing elevations dated 31 October 2014, A.02.1 Rev A proposed floor plans, A.02.2 Rev A proposed elevations, A.02.3 Rev A proposed perspectives and sections dated 27 November 2014

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PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 2

APPLICATION NO.

2014/1119

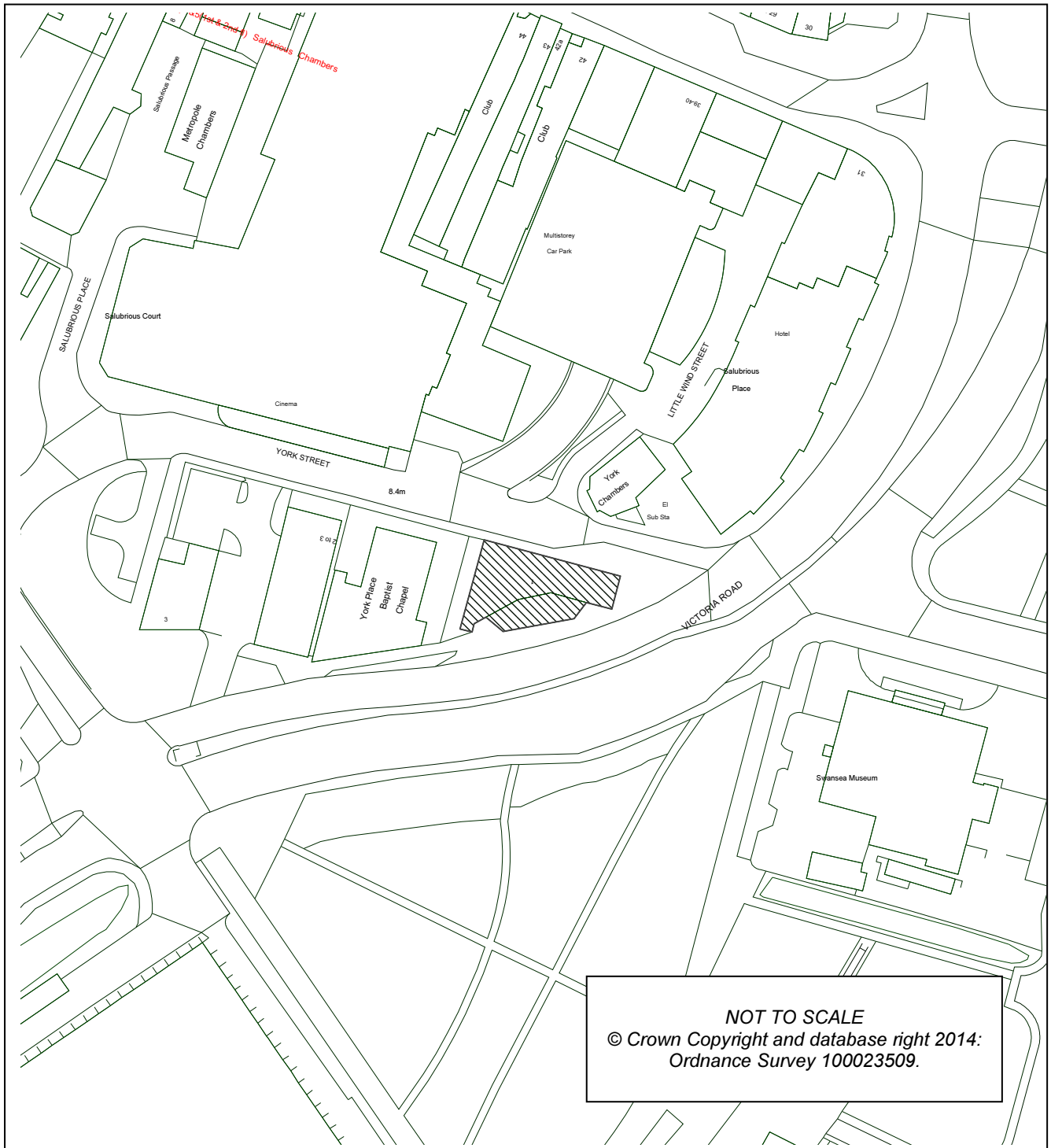
WARD:

Castle

**Location:** 1st floor 1 York Street, Swansea, SA1 3LZ

**Proposal:** First floor terraced area and fenestration alterations to Victoria Road elevation

**Applicant:** Monpellan Investments Ltd



## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 2 (CONT'D)

APPLICATION NO.

2014/1119

### 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 EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy 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 CC1 - UDP	Within the City Centre, development of the following uses will be supported:- (i) Retailing and associated uses (Classes A1, A2, A3), (ii) Offices (B1), (iii) Hotels, residential institutions and housing (C1, C2, C3), (iv) Community and appropriate leisure uses (D1, D2, A3) (v) Marine related industry (B1, B2). Subject to compliance with specified criteria. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2003/2372	Change of use of first floor Office (Class A2) to retail (Class A1) and restaurant (Class A3) Decision: Grant Permission Conditional Decision Date: 20/01/2004
2011/1597	Change of use of first floor from a bar/restaurant (Class A3) to Dance venue (Class D2) Decision: Grant Permission Conditional Decision Date: 11/01/2012
2003/1461	Change of use of first floor offices (Class A2) to restaurant (Class A3) Decision: Grant Permission Conditional Decision Date: 09/09/2003
2006/0372	Change of use from car sales to a restaurant (Class A3) Decision: Grant Permission Conditional Decision Date: 13/06/2006

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ITEM 2 (CONT'D)

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2014/1851      Retention of 2 no. internally illuminated box signs, 1 no. internally illuminated projecting sign, 1 no. non illuminated wall sign, 1 no. non illuminated fascia sign and 1 no. non illuminated high level wall sign  
Decision: CALLED IN Application (Swansea)  
Decision Date: 30/12/2014

### RESPONSE TO CONSULTATION

The application was advertised on site. ONE LETTER OF OBJECTION has been received which is summarised as follows:

1. There is already noise and disturbance from this 'private club'.
2. Opening out will only make the nuisance much worse.
3. The city has spent money on the boulevard, is this to be what people see when they drive into town.

### APPRAISAL

This application is reported to Area 1 Committee for decision at the request of Councillor Sybil Crouch to consider the impact of the proposal on residential amenity. A site visit is requested.

#### Description

Full planning permission is sought for the use of the first floor terraced area and fenestration alterations to the Victoria Road elevation of No. 1 York Street, Swansea.

Planning permission has been granted for the change of use of the first floor of this building to a restaurant (Class A3) and this use was implemented.

Planning permission was then subsequently granted for the change of use of the first floor from a bar/restaurant (Class A3) to a Dance Venue (Class D2) ref: 2011/1597.

For clarification, notwithstanding the information in the Design and Access Statement, whilst planning permission 2011/1597 was approved for a change of use to a Dance Venue (Class D2), the applicant and agent have confirmed in writing that this (Class D2) permission has not been implemented and the premises does not trade as a private members club or dance venue. The applicant has confirmed that the first floor is currently trading and will continue to trade as a bar and restaurant (Class A3).

The ground floor is occupied as a carpet/flooring shop. The property is situated adjacent to the Wind Street Conservation Area, at the bottom of York Street, opposite the York St./Wind St. mixed use development and adjacent to the York Place Baptist Chapel, which is a Grade II listed building.

The proposal is for external works to create an outdoor balcony at first floor level to provide an additional seating area. New doors will be fitted to allow access onto the balcony area together with a food server hatch. The terrace area will utilise the existing flat roof of the canopy that provides a covered ground floor area to the commercial use below.

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The first floor use will continue to be accessed directly off York Street. The proposed use will not result in any extension or new build. A safety screen will be erected around the edge of the existing flat roof area to enclose the proposed seating area on the terrace.

### **Issues**

The main issue for consideration with regard to this application relates to the acceptability of the proposal when assessed against policies CC1, EV1, EV2, EV9 and AS6 of the City and County of Swansea Unitary Development Plan 2008. There are in this case considered to be no additional overriding considerations arising from the provisions of the Human Rights Act.

Whilst the proposal is located outside of the Wind Street Conservation Area, an area designated for bar/restaurant/late night entertainment uses, it is considered that the site and surrounding uses are complementary to that of the wider Wind Street Area and as such the site can be considered as part of the broader mix uses prevalent within this particular area of the City Centre.

The external terrace will incorporate additional seating area to be used in association with the existing use and as is considered to comply with the provisions of Policy CC1 of the Unitary Development Plan.

### **Visual Amenity**

With regard to the impact of the proposed development upon the character and appearance of the adjacent conservation area and listed building, the canopy is an existing structure and the agent has confirmed that this may be strengthened to support the proposed terrace but there is no new building proposed. The elevation facing Victoria Road at first floor level is currently covered by signage. The external alterations include the provision of new doors and a serving hatch to the elevation fronting Victoria Road. A toughened glass balustrade will be erected around the perimeter of the balcony. A hard wood decked floor will replace the existing corrugated metal roof of the existing canopy. On this basis, it is considered that the proposal will have a positive impact upon the character of the existing building and it is not considered that the proposal will have an unacceptable adverse impact upon the character and appearance of the adjacent listed building or the conservation area. The proposal therefore complies with the provisions of Policy EV1, EV2 and EV9 of the City and County of Swansea Unitary Development Plan (2008).

### **Residential amenity**

Turning to the impact upon the amenity of neighbouring properties, it is considered that since the application property is surrounded by other commercial properties, the introduction of an external seating area at first floor level will not have an unacceptable adverse impact upon the amenity of surrounding properties over and above that currently experienced due to the existing uses in the site vicinity. However, it is acknowledged that the existing use has opening hours that continue to 04.00 hours in the morning, and it is considered that to ensure that the external terrace does not give rise to any unacceptable noise and disturbance impact, the hours of use by customers of the external terrace should be restricted to between 8.30am and 11.30pm.



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### Other Issues

The concerns raised have been noted and material planning considerations relating to residential amenity and visual amenity have been addressed in the preceding paragraphs

### Highways & Safety

There are not expected to be any highway safety issues arising from the proposal.

### Conclusion

Having regard to all material planning considerations including the Human Rights Act, it is considered that the proposal will not have an unacceptable impact upon the visual amenities of the area, the character and appearance of the adjacent Listed Building and Conservation Area in compliance with the provisions of policies EV1, EV2, EV9 and AS6 of the City and County of Swansea Unitary development Plan 2008. Approval is therefore recommended.

### RECOMMENDATION

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The external terrace area at first floor level shall not be used before 08.30 am nor after 11.30 pm on any day.  
Reason: To safeguard the amenities of the occupiers of neighbouring properties.
- 3 Samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.  
Reason: In the interests of visual amenity.
- 4 Notwithstanding the details shown in the approved plans, no development shall take place until details at the scale of 1:5 of the proposed safety balustrade and fittings to the existing building shall be submitted to and approved by the Local Planning Authority. All works undertaken shall be in accordance with the approved details before the use of the terrace area commences.  
Reason: In the interests of visual amenity.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV9 and CC1.

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APPLICATION NO.

2014/1119

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

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

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

- 4 The applicant is advised of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which it is intended to display on the premises.

**PLANS**

Site location and block plan, 002 existing floor plan, 004 existing elevations, 006 exterior photos, 007 sections dated 4th August, 2014. Amended Plans - 003 proposed first floor plan, 005 proposed elevations dated 25th November 2014.

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PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 3

APPLICATION NO.

2014/1319

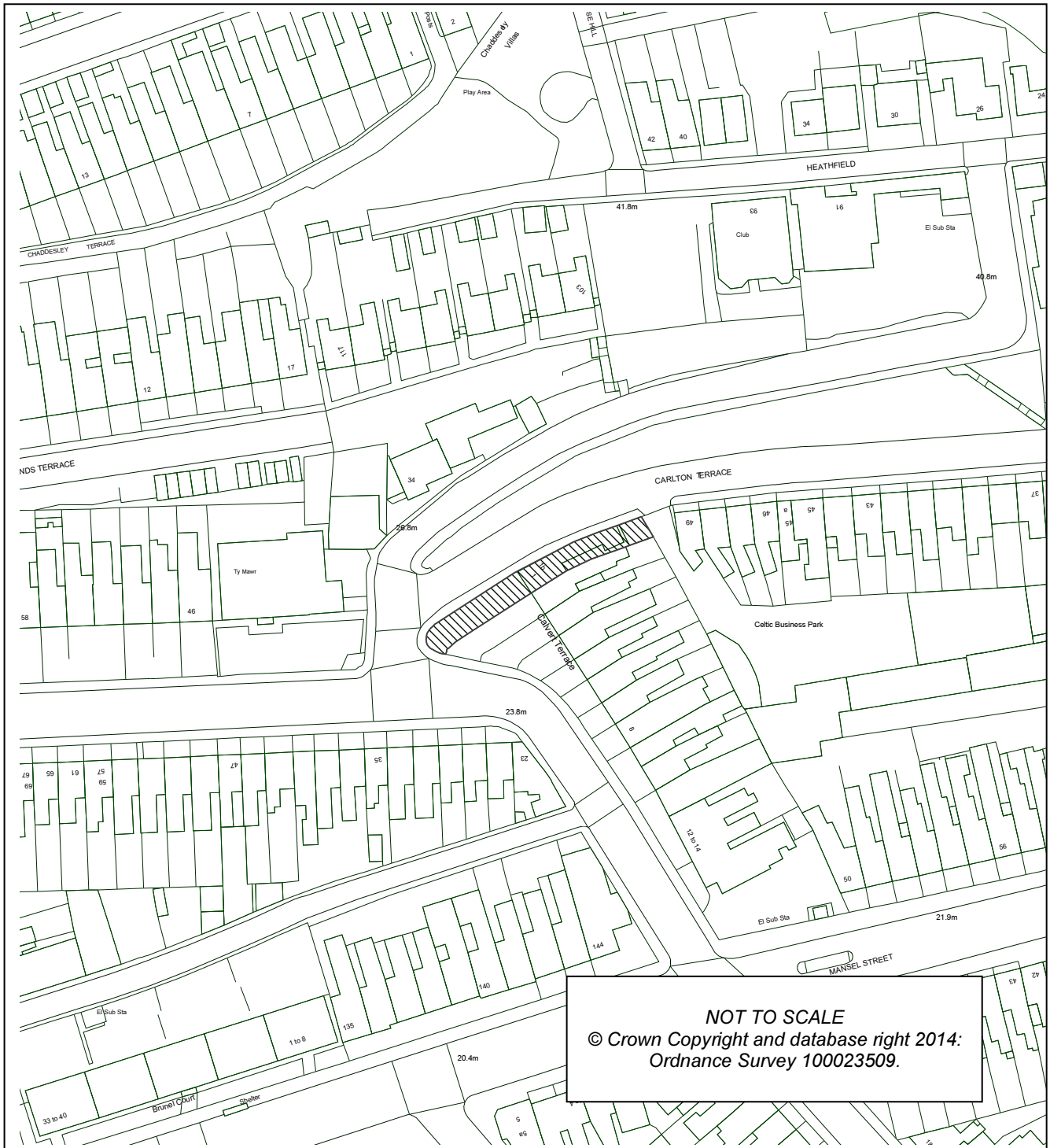
WARD:

Castle  
Area 1

**Location:** 1A/B Calvert Terrace Swansea SA1 6AY

**Proposal:** Retention of front hardstanding

**Applicant:** Mr P Wardman



## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 3 (CONT'D)

APPLICATION NO.

2014/1319

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, affect 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>
2014/0410	Retention and completion of a front hardstanding with a new vehicular exit onto Calvert Terrace. Decision: Refuse Decision Date: 13/06/2014

#### **RESPONSE TO CONSULTATIONS**

ONE NEIGHBOURING PROPERTY was consulted, no response received.

**Highway Observations:** Retention of front hardstanding

Additional details have been received and Drainage (CCS) have confirmed that they are satisfied that the method of drainage is appropriate for the site.

There is an element of boundary wall that had been removed at the southern end of the site and to prevent this access being opened up again it will be a requirement that the wall be rebuilt in prevent the access being used by vehicles. The wall should tie in with the wall construction on either side.

I recommend that no highway objections are raised to the proposal subject to the replacement boundary wall being constructed in accordance with details to be submitted to the LPA within three months of the date of this consent.

#### **APPRAISAL**

This application is called to Committee for determination at the request of Councillor Sybil Crouch

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ITEM 3 (CONT'D)

APPLICATION NO.

2014/1319

Full planning permission is sought for the retention and completion of a hard standing with drainage area, to the front of the property known as 1A/1B Calvert Terrace, Swansea. The entire front 'garden' area of the dwelling, which has long been converted to two separate flats, has been given over to a hard standing of tarmac to provide off-street parking for the property, in an area where on-street parking is limited to residents/parking permit holders only and which is rarely not at full capacity.

A previous scheme for this site showed the entire area given over to hard standing and with two points of access; one from Carlton Terrace to the north, and one directly onto Calvert Terrace where it meets Heathfield. 2014/0410 was refused for three reasons on 13<sup>th</sup> June 2014, viz:

1. The proposal, by virtue of the introduction of a hard standing at this location, results in an unacceptable form of development that has an adverse effect on the character and appearance of the property and streetscene in general, to the detriment of visual amenity, contrary to the provisions of Policies EV1, EV2 and HC7 of the City & County of Swansea Unitary Development Plan.
2. The proposal, by virtue of the introduction of the new exit at Calvert Terrace too close to the existing road junction, would create hazards to the detriment of highway safety. The proposal is therefore contrary to the criteria set out in Policy EV1 of the City & County of Swansea Unitary Development Plan.
3. The proposal, by virtue of the introduction of the impermeable surface, results in an unacceptable surface water run-off onto the adjacent highway, to the detriment of highway safety. The proposal is therefore contrary to the criteria set out in Policies EV1 and EV2 of the City & County of Swansea Unitary Development Plan.

The amended scheme seeks to address the concerns raised in respect of the earlier application and to overcome the reasons for refusal detailed above and, in support of the amended proposal, information/photographs have been supplied in respect of each aspect.

Firstly, it is the applicants' contention that the parking area, though visible in the streetscene, does not appear discordant given the existence of several other similar hard standing areas in the vicinity, which also contribute to the overall appearance of the streetscene. In particular, they point to the large parking area to the flats on the opposite side of the Calvert Terrace/Heathfield junction (Ty Mawr), as well as the staff parking area off Calvert Terrace for the Beor Wilson Lloyd Solicitors offices at Calvert House to the south.

In addition, the current proposal shows that the additional exit/access onto Calvert Terrace is to be blocked up and a dwarf wall reinstated, to match the existing low level wall currently surrounding the property. In this way, the applicants seek to overcome both the visual amenity impact detailed in reason 1 and the highway safety impact detailed in reason 2 for the refusal of the earlier application.

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ITEM 3 (CONT'D)

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2014/1319

In relation to reason 3, it is now proposed that part of the parking area (the south-western corner) is to be excavated to a depth of 300mm and filled with stone chippings to provide a drainage area within the site, in order to overcome the concerns expressed regarding the increase in surface water run-off from the property. In this way the hard surfaced area will drain within the site, in a natural soak away to the lower garden area.

In terms of the visual impact of the provision of off-street car parking, it is considered that whilst the applicants have indicated that several other parking areas already exist in the vicinity the current proposal does introduce a form of development which affects the character and appearance of the area. However, it is considered that suitable planting along the front and side boundary of the application site will reduce this impact and as a result, an appropriate condition is recommended. In addition, the proposed reinstatement of the dwarf wall to the Calvert Terrace elevation of the boundary would also assist in reducing the visual amenity impact of the secondary access/egress originally proposed.

The proposal now includes provision for drainage of the hard standing area to a soak away to be provided within the site, so that the hard standing area results in no additional surface water run-off onto the highway, thus negating that particular highway safety issue.

In terms of highways observations, the originally-submitted scheme was relayed to our Drainage & Coastal Management Section, who immediately sought additional drainage details from the agents. These have now been approved by that section, who have confirmed that they are satisfied that the method of drainage is appropriate for the site.

In addition, there is an element of boundary wall that had been removed at the southern end of the site and to prevent this access being opened up again it will be a requirement that the wall be rebuilt to prevent the access being used by vehicles. The wall should tie in with the existing wall construction on either side. The Head of Highways and Transportation recommends that no highway objections are raised to the proposal subject to the replacement boundary wall being constructed in accordance with the submitted details and the conditions attached hereto.

In conclusion, and having regard to all material considerations including the Human Rights Act, the amended proposal is considered to represent an acceptable form of development, complying with the criteria of Policies AS6, EV1 and HC7 of the adopted City & County of Swansea Unitary Development Plan 2008; and with the guidelines indicated in the adopted Supplementary Planning Guidance document A Design Guide for Householder Development" (2008).

### **RECOMMENDATION**

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

- 1 Within 3 months of the date of this decision, the parking area hereby approved/illustrated on the submitted plan shall be:
  - (i) constructed to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse, in accordance with the submitted details; and
  - (ii) be permanently maintained so that it continues to comply with the requirements of paragraph (i).

Reason: To ensure a satisfactory means of drainage.

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- 2 Within 3 months of the date of this decision, the boundary wall along the Calvert Terrace frontage shall be rebuilt in accordance with the submitted details. The wall should tie in with the wall construction on either side.

Reason: In the interests of visual amenity.

- 3 Within one month of this decision, a scheme for the landscaping of the site along the front and side boundaries of the site shall be submitted to the Local Planning Authority for its written approval. The landscaping scheme as approved shall be carried out in the first planting season following approval of the scheme. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies AS6, EV1 and HC7 of the adopted City & County of Swansea Unitary Development Plan 2008.

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

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

Further information is also available on The Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

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

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

- 3 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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ITEM 3 (CONT'D)

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The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition notice.

- 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, block plan dated 11th September, 2014

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**PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015**

**ITEM 4**

**APPLICATION NO.**

**2014/1729**

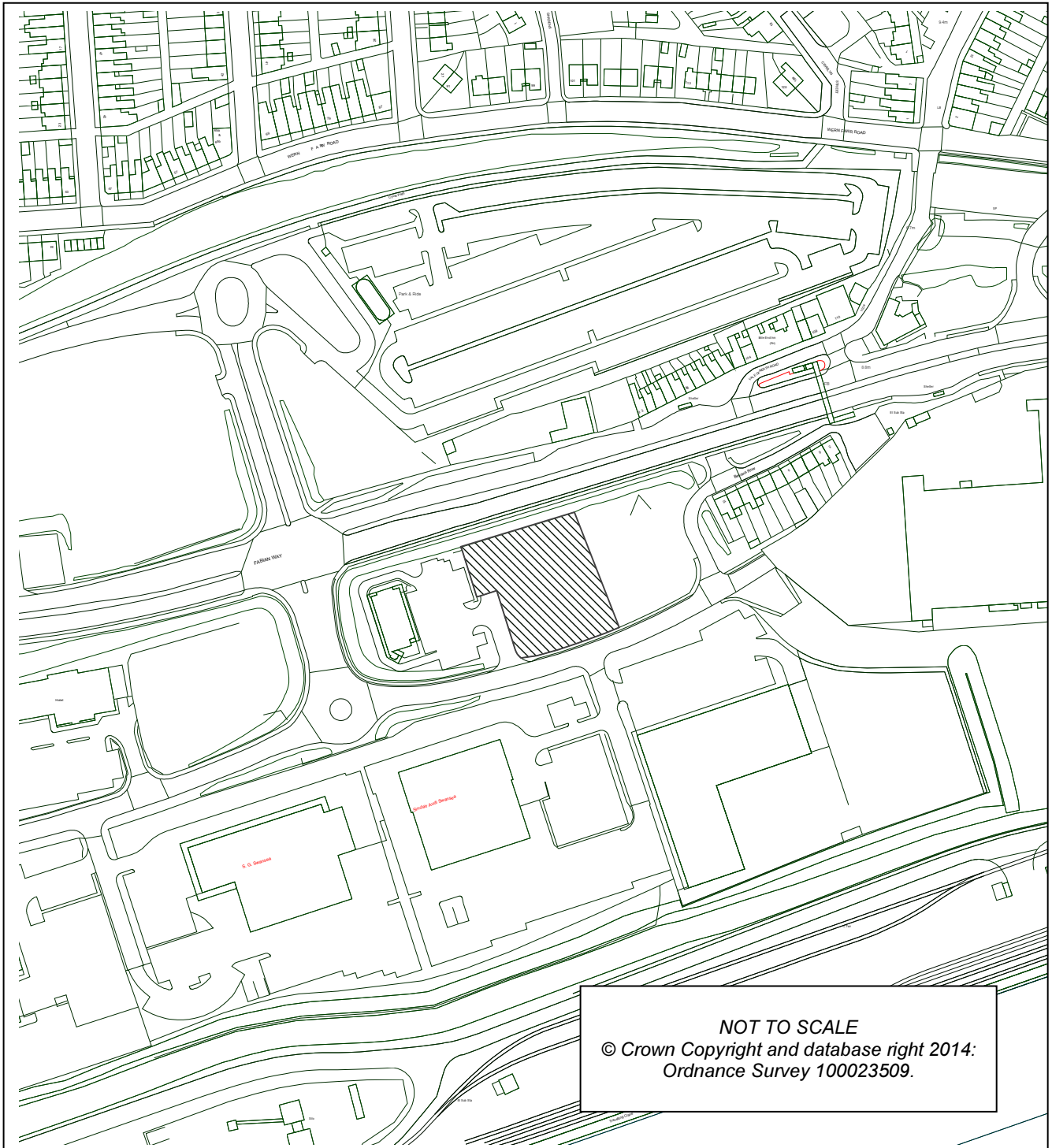
**WARD:**

**St Thomas**

**Location: Land South of Fabian Way, Swansea, SA1 8LD**

**Proposal: Construction of drive through retail coffee house (Class A3)**

**Applicant: Commercial Development Projects Ltd**



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ITEM 4 (CONT'D)

APPLICATION NO.

2014/1729

### **BACKGROUND INFORMATION**

#### **POLICIES**

##### **National Planning Guidance**

Planning Policy Wales (PPW) Edition 7 July 2014

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with the stated objectives of good design
Policy EV2	Siting of new development should give preference to the use of previously developed land over greenfield sites and should have regard to the physical character and topography of the site and its surroundings.
Policy EV3	Accessibility for new developments
Policy EC4	The acceptability of all retail development proposals will be assessed against the need for the development, where this is relevant to determination.
Policy EC5	Developments within district shopping centres
Policy EC6	Provision of appropriate small-scale local shopping and neighbourhood facilities in local shopping centres
Policy EC9	Retail development at out-of-centre locations will be resisted
Policy AS1	Development proposals to be located in accessible locations
Policy AS2	Design and layout of new developments

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
99/1627	ERECTION OF A PUBLIC HOUSE (CLASS A3) (OUTLINE) - (AMENDED PROPOSAL) Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 08/05/2000
A00/1035	Erection of 997sqm single storey food retail store (Class A1) formation of 72 space car park together with associated landscaping Decision: Refuse Decision Date: 12/12/2000
A01/0113	ERECTION OF 997 SQUARE METRE SINGLE STOREY FOOD RETAIL STORE (CLASS A1), FORMATION OF 73 SPACE CAR PARK TOGETHER WITH ASSOCIATED LANDSCAPING Decision: *HRP - REFUSE PERMISSION Decision Date: 06/03/2001
2005/1528	Construction of single storey foodstore with associated car parking and landscaping Decision: Refuse Decision Date: 31/01/2006

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 4 (CONT'D)

APPLICATION NO.

2014/1729

2006/1710

Construction of single storey foodstore with associated car parking and landscaping

Decision: Refuse

Decision Date: 23/11/2006

1. *The applicants have failed to demonstrate a clear need for the scale and type of store proposed on the application site. As such the proposal is considered to be contrary to National and Local Retail Planning Policy strategies and objectives for the promotion of established shopping centres as the most appropriate locations for retail development, in particular to Policies S1 and E8 of the Swansea Local Plan Review No. 1.*

2. *As a result of the applicants' failure to convincingly demonstrate that the scale of the proposed development is justified by unmet local top-up convenience goods shopping needs in the St Thomas / Danygraig /Port Tennant area, and the absence of any real evidence to demonstrate the application of a sequential approach to site selection, the application conflicts with the requirements of Swansea Local Plan Review No.1 Policies S1 and E8.*

3. *Levels of accessibility to the site by residents within the store's primary catchment area, particularly on foot and by bus are not good, and even accessibility by car, contrary to assertions of the applicants' agents, does not appear to result in any significant reduction in overall journey lengths, contrary to Swansea Local Plan Review No.1 Policies S1 and T1 and Policy T1 of the West Glamorgan Structure Plan Review No.2.*

4. *The development by virtue of its unacceptable scale, layout, design and external appearance, fails to adequately respond to the design requirements of this prominent gateway site on Fabian Way, the principal transport corridor into the City for the east. It fails therefore to meet the design standards required by Policies BE1 and E10 of the Swansea Local Plan Review No. 1, Planning Policy Wales and Technical Advice Note 12 (Design).*

### RESPONSE TO CONSULTATIONS

The application was advertised on site and the 11 residential properties in Bevans Row and 3 commercial properties were consulted individually. FOUR LETTERS OF OBJECTION (from 3 separate properties) have been received making the following points:

1. Bevans Row suffers from rubbish from the adjacent McDonalds.
2. The car park adj. to 5 Bevans Terrace is already awash with litter and there is a problem with rats. Development will make this worse.
3. Pollution and noise issues.

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 4 (CONT'D)

APPLICATION NO.

2014/1729

4. Starbucks is not needed in the area. A retail food store is required.
5. Same objections as against Lidl that was refused.

ONE LETTER OF SUPPORT from Hancock and Brown.

**Highway Observations** – Proposals are for the construction of a drive through retail coffee house for Starbucks (Class A3) with associated hard and soft landscaping, customer parking and vehicular circulation space, outside dining area and drive through facility.

The site is located opposite the existing McDonalds Restaurant lying to the south of Fabian Way. Access is off Langdon Road, a service road off Fabian Way which also serves McDonalds, a builders merchants, a national car franchise along with the former AWCO site and Bevans Row. There is no vehicular access from the site to Fabian Way via Bevans Row. The access road connects to Fabian Way via a major all direction traffic light controlled junction which also provides access to the Council's Park and Ride car park located on the north side of Fabian Way. The mixed use SA1 Swansea Waterfront development is located to the west of the site and other areas are allocated for employment uses to its south and east. To the east of the site the former AWCO works is being used by a number of industrial and distribution businesses utilising parts of the old factory buildings which have been subdivided into smaller units.

With the exception of Bevans Row therefore, the character of the area is exclusively commercial.

The site is currently vacant and undeveloped and is bounded to the north by a sloping landscaped bank down to Fabian Way, an adjacent site with trees and a row of terraced dwellings lies to the east. The boundaries are unaffected by the proposal.

### Proposed layout

The proposed layout shows access to the site will be via a shared unadopted access road currently serving McDonalds. The site is accessed / exited via an eastern continuation of Langdon Road using 1 access / exit point. Deliveries and servicing are made at present to the adjacent McDonalds Restaurant. The same road will be used for this application.

The drive through restaurant has a gross internal floor area of 207 sq. m and accommodates 57 covers. An external seating area is also proposed. 20 car parking spaces including 2 spaces for the mobility impaired, 2 motor cycle spaces and 2 cycle spaces will be provided set out with circulation space to accommodate drive through customers.

### Highway / Traffic considerations and access

Following consultations with the officers of the highway authority a Transport Statement has been prepared and submitted. The conclusions of this statement are that the development is well served by all modes of transport and will not have an adverse impact on highway conditions. Moreover because of the nature of the use which will attract almost exclusively existing traffic using Fabian Way, the net additional traffic generation onto the Fabian Way corridor will be nil or negligible.

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ITEM 4 (CONT'D)

APPLICATION NO.

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The development site is bound by the A483 Fabian Way to the north, industrial units to the east, Langdon Road to the south and a McDonald's drive through restaurant to the west. The proposal site is located adjacent to McDonalds and will share the existing access road which connects to Langdon Road. The site access is located approximately 150m from the Fabian Way / Langdon Road signal junction and approximately 2.5km from the centre of Swansea and benefits from a high level of accessibility via the highway network.

Regarding access by foot and cycle, the residential area of Port Tennant falls within an 800m walking catchment area. Sections of the industrial area to the south of the proposed development also fall within this catchment, consequently local employees in the area may visit the proposed development by foot. The nearest pedestrian crossing of Fabian Way in the vicinity of the development is a pedestrian bridge located approximately 200m to the east of the site linking the Port Tennant Park and Ride with the industrial area. There is also a second pedestrian bridge to the west of the Langdon Road / Fabian Way signal junction, located near Reginald Street / Port Tennant Road. National Cycle Network Route 4 runs along the northern side of the A483 Fabian Way and the north of the Park and Ride site.

The proposed site is also well served by bus with the nearest stops located on Fabian Way serving both east and westbound, located approximately 240m and 200m walk away. These stops are currently served by multiple bus routes and the walking routes contain pedestrian footpaths and a pedestrian bridge across Fabian Way.

The proposals site will be served by extending the existing vehicular access road used by the adjacent McDonalds drive through restaurant. As site access is to be shared, the visibility splays are accepted as suitable. All vehicles will undertake their manoeuvring within the site, entering and exiting via the existing vehicular access in forward gear. Pedestrian and cycle access will be provided via the existing vehicular site access.

### Traffic data

The submitted Transport Statement provides an assessment of the proposed development trip generation and effect on local junctions with the network peak hours assumed to be Weekday 08.00 - 0.900 and 17.00 - 18.00, Saturday peak hour 12.00 - 13.00. The study network for the traffic effects of the proposal looked at site access/Langdon Road priority junction, Langdon Road roundabout and Fabian Way/Langdon Road/Park and Ride signal junction. The calculated peak trip rates indicated that the traffic effect at the site is modest during peak hours and negligible elsewhere, assuming that 90% of traffic is diverted from the nearby road network and 10% is pass-by i.e. road users who currently pass the proposal site on their journey and alter their trip to visit the proposed establishment before continuing with their journey.

### Conclusion

The area is commercial in the main and the proposed site is accessible by a choice of transport modes. There is local concern with regard to environmental concerns in the main however concern with regard to possible increased traffic has been mentioned. The assessment of the peak hour proposed net traffic effect concluded that the net traffic effect would be modest to negligible. It appears highly likely that the majority of customers will be drawn from passing traffic and that which diverts from Fabian Way before returning to its usual journey. Access to the site is existing and established and parking arrangements are acceptable.

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 4 (CONT'D)

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### Recommendation

I recommend approval.

### Addendum to original observations.

Negotiations have been ongoing regarding the impact of the development in terms of new trips on Fabian Way, i.e. those that are not already on the network but make a special trip solely to the drive through.

The comprehensive Transport Study that was provided concluded that the majority if not all the trips were linked to existing trips and not new to the network. There was no concrete evidence put forward to support that assumption and in light of that a financial contribution was sought towards the joint NPTBC/CCS Fabian Way corridor study programme of works. This is based on the estimated number of new trips compared to the existing flows on Fabian Way (which are approx. 33,000 per 24 hours).

A figure of £33,750 has put forward and this is considered by the Head of Highways and Transportation to be an appropriate sum in view of the trip generation projected.

I therefore recommend that a sum of £33,750 be secured under a section 106 Agreement and that money is to be provided prior to beneficial use of the A3 use commencing.

### **APPRAISAL**

The application has been called by Cllr Clive Lloyd to consider the potential impact on the local community through increased traffic and the environmental impact.

The application seeks full planning permission for the construction of a freestanding drive through retail coffee house (Class A3) with associated access and car parking, on land to the north of Langdon Road, Swansea, adjacent to the existing McDonalds drive through / restaurant. The vacant application site sits on the eastern side of the McDonalds and is a relatively flat rectangular area of land, elevated above the level of Fabian Way. The site is not part of the allocated area of the strategic mixed use area of SA1 Swansea Waterfront under Policy EC2 of the Unitary Development Plan (UDP).

The development would utilise the existing McDonalds vehicular access from Langdon Road with a one way access looping around the proposed restaurant to utilise the proposed drive through facility. The restaurant building would be set back from the frontage with the car parking (20 spaces) located in front of the entrance to the building. The materials for façade are indicated to include metal cladding panels, brick and render. The restaurant area would incorporate glazing panels overlooking the car parking area and external seating / dining area. It is indicated that the coffeehouse is intended to be operated by Starbucks and would employ 20 full time and 15 part time jobs.

### **Main Issues**

The main issues for consideration relate to the acceptability of the proposed land use when assessed against the provisions of adopted Development Plan Policy and Supplementary Planning Guidance as well as the visual impact, impact on highway safety and residential amenity. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### **Development Plan Policy**

Planning Policy Wales indicates that when determining planning applications for retail, leisure or other complementary functions they should best be located in established town, district local and village centres. Where a need is identified for such new developments, local planning authorities should adopt a sequential approach to the selection of sites, the first preference should be to town centre locations, and if not available then consideration should be given to appropriated edge of centre sites.

Policy EC4 states that the acceptability of all retail development proposals will be assessed against the need for the development and sets out the tests for which applications will be assessed. As well as standard tests of establishing need and demonstrating sequential suitability of the site proposed, the policy requires the developer to demonstrate the unit is in a highly accessible location and that the proposed scheme is unlikely to have any material adverse impact upon the vitality or viability of established shopping centres. Policy EC5 relates to designated district centres, which clearly this is not. Whilst EC6 is relevant in respect of providing small-scale local shopping neighbourhood facilities in order to meet local need. Areas of local shopping provision deficiency include St. Thomas / Danygraig, however, it has to be recognised that the location is relatively isolated and is not easily accessible from the local community. In relation to retail policy EC9, there is a clear presumption against further out of centre shopping development within the County boundary, with the exception of retail warehouses engaged in the sale of bulky goods not normally sold on the high street. The policy emphasise that further development of Class A1 retail floorspace at out-of-centre sites will generally be resisted in the interests of sustaining and improving the vitality, viability and attractiveness of the City Centre and other established shopping centres. This echoes the overarching objective set out in UDP Strategic Policy SP6 that new retail development best located within the City Centre or district shopping centres will not be supported at out-of-centre sites. The form of retail development proposed would therefore need to be justified at this location and would considered against the above policy context.

The vacant site is not allocated for any specific uses in the Swansea Unitary Development Plan (UDP) and therefore has the status of 'white land'. The site does lie adjacent to but outside of the SA1 Swansea Waterfront strategic mixed use area under Policy EC1. The land to the south of the site is allocated for employment land under Policy EC1, and has largely been developed for bulky goods sales, motor vehicle showrooms and the drive thru McDonalds.

The drive thru coffee house is a Class A3 use rather than an A1 retail use and such uses are intended to complement rather than compete with other A3 uses within the city centre or district centres. Moreover, it is argued that the layout and accessibility requirements of a drive thru facility cannot readily be provided within a traditional city or district centre and as such there are no sequentially preferable sites within or on the edge of the city centre suitable for this form of development. It is considered therefore that the construction of the drive through coffee house at this location would not unacceptably conflict with the prevailing development plan policy.

### **Visual impact**

In considering the details of the scheme, Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design whilst Policy EV2 states that the siting of new development should give preference to the use of previously developed land over greenfield sites and should have regard to the physical character and topography of the site and surroundings by meeting specified criteria relating to siting and location.

The design and external appearance of the drive through coffee house building is contemporary with a quality, size and appearance which is considered commensurate with other buildings along this section of Langdon Road including several car dealerships. A further relevant criteria of Policy EV1 is that new development does not result in a significant detrimental impact on local amenity by reason of visual impact, loss of light or privacy, disturbance and traffic movements. At present the nearest residential properties to the site are located approximately 45 – 50m away to the east along Bevans Row. It is not considered that the proposal will adversely affect the residents of Port Tennant on the basis of the distance and intervening features such as Fabian Way. The Head of Pollution Control has raised no objections to the proposals and has recommended planning conditions to control ventilation and fume extraction and also plant and machinery in order to provide a measure of protection to residents in Bevans Row in particular. Additionally, a condition is included for a scheme of litter control to be included in the scheme.

Having regard to the foregoing, it is considered that proposal is in accordance with the requirements of UDP Policy EV1. Furthermore, as per the provisions of Policy EV2 the site utilises previously developed land and the nature of the development is such that it would not result in conflict with the criteria forming part of that policy.

Policy EV3 of the UDP requires new development proposals to provide access and facilities for all; provide satisfactory parking in accordance with Council adopted design standards; contribute to a high quality public realm by improving pedestrian linkages with adjoining spaces and attractions and be accessible to pedestrians, cyclists and users of public transport. In this respect the Design and Access Statement confirms that the site and building is designed to be Disability Discrimination Act compliant. It is considered therefore that the proposal would provide acceptable access facilities for a development of this nature and would accord with the provisions of UDP Policy EV3.

### **Transportation**

The proposed layout shows access to the site will be via a shared unadopted access road currently serving McDonalds. The drive through restaurant has a gross internal floor area of 207 sq. m and would accommodate 57 covers, with an additional external seating area. The car park would accommodate 20 car parking spaces including 2 spaces for the mobility impaired, 2 motor cycle spaces and 2 cycle spaces will be provided set out with circulation space to accommodate drive through customers. This would adhere to guidelines and would be acceptable.



## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 4 (CONT'D)

APPLICATION NO.

2014/1729

The application has been accompanied by a Transport Statement. The conclusions of this statement are that the development is well served by all modes of transport and will not have an adverse impact on highway conditions, and that due to the nature of the use which will attract almost exclusively existing traffic using Fabian Way, the net additional traffic generation onto the Fabian Way corridor will be nil or negligible.

The submitted Transport Statement provides an assessment of the proposed development trip generation and effect on local junctions with the network peak hours assumed to be Weekday 08.00 – 09.00 and 17.00 - 18.00, Saturday peak hour 12.00 - 13.00. The study network for the traffic effects of the proposal looked at site access/Langdon Road priority junction, Langdon Road roundabout and Fabian Way/Langdon Road/Park and Ride signal junction. The calculated peak trip rates indicated that the traffic effect at the site is modest during peak hours and negligible elsewhere, assuming that 90% of traffic is diverted from the nearby road network and 10% is pass-by i.e. road users who currently pass the proposal site on their journey and alter their trip to visit the proposed establishment before continuing with their journey. The Head of Transportation indicates that the assessment of the peak hour proposed net traffic effect concluded that the net traffic effect would be modest to negligible. It appears highly likely that the majority of customers will be drawn from passing traffic and that which diverts from Fabian Way before returning to its usual journey.

### Fabian Way Corridor Transport Study

The Preferred Transport Strategy (PTS) resulting from the Fabian Way Corridor Transport Study was adopted by Council's Cabinet on 21 October 2010. The PTS was to agree transport improvements for the Fabian Way corridor, so that these can inform future bids for funding and decisions on transport improvements required for future developments. In addition to public sector funding, the approved PTS seeks to ensure that private sector developments each contribute to improve transport links on a corridor wide basis secured through planning / legal agreement.

Future developments will result in increased demand for transport and associated traffic growth. Based on the findings a scheme was prepared and costed with the intention that developments contribute to improved transport links on a corridor wide basis. The minimum scheme identified to enable future traffic growth to be accommodated provides a variety of measures in the region of £25 million. It is reasonable therefore to share this cost over developments which are going to be directly contributing to flows on Fabian Way. The scheme covers a series of short, medium and long term requirements involving a number of transport related objectives relating to public transport, walking and cycling route improvements, revised speed limits, transport hubs, capacity improvements, bridges, park and ride, new junctions and travel plans to name but a few of the items proposed.

As indicated the PTS makes reference to private sector investment secured through planning conditions and development agreements. To this end the Head of Transportation has requested that an appropriate financial contribution be sought in accordance with the above prior to beneficial occupation of the proposed development.

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ITEM 4 (CONT'D)

APPLICATION NO.

2014/1729

The site of this drive through coffee house is located in an area where all traffic will access off Fabian Way. Whilst the Transport Statement concluded that the majority if not all the trips were linked to existing trips and not new to the network, there was no concrete evidence put forward to support that assumption and in light of that a financial contribution was sought towards the joint NPTBC/CCS Fabian Way corridor study programme of works. This is based on the estimated number of new trips compared to the existing flows on Fabian Way (which are approx. 33,000 per 24 hours). A figure of £33,750 has been agreed with the applicants and this is considered by the Head of Highways and Transportation to be an appropriate sum in view of the trip generation projected. This will need to be secured under a Section 106 Planning Obligation.

### Conclusion

In conclusion, the proposal would accord to the prevailing development plan in land use terms and in design terms the proposal is considered to complement the existing adjacent dealerships and would represent a satisfactory form of development which complies with the criteria of Policy EV1 of the Unitary Development Plan and would have an acceptable impact on the residential and visual amenities of the area. Approval is therefore recommended.

### RECOMMENDATION

**It is recommended that planning permission be granted subject to the conditions indicated below and the applicant entering into a Section 106 Planning Obligation in respect of:**

- \* **Payment of a financial contribution of £33,750 towards the Fabian Way Corridor Study measures to be paid prior to the beneficial occupation of the proposed development**
  - \* **Section 106 Management & Monitoring fee (calculated as 2% value of the obligation i.e. 2% of £33,750 = £675**
- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
  - 2 The development shall be carried out in accordance with the following approved plans and documents: site location plan -(0-) 01, proposed site plan - (0-) 02 K, elevations - (0-) 03, Planning Statement, Design & Access Statement, Transport Statement dated 13th November, 2014.  
Reason: To define the extent of the permission granted.
  - 3 Samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.  
Reason: In the interests of visual amenity.

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ITEM 4 (CONT'D)

APPLICATION NO.

2014/1729

- 4 Unless otherwise agreed in writing by the Local Planning Authority, no superstructure works shall take place without the prior written approval of the Local Planning Authority of a scheme for the hard and soft landscaping of the site, which shall include any enclosure details. The landscaping scheme shall incorporate screening to Fabian Way and 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.

- 5 The car parking spaces shall be provided prior to the beneficial use of the development commencing, and each space shall be laid out with dimensions 4.8m length by 2.6m width and the disabled car parking spaces shall comply with the British Standard for the same. The car parking spaces shall be retained for such purposes at all times.

Reason: To prevent indiscriminate parking along the public highway and to comply with the City & County of Swansea Supplementary Planning Guidance for Parking Standards (March 2012).

- 6 If, during development, any site contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval for the strategy from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: It is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

- 7 Unless otherwise agreed in writing by the Local Planning Authority, no development approved by this permission shall be commenced until a detailed drainage scheme for the site showing how foul water, surface water and land drainage will be dealt with has been submitted to and approved by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to this system, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of pollution to controlled waters and to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

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ITEM 4 (CONT'D)

APPLICATION NO.

2014/1729

- 8 Foul water and surface water discharges must be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public foul sewerage system. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.  
Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.
- 9 The use hereby permitted shall not commence, until a scheme of ventilation and fume extraction, including full details of the equipment to be installed for that purpose, has been submitted to and shall be approved in writing by the Local Planning Authority. The approved scheme shall be fully installed prior to its use being commenced.  
Reason: To prevent any nuisance from fumes and/or cooking odours to the occupiers of neighbouring premises.
- 10 The total noise emissions from plant serving the subject premises when measures at a position one metre from the nearest affected window of the nearest noise affected residential premises should be controlled to a level of 5dBA below the lowest measured background noise level (LA90, 15 min). All plant must have a noise characteristic which will attract attention to itself.  
Reason: To ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and/or the surrounding area.
- 11 Prior to the commencement of development, a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The CPMP shall be implemented in accordance with the approved details.  
Reason: In order to minimise the potential nuisance impacts to local residents and businesses from construction activities.
- 12 A scheme for the provision of litter bins to serve the development (which shall include a method of waste separation) shall be submitted to and approved in writing by the Local Planning Authority and the scheme as approved, shall be implemented when the use commences and shall be maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To avoid unsightly litter in the interests of visual amenity and to enable the recycling of waste materials.

### INFORMATIVES

- 1 The Construction Pollution Management Plan shall include the following:
- Demolition/Construction programme and timetable;
  - Detailed site plans to include indications of temporary site offices/compounds, materials storage areas, proposed compounds, delivery and parking areas etc,
  - Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;

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ITEM 4 (CONT'D)

APPLICATION NO.

2014/1729

- d) An assessment of construction traffic generation and traffic management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
  - e) Proposed working hours;
  - f) Principal Contractor details, which will include a nominated contact for complaints;
  - g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
  - h) Details of on site dust mitigation measures having regard to BPM;
  - i) Details of on site noise mitigation measures having regard to BPM;
  - j) Details of waste management arrangements (including any proposed crushing/screening operations);
  - k) Notification of whether a Control, of Pollution Act 1974 (Section 61) Notice is to be serviced by Principle Contractor on Local Authority.
- 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: (Planning Policy Wales (PPW) Edition 7 July 2014, UDP Policies EV1, EV2, EV3, EC4, EC5, EC6, EC9, AS1 & AS2)

### PLANS

01 site location plan and block plan, 02K proposed block plan, 03 elevations dated 13th November, 2014

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PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 5

APPLICATION NO.

2014/1678

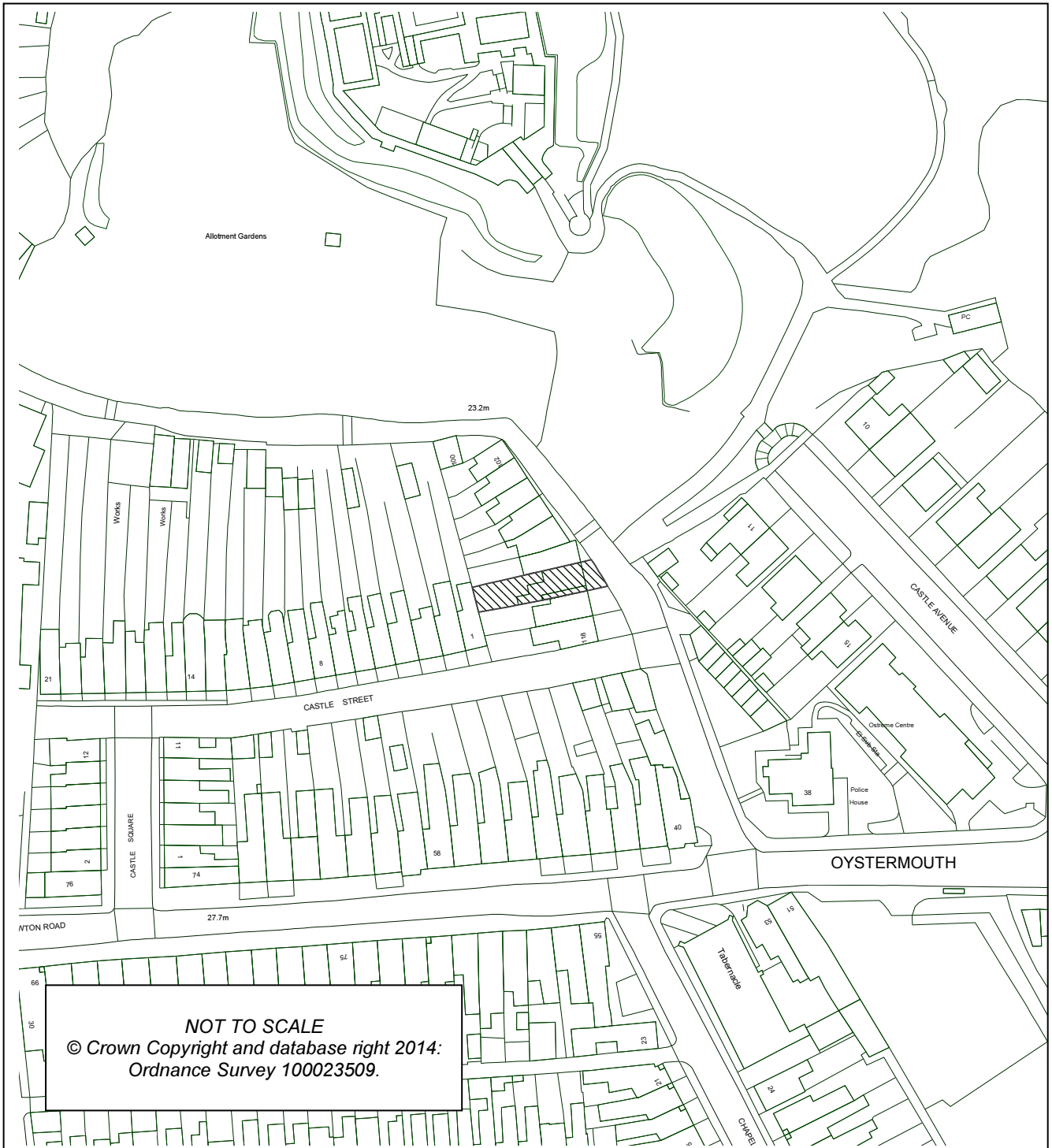
WARD:

Oystermouth

**Location:** 114 Castle Road, Mumbles, Swansea SA3 5TA

**Proposal:** Two storey part single storey rear extension, rear dormer, and front bay window (amendment to planning permission 2013/0249 granted 23 April 2013)

**Applicant:** Mr Ross Blyth



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ITEM 5 (CONT'D)

APPLICATION NO.

2014/1678

### 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 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, affect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

App No.	Proposal
2013/0249	Two storey part single storey rear extension, rear dormer, and front bay window Decision: Grant Permission Conditional Decision Date: 23/04/2013

#### RESPONSE TO CONSULTATIONS

**Neighbours** - Three properties were individually consulted, and ONE LETTER OF OBJECTION has been received, which can be summarised as follows:

1. Overbearing and out-of-scale in comparison to other developments on the road and in the area
2. Loss of garden area compared to previous extension, impacting the open aspect of the neighbourhood.
3. Sealing off an access passageway giving access to the back gardens of both 114 and 116 which, I feel, is contrary to the Swansea Unitary Development Plan EV3 policy on accessibility.
4. The alleyway between the two houses is also an original feature of the properties and, indeed for most of the property's life, access to the passageway was demarcated by two walls at the front of the property - a long standing part of the characterful design of the properties in the road.
5. The developments at 114 have already led to the destruction of an ancient wall separating the properties which was constructed from rubble removed from Oystermouth Castle (Grade 1 listed). It is my understanding that the castle-derived rocks making up this wall were disposed of in landfill by the developers of 114.

**Council's Head of Highways and Transportation** - confirms that there are no highway-safety or parking implications with this proposal and recommends no highway objection.

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2014/1678

### APPRAISAL

This application is called to Committee for determination at the request of Councillor Anthony Colburn, who has also requested that Members undertake a site visit.

Full planning permission is sought for a part two storey, part single storey rear extension, rear dormer and front bay window at 114 Castle Road, Mumbles. The application is a re-submission following an earlier approval, under application reference number 2013/0249 granted on 23<sup>rd</sup> April 2014.

A recent visit to the site confirmed that the works are substantially complete in terms of the rear extensions and the dormer, and this application therefore seeks retrospective consent to complete the development in line with the drawings forming part of this application.

The front bay window proposed as part of this application is identical to that previously approved. The rear dormer window now proposed is of the same size and general appearance to that previously approved, although there is a minor and inconsequential change to its fenestration.

The extension now being proposed is however slightly different to the previously approved extension. Whilst the general design and appearance of the extension now proposed is very similar to what was previously approved, its footprint is different and slightly larger than the original extension.

The previously approved layout plans showed the extension having an irregular footprint, which still allowed the rear yard of the neighbouring property known as 116 Castle Road to be accessed via the covered passage between No's 114 (the application building) and 116 (the objector's property). However, the extension now proposed shows a more conventional shaped footprint, which effectively 'blocks off' the rear yard of No 116 from the existing passageway.

The size, design and siting of the proposed alterations to the approved scheme are not considered to result in any adverse visual amenity impact upon either the application property or on the wider streetscene.

Due to the very limited nature of the amendments to the already approved extensions/alterations, the proposals are not considered likely to result in any adverse impact upon neighbouring occupiers in terms of overshadowing/loss of light, overbearing physical impact or overlooking.

The letter of objection from the neighbour refers to the proposal being overbearing and out-of-scale with other developments in the area, and to it impacting upon the open aspect of the neighbourhood. However, it is not considered that the scheme would result in any more of an impact in these respects, than the scheme approved under application reference 2013/0249.

The blocking of the passageway, in prohibiting access for the objector to her rear curtilage, is a civil matter and that needs to be resolved between the parties concerned. The removal of a wall does not require planning permission.



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In conclusion, and having regard to all material considerations including the Human Rights Act, the amended proposal is considered to still represent an acceptable form of development which complies with the criteria of Policies EV1 and HC7 of the adopted City & County of Swansea Unitary Development Plan 2008; and the guidance provided in the adopted Supplementary Planning Guidance document 'A Design Guide for Householder Development' (2008).

### RECOMMENDATION

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

- 1 The materials used in the development hereby approved shall match those of the existing building.  
Reason: In the interests of visual amenity.
- 2 The flat roof above the part single-storey rear extension hereby approved shall not be used as an amenity area or roof garden unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To safeguard the privacy of the occupiers of neighbouring residential properties.

### 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 of the adopted City & County of Swansea Unitary Development Plan 2008 and the guidance contained in the Supplementary Planning Guidance document 'A Design Guide for Householder Development' (2008).
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 3 Birds may be present in this building and grounds. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
  - Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild birdCare should be taken when working on buildings particularly during the bird nesting season March-August.

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- 4 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 5 **PARTY WALL ETC ACT 1996**  
The developer is advised that the provisions of the Party Wall etc. Act 1996 may be applicable to the proposal and is advised to seek appropriate advice prior to any work commencing on site.
- 6 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition notice.

### PLANS

HG-12-83-OS site plan and block plan, Hg-12/83-P01 existing floor plans and elevations, HG-12-83-02 rev B approved floor plans and elevations, HG-12-83-P103 proposed floor plans and elevations dated 4th November 2014.

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ITEM 6

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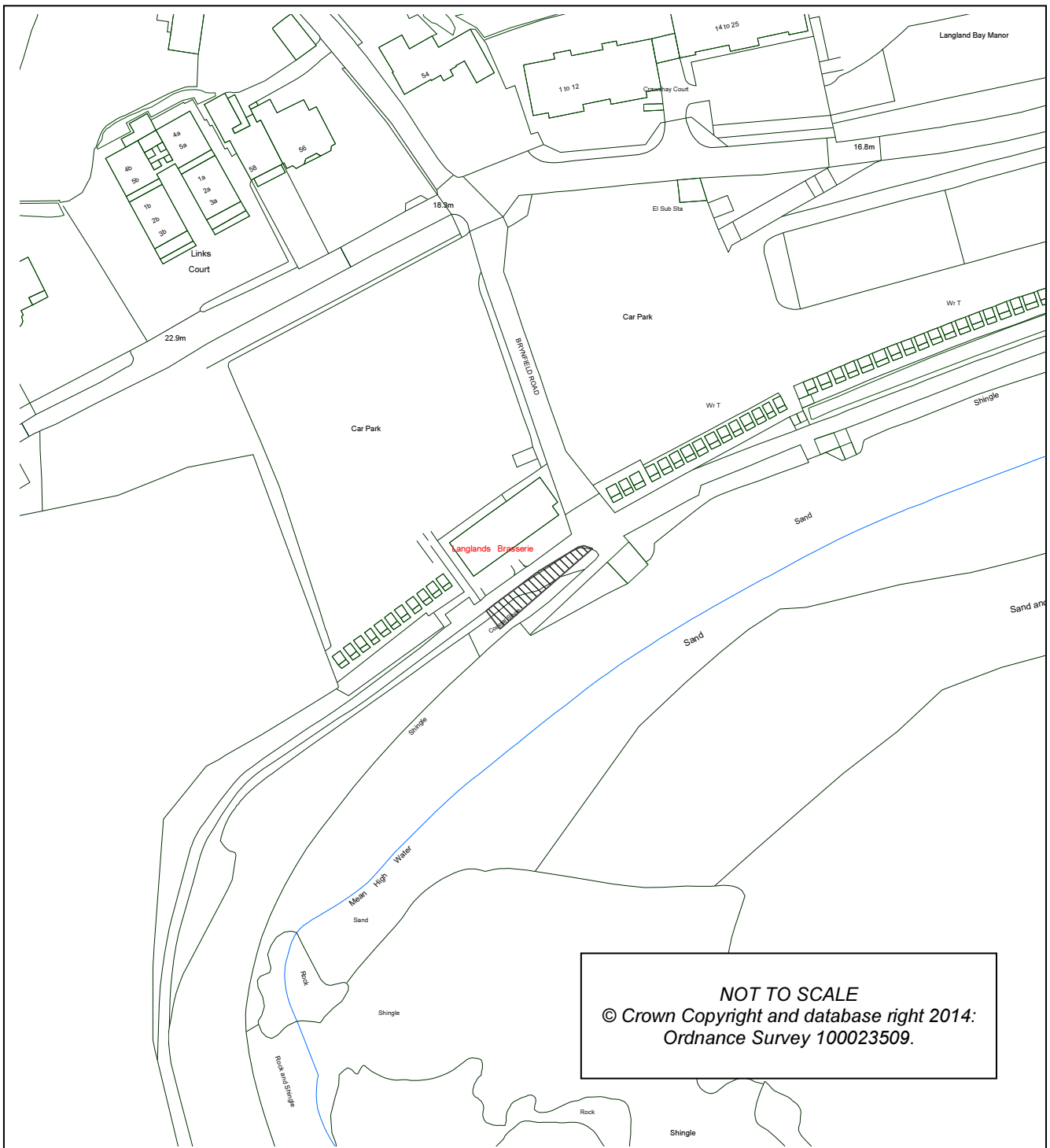
WARD:

Newton

**Location:** Land in front of Langlands Brasserie Ltd Brynfield Road Langland Swansea SA3 4SQ

**Proposal:** Construction of new decked terrace on land to the south of the coastal path opposite Langlands Brasserie

**Applicant:** Parklime Properties LTD



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### BACKGROUND INFORMATION

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS3	Accessibility - Protection of public rights way. (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 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 EV4	New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy 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 EC16	New or improved recreational tourism facilities at specific destinations around Swansea Bay are proposed which capitalise on the seafront aspect and contribute towards the regeneration of the Bay. Between these areas of appropriate development, the emphasis is on safeguarding and enhancing the environment of the Bay and other waterfront areas. (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)

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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)

### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
90/0859/11	DEMOLISH EXISTING RAMP + CONSTRUCTION OF NEW RAMP AT NEW LOCATION AND CONSTRUCT WALL TO RETAIN BANK ERODED BY STORMS. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 21/08/1990

### RESPONSE TO CONSULTATIONS

The application was advertised on site and in the press, as the site is situated within the Langland Conservation Area. TWENTY TWO LETTERS OF OBJECTION were received, along with THREE COMMENTS, which can be summarised as follows:

#### Objections:

- How can this application be considered when it is for a piece of land that is owned by the Council? If the Council are going to sell the land, then should it not be an open sale?
- I can see nothing in the plans to show that consideration has been given to the risks of hot drinks and food being carried by staff/public across the coastal path. Should this not be the subject of a risk assessment and a matter to be taken into consideration by the planning committee?
- I object to the proposed plans as the three platforms will cater for approx. 60 people. That means that waiters will be crossing back and fore across the path, which on a lovely day is full of people, either walking to the Langland point or back from it and a lot of those people are children who could quite easily have a tray full of boiling water over them. This would be an accident waiting to happen.
- There are enough restaurant and takeaway facilities on Langland Bay already. Everything added reduces the charm of the bay.
- Since the designation of the Langland Bay Conservation Area (2/7/1992) I am not aware of any greenfield site having been developed. Both the Brasserie and the Lifeguard clubhouse were constructed on the sites of former buildings. If this current application is approved it will not only set a dangerous precedent, but will question the value of the Conservation Area status and indeed the hard work of the former City Council in achieving this designation.

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- Apart from developing a greenfield site, the present application is located on the seaward side of the coastal path. This in itself is surely bad planning. The Surfside Café at the eastern end of the bay, although on the seaward side of the path, is well below eye level and, in any event, was constructed in 1915, well before the requirement of any planning consent.
- If this application is approved, there will doubtless be considerable problems resulting from the continual crossing of the public footpath by waiters carrying loaded trays of hot food to service a dining/drinking area catering for almost eighty customers. As you will be aware, this section of the coastal path is perhaps the busiest due to it immediately adjoining access to and from the main car park. The prospect of Brasserie staff negotiating their way with trays of hot food and drink across the flow of the public, including running children and dogs being walked, is surely an issue for health and safety.
- It was only within the last couple of years or so that Langland experienced serious problems with under-age drinking on the beach and promenade. These problems were only resolved after hard work and close liaison between the Council and the Police. In view of this, I believe that the sight of authorised drinking on an open platform virtually on the beach, would give entirely the wrong message to visiting teenagers. This concern is increased because it is my understanding that the Brasserie has a pub licence which means that the platform could, at any time, become a 'beer garden'.
- Finally, I would quote an extract from the findings of the Welsh Office Inspector dated 9/10/1991, when he dismissed the appeal for the building of holiday flats at Langland. In referring to the day huts he said "... *they are a vital feature of this small unsophisticated local seaside resort which a great many people prefer to the more brash and highly commercialised facilities elsewhere ...*". I believe that this extract perfectly describes Langland and that the proposed development on the seaward side of the coastal path will detract considerably from the present ambience of the bay as portrayed by the Inspector.
- In view of the above I urge you to refuse the application and thus preserve the unique character of Langland which is much loved by residents and holiday makers in its present form.
- This application should be rejected as the proposed site is within the Langland Conservation Area and would set a dangerous precedent.
- Its location on the other side of the Coastal Footpath from the Brasserie Restaurant is ridiculous, as all the food and drinks for customers on the proposed platforms would have to be carried across this footpath, "dodging" the many users!
- With the current storms and high tides, it would be very vulnerable to the sea, particularly in the winter.
- This development would not be in keeping with the natural beauty of our local beaches and it is within an AONB.
- If the Brasserie wants more tables to serve more customers, then they should negotiate with Swansea CC for use of some of the adjacent car park – not the view – but the food and drinks would be the same!
- This is an entirely inappropriate development on a site that is immediately adjacent to the public path and across from the licensed premises. This is the equivalent of a greenfield site with uninterrupted view of the beach and sea for all who have visited, or habitually walked and enjoyed the area.

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- The building of platforms and subsequent placing of tables, chairs and the highly likely umbrella sunshades too (thereby interrupting the view) would be a travesty for all who love and cherish the unspoilt nature of one of Gower's splendid seaside locations for walking.
- Add to this the to and fro' movement of patrons, waiting staff and the inevitable carrying of plates of food, beverages etc. It is in all probability a future accident spot with collision/tripping when encountering running children, dogs, or those with poor sight, such as myself.
- Broken glass, crockery, spillages of food and liquids are all possible hazards and are easier avoided if this unfortunate and undesirable planned application are not given further consideration.
- The present location of the brasserie is more than adequate and development enough for such a delicate conservation area.
- The proposed design of three outdoor platforms raised just above the beach would spoil the natural curve of the bay as seen from the east side and would also spoil the view for the people who have paid for a ten year lease on the holiday chalets.
- I believe that to extend the present site to accommodate an extra 80 people with a pub licence would inevitably bring problems of underage and excessive drinking, which residents experienced in the past when the Langland Bay Hotel was in existence. It would also deter families with young children who want to spend a pleasant and quiet day out from visiting the bay.
- I understand that this proposal is to cater for approximately 80 diners. These diners will be served from the kitchen of the present restaurant located on the opposite side of the public footpath. This means that to serve eighty customers there will be a constant flow of waiters crossing the path with loaded trays of hot food and drink.
- You will no doubt be aware that this section of coastal path is extremely busy due to it immediately adjoining the access to and from the main car park. The prospect of Brasserie staff negotiating their way with heavy trays across the congested flow of the public, including running children and dogs on leads, is daunting i.e. an accident waiting to happen.
- If an accident were to happen, even if the Council were not legally liable, they would, I believe, be criticised for condoning the use of Council land including the public footpath and, of course, for approving the planning application.
- The Brasserie was erected on the site of a former café which was built on a greenfield site well before 1992 when the area was designated as a Conservation Area.
- If permission is granted for use of the area on the seaside of the cliff path, adults, children and dogs walking past would be vulnerable when waiters are carrying trays across from the café. There could be serious accidents and presumably the Council would be responsible. This is a very busy part of the bay with visitors accessing from the car park and walkers from the cliff path.
- While the Brasserie is very well run at present, it must be remembered that it has a pub licence and not a restaurant licence. Any future manager might not be as controlling as the present one, which could result in rowdy undisciplined behaviour.
- I am a great supporter of the business and regularly go there. In all the times I have been there, I have always been able to get a seat, so I seriously question whether there is a need to provide further seating, particularly in the proposed location.

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- Building anything on the sea-side of the promenade will significantly affect the visual impact of the bay. The architects took great care to ensure that the Brasserie blends in with the chalets and it does so very effectively. Any form of decking with the necessary protective balustrades has the potential to ruin the visual impact of that part of the bay.
- Operating any form of extension across the public footpath will cause disruption to promenade users and could be a potential safety issue, with hot drinks and glasses being carried across an area where children play and many people walk without shoes.
- The license granted originally was, as I recall it, to serve alcohol only with food. This has never been followed. If the decking were to go ahead, the risk the Langland Bay Residents fought hard to avoid of the premises become a public house significantly increases. Alvaro is without question a very responsible and respected restaurateur. As with all businesses its in his interest to grow his business for profitability but also for potential sale. If the growth of the footprint of the business is allowed to proceed and a less responsible operator was to acquire the premises, the potential negative impact on the beach and the community will be irreversible.
- I would therefore urge the planning committee not to support this development as the Brasserie in its current form provides a good balance of a public utility and sustainable business.
- The proposed development would be on a greenfield site in the Langland Bay Conservation Area, designated as such by Swansea City Council in 1992. It is also adjacent to Gower Area of Outstanding Natural Beauty which encompasses the western end of Langland Bay.
- The proposed development would be on the seaward side of the footpath, which is unprecedented. The Surfside Café on the eastern side of the bay is below eye level and was built about ninety years ago, before planning consent was required. It would encroach into the arc of the bay, thus blighting the view from east and west. The footpath is part of the All Wales Coastal Path opened in 2012, the world's first such path.
- There would be a conflict between the passage of pedestrians (including children, dogs, wheelchairs and disabled walkers) and Brasserie staff serving food and drink to customers across the path, which would pose serious health and safety risks.
- Firstly, the Brasserie is rarely in need of more seating, if ever, and I do not think this is necessary.
- The visual impact on the bay would be detrimental in my opinion.
- Langland is a Conservation Area, I think this should mean developments as this should be disallowed.
- It would certainly change the ambience of this popular natural bay, especially if alcohol is served until late in the evening. In the past there were problems related to alcohol in Langland.
- I question the safety aspect of the public in general, elderly, children and animals running and playing along the public footpath whilst food and drinks are conveyed directly across the same path.



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- On Health and Safety Grounds: It appears that customers of Langland Brasserie sitting on the proposed new terraces will have to be served by means of drinks or possibly hot food being carried across a public foot path which also forms part of the Wales Coastal Path. This path is heavily used throughout the year but there is particularly heavy use in the summer months, when families with small children and push-chairs use the path alongside Langland to access the beach from the car-park, and also use the ramp below the proposed terraces to reach the beach. To carry food and drink from the restaurant to the car-park would involve negotiating a steep set of steps from which there is not a clear line of sight onto the footpath. To me the combination of laden trays, busy footpath (and one popular with dog walkers) and lack of clear vision can only suggest accidents involving the spillage of hot food and the scattering of broken glass.
- On amenity grounds: Visually, as presented by the mock-up photographs, the proposal does not appear to make too much of an impact on the look of the beach. What is not shown is any lighting or protection from the weather on the platforms. There cannot be many days of the year when the provision of bare tables is going to attract enough customers to make the project worthwhile. There is bound to be pressure to clutter the site with more or less permanent structures for shelter and lighting. These would have very negative impact on the view of the bay. I would also have reservations about siting what may be little more than a beer garden a few feet above a family beach.
- Langland Bay is part of a Conservation Area and also, I believe, a greenfield site. Whole lines of tables and chairs would completely spoil the look of the seaward side of the path, not to mention the beautiful view.
- There would be serious implications as far as Health & Safety is concerned. The prospect of waiters continually crossing the path carrying hot meals on trays doesn't bear thinking about. As you know, Langland Bay is very crowded in the summer and there would be many children and people with dogs walking along the path. Accidents would be inevitable, especially as the waiters would always be in a hurry.
- I understand that the Brasserie has a pub licence. If the present owners sold the restaurant in the future, it could become a pub. This would mean that we residents would be subject to disruption, noise and drunken behaviour once the pub had closed and people made their way home – just as we were many years ago.
- We appreciate that there would be benefits to the present tenants of Langland Brasserie of extra seating at times of high demand, and that potential users/clients would have an enjoyable experience. We also appreciate that efforts have been made by a sympathetic architect to develop a proposal in keeping with the existing developments inland of the coastal path. Nevertheless, any development seawards of the coastal path into an area which has (according to the application) no record of previous use will change the nature of the Bay, affecting views and the overall experience from the coastal path approaching from both east and west and from the beach itself.
- Furthermore, should the application be granted, we are concerned that it could set a precedent for further development westward of the proposed site into the larger elevated area between the coastal path and the sea.
- I wish to place on record my objection to this application. Not only will the decking affect the beach visually, it could also attract anti-social behaviour. Currently, patrons of the brasserie are seated in an enclosed space. Decked areas away from the main restaurant would be far less easy to monitor and control and it would be relatively easy for people to bring their own alcohol, or to drink to excess.

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- The present owners run the business well, but should they decide to sell at a future date, it is possible new owners would have less experience. In any case, when the brasserie is closed, the decked areas could well attract rowdiness and destruction as has been seen with the huts at Langland.
- I do not believe there is a need for additional seating. Apart from one or two hot weekends during the summer, it is always possible to find a table. During the winter, spring and autumn and most weekdays during the summer, there are seats
- As this area lies within the designated AONB, this grassy bank with shrubby growth on the seaward side of the prom above the beach should not be harmed or altered on conservation grounds. Langland Bay is a major tourist attraction because of the beautiful surroundings to the beach and building decking on this attractive public space would severely impair the green aspect of this area. The architect's claim in their report that 'the foliage existing ... is of little interest' and that planting monoculture *escalonia* in front of decking with lighting will 'bring biodiversity' is a claim I find baffling and one which shows their general lack of understanding of ecological conservation issues.
- If permission is given for this decking it would require major works involving piling, drainage and concrete terracing to make it secure, though the architect's plans and report omit any details of this. Their poetic but meaningless claim that 'the decks will project beyond their structure line, bringing a lightness about their aesthetic allowing them to float above ...: gives no information about the base support structures and their aesthetics. The damage to the green area on the seaward side of the prom would therefore be permanent. Even if the structures proposed were viewed as pleasant by some at the moment, memories of the hideous remnants of the pre-war structures at Rotherslade remind us it would involve major efforts to reinstate this landscape in the future.
- The applicant says that they will provide waiter/waitress service to the 80 covers on this decking area. This part of the prom is extremely busy with young families running from the car park to the beach, walkers, joggers, families with buggies and dogs all going along the prom to and from the Point, and hikers and joggers on their way around to Caswell. The thought of young waiters and waitresses negotiating their way with trays of hot food and drinks through the crowds would surely raise serious H&S issues?
- I object to this proposal primarily because it will be out of keeping with this strip of land around the western edge of Langland Bay. From the steps around to Caswell Bay, the land between the Wales Coast Path and the sea is wild and, apart from some seats, not built on. I fear that if the proposal is allowed, this piece of land and the rest of the "vacant" and "redundant" (I quote from the design statement) land along the coast, would be vulnerable to building proposals. This land is neither vacant nor redundant; it is wild Gower.
- As to the scheme itself, the idea of putting a highly used public footpath through a restaurant would be preposterous. But that, in effect, is what is being proposed. Waiting staff will need to negotiate their way down the steps and through the walkers to cross to the decks. There will be a significant safety issue with hot drinks, plates of hot food and glasses of beverage being carried across a busy foot path. Probably the main, but unmentioned, need for these decks is to provide for smokers who are currently relegated to the rear of the property. As the prevailing wind comes from the sea, the smoke will tend to be blown towards those customers in the exiting part of the restaurant thereby spoiling their experience.

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- There will be an increase in litter and the risk of broken glass falling onto the beach below. In due course there will no doubt be proposals for a roof, then walls and then you have a significant structure.
- The following refers to some specific comments in the D&AS:  
“offering further opportunity to appreciate the views to the ‘fine sandy bays and limestone rock’”. (P9, B1). This is obviously wrong. At present, the public can, and do, stand on this bank to admire the views. This opportunity will be lost as the decks will be for the sole use of the restaurant.  
“Its visual presence in this prominent area will have a positive impact over the existing, bringing biodiversity and year-round visual interest” (P 12, conclusion). No built structure can have a positive impact over wild country. To declare that biodiversity will be improved by introducing Escallonia - a South American plant - demonstrates a fundamental misunderstanding of the term. There is no visual interest in chairs and tables.  
“Overall the proposal is one which will be of benefit to the Bay”(P 12, conclusion). There is no benefit to the bay, only to the proposer.
- To summarise, this proposal is detrimental to the Character of the Gower AONB as outlined in the Conservation Area Statement (CA:024).
- Langland Bay is in a Conservation Area
- The proposal is on a greenfield site. The previous development replaced an existing building.
- The National Coastal Path would have to be crossed to access the site.
- Width of path – very narrow.
- Path provides access to the coast and beach and is used by the disabled, elderly, children, dog walkers, ramblers and joggers i.e. very busy.
- Waiters crossing the path would be a hazard.
- Trays of drink and food being carried across the path would certainly be a Health and Safety issue.
- The development would have a negative impact on the nearby beach huts which are rented out.
- Langland Bay is in a Conservation Area and greenfield site and is one of the loveliest and most popular beaches in Gower. That side of the Bay would be completely spoilt visually and for residents, walkers, visitors and chalet occupants – the public in general.
- The applicant already holds a pub licence which could mean the site degenerating into a beer garden. The restaurant noise, disruption and possible drunken behaviour from this would be appalling.
- Surely the applicant’s premises are large enough already. After all there are two other cafes in Langland Bay and one in Rotherslade Bay.
- I wish to register my strongest possible objection to the planning application to appropriate an area of public land on the South side of the public footpath between Langland Bay and Caswell Bay, immediately opposite the existing Langland Brasserie, to provide an 80 seater food and drink outlet.
- **CONTRAVENTION OF PLANNING POLICY:**  
This land lies within the designated Gower Area of Outstanding Natural Beauty (AONB), and the Langland Conservation area. The application should be rejected on these two grounds alone as the proposed development breaches the Council's own Planning Policies applicable to both these designations.

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I draw your attention to Planning Policy EV26 which requires the conservation and enhancement of the AONB's landscape and scenic beauty. EV26 states that

"Any development within the AONB should:

- (i) Be of the highest standard of design, and
- (ii) Retain and where possible enhance existing landscape features."
- (iii)

A study of the data supplied with this application demonstrates that the proposed development plainly fails on both counts.

- The extensive decking and timber cladding proposed design in this exposed seafront area, which will have to be supported on suitably substantial steel &/or reinforced concrete foundations (details of which are surprisingly omitted from the applicants plans) hardly qualify as a high standard of design.
- The proposals include demolishing the existing natural landscaping of the site and replacing it with Mickey Mouse planters of Escallonia evergreen shrubbery, a totally alien plant species to this location, and which the application erroneously describes in 'Section 19: Boundary Treatments' as 'indigenous'. To suggest that these proposed planter contained 600mm high Escallonia shrubs will "blur the separation between the existing Coastal path and the proposed new area" as is stated in the introduction to the Design and Access Statement submitted with the application is plainly hyperbolic nonsense.
- DETAILS OF THE APPLICATION:  
The Application contains some significant errors of fact and information. The boundary planting misinformation described above is but one example. Another major misleading statement is 'Section 20: Employment' which states that the proposed development will result in an increase in number of 12 permanent employees by the Langland Brasserie. This is plainly a preposterous exaggeration. What is proposed is an open air, unprotected decked area surrounded by an open tensioned wired balustrade, in an exposed seaside location. It will essentially be unusable during the months of October to March inclusive for anything but hot soup and drinks to be consumed by blanket wrapped, all weather clothed, customers. To suggest that 12 additional restaurant personnel will be employed on a permanent, all year round basis to service this area, defies logic.
- 'Section L: Environmental Sustainability', of the accompanying Design and Access Statement implies that lighting will be required in the new area. In addition, presumably substantial sun umbrellas and portable heaters will need to be used as are used on the patio of the existing Brasserie. Thus to suggest that views across the bay from the Coastal path over this development will be 'unencumbered' (Section AS: Constraints and opportunities, Design and Access Statement) is plainly incorrect.
- One major problem that will arise if this development proceeds is the interaction between users of the Coastal path and Brasserie staff servicing the up to 80 customers using the new decked area. I know of no other food and drink development where the service routes cross such a busy public footpath, at its busiest at the time the new decked area will be most used. There can be no doubt that these service activities will infringe on the free and unfettered usage of the Coastal path by the general public, reason in itself to refuse this application.

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2014/0026

### Comments:

Many thanks for the opportunity to comment regarding the above application. Could I firstly say that I and many others in the area will no-doubt look forward to enjoying the seafront seating that this proposed development would provide, and that I personally am not especially concerned over relatively minor additional development at this bay, especially given the types of material etc. used in the construction. I do however have 2 observations:

- The proposed site has very restricted depth and it appears from the plans that it is intended that the construction take up the full extent of the non-paved area, beginning on the coastal path side at the very edge of the narrow tarmac coastal path (taking in the existing grass verge of perhaps 600mm). In summer the path is very busy and I am concerned that with the flows along the path in both directions, the flows in and out of the 2 directly adjacent entrances to the restaurant and the decks, and the additional flow of waiting staff across the path could well result in this area becoming a point of significant congestion.
- During the recent storms I together with many others have stood (outside of opening hours) in the restaurant outdoor seating area watching the waves break onto the coastal path. There is little doubt that in future the decking area could well be damaged in storms. If those constructing the deck are prepared to risk this then this is clearly not an issue, but if the long-term result is an application to the council to improve the coastal protection here to help avoid damage to the deck then that is clearly a matter of concern.

### The Gower Society

- The whole sweep of the Langland Bay frontage is renowned for its uniformity of small chalets, the simulated chalet roof line of the Brassiere and feeling of a non-commercialised Victorian promenade. The addition of the proposed decking will protrude into the frontage of existing development and compromise the feeling described above. Adding to the actual construction, we will then see tables and parasols that will compound this problem. If allowed where will the next application come from?
- The fact that a well-used coastal footpath will pass through the space, in between the brassiere and the decking serviced area, will result in a conflict of interests between walker and serving customers. There may be Health and Safety issues here.
- There is little doubt that such an area attached to the brassiere will be popular on fine days. However, we have no knowledge as to how often the existing frontal area is full to capacity to justify such an unsightly extension towards the sea.
- We have received a number of calls from local members who are very concerned about this proposal and it is essential that the application is 'Called In' to Area 2 Committee. We, therefore, have no alternative but to object to this aspect of the application and ask that you take the above points into account when arriving at your decision.

**Mumbles Community Council** – objection due to its visual impact on the Area of Outstanding Natural Beauty. Concern regarding hot food and hot and alcoholic drinks being carried over the coastal footpath. Health & Safety issues.

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ITEM 6 (CONT'D)

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Council's **Head of Highways and Transportation** comments - The provision of an external decked area will not have any adverse impact on the adopted highway. I recommend that no highway objections are raised.

Council's **Ecologist Officer** comments - The site falls within the Langland Bay to Mumbles Head and Mumbles Hill SINC. Please add a Bird informative to any grant of planning permission.

### **Amended plans – 22<sup>nd</sup> July 2014**

Following negotiation with the agents and the receipt of amended and corrected plans on 22<sup>nd</sup> July 2014 further consultations were undertaken, including all previous objectors, and THREE LETTERS OF OBJECTION have been received which can be summarised as follows:

- The area is of natural beauty and a conservation area. In my opinion it will cause a negative visual impact, not enhance the bay and will reduce the charm and ambiance.
- The safety issues involved would be congestion causing accidents when pedestrians mainly elderly, children and dogs are crossing the path up and down against staff serving hot beverages and meals across the flow.
- We already have three cafes/restaurants in our bay serving a variety of cuisine and beverages. The choices are adequate for the numbers of clients (weather permitting)
- The recent storm damage is not an isolated event. This structure may look amazing when newly built, but wood, glass and materials deteriorate rapidly in this position almost on the beach and may look a shabby eye sore if not maintained properly which is expensive.
- AONB and conservation areas will be worthless if planning is constantly agreed.
- I do object to the amended proposal. Apart from the objections raised in my previous letter, I think it would be an eyesore.
- Problems would still arise with staff crossing the pathway with loaded trays and customers using the main building as well as the extension over the beach.
- There is also the possibility of storm and high tide damage. After all the sea wall suffered serious damage not so long ago.
- The present premises are already large and the business appears to be well run. However, should the present management change – it could be a different matter altogether.
- Langland is already well provided with cafes and would not be enhanced by this proposal.
- The proposed changes made to the original application, in particular increasing the density of customer seating, renders the revised application more objectionable than the original.

### **Amended plans – 2<sup>nd</sup> October 2014**

Further negotiation with the agent resulted in the receipt of a further set of plans which were received 2<sup>nd</sup> October 2014, and re-consultations resulted in SIX LETTERS OF OBJECTION and further comments from the Head of Highways and Transportation, which can be summarised thus:

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ITEM 6 (CONT'D)

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- My previous objection to the original proposal still stands for the amended plans. None of my concerns/objections have altered with the amended proposal.
- Staff will still have to cross a busy footpath, which the public use considerably - especially in fine weather when the proposed deck would be busy if it were allowed to be built.
- The many, many people who use this footpath deserve better than to have to dodge waiters crossing with food and drinks. Accidents waiting to happen!!
- We do not think that the open-air restaurant area of the Langland Brasserie should be extended across the public path to the sea side.
- This is the second set of amendments to the original application for this project which was first tabled in January 2014, amended in July 2014, and now further amended in October 2014. Three versions in ten months does suggest that not only was the original application flawed but that the subsequent amended applications were and are attempts to botch up this dubious proposal.
- The original application proposed 78 seated places in the development, the first amendment 88, the current amendment 64, which are variations of 17% and 27% from each of the two previous proposals. Such significant alterations do not provoke confidence in the overall integrity of the proposal, the whole purpose of which presumably is to increase the covers, and income, of the Brasserie at the expense of the public amenity.
- I have studied the revised plans provided, HG -12-74-00 to 04 and the main change appears to be the new proposals for the walls separating the development from the adjacent public footpath, and between the two deck levels within the development. As with the previous applications any engineering detail is conspicuously absent from the drawings, for example as to how the cantilevered "floating timber deck" of the lower level is to be supported. Of more concern is the "reinforced cast concrete retained [retaining?] wall" which separates the development area from the public footpath and which at its junction with the access steps is directly adjacent to it. No foundation details are shown for this reinforced concrete retaining wall which will require significant foundation works in the existing made up ground which will inevitably impinge on the public footpath during construction, and at its eastern junction with the access terrace will have to be constructed under this footpath.
- With the exception of these foundation concerns, my objections to the original proposal of January 2014, and the amended proposal of July 2014, were detailed in my letters to you of 9th February 2014 and 13th August 2014, and these are still valid. I enclose copies of both these letters.
- **CONTRAVENTION OF PLANNING POLICY:** The proposed development lies within the designated Gower Area of Outstanding Natural Beauty (AONB), and the Langland Bay Conservation Area. The proposed development breaches the Council's own planning policies applicable to both these designations. In particular Planning Policy EV26 requires the conservation and enhancement of the AONB's landscape and scenic beauty. EV26 requires "any development within the AONB to be of the highest standard of design, and must retain and where possible enhance the existing landscape features". The details of the proposed development as outlined in the amended drawings of October 2014 plainly do neither.
- The Application Form, and the Design + Access Statement HG12.74, appear to be unchanged from the original versions, and my comments on the Details of the Application listed in my previous two letters of objection remain valid, and I refer you to the copies of these letters which I include. In essence these include:

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ITEM 6 (CONT'D)

APPLICATION NO.

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- **DETAILS OF APPLICATION:**

The claim (Application Form: Item 20: Employment) that the development will result in an increase of 12 in the number of permanent employees is plainly specious. The terraces will be essentially unusable on climatic grounds for at least 6 months of the year from October to March.

- The Design + Access Statement: Section L implies that lighting will be used on the terraces, and presumably sun umbrellas (as currently used by the Brasserie) and portable heaters. To suggest that views across the bay from the coastal path adjacent to this development will be "unencumbered" is plainly false. When the new terraces are in use the interaction between users of the coastal path and the Brasserie staff servicing the up to 64 customers using the terraces will be fraught with problems. Which other food and drink operation in Swansea has its service route crossing a popular and busy unrestricted public footpath, which will be at its busiest when the terraces will be most in use? Thus this development will infringe on the free and unfettered usage of the coast path by the general public.
- As far as I can see, the amended plans just make minor alterations to the original application and make no attempt to address the substantive objections that have been raised and which, therefore, remain.
- I'm aware that this is a late comment but I'm a keen visitor of Langland and I have only today seen the planning notice. I think this is an awful proposal, effecting wildlife, the historical view and the enjoyment of this important bay and coastal path. Is it realistic even to expect staff to carry trays down 2 flights of steps dodging users of the coastal path in between? The brasserie has a very nice terrace already. Can't they be happy to leave it as that without spoiling the view further?

**The Gower Society:** We refer to the above revised application and have the following comments to make:

1. Our original and subsequent comments relating to this proposal still stand and we can see no valid reason to change our views.
2. The question of the coastal footpath remains and whilst slightly less conspicuous, it would still create a serious change on the current landscape and historical view of the bay.

**Head of Highways and Transportation** – amended plan – no highway objection.

### **Amended plans – 2<sup>nd</sup> December 2014**

The final set of amended plans, received 2<sup>nd</sup> December 2014, show the incorporation of a disabled access ramp into the scheme, following comments from Officers regarding the previous lack of such provision. No further consultations were undertaken as the amendments were not considered to result in a substantial alteration to the previously shown scheme.

In addition to the above consultation responses, however, the Planning Department's **Conservation Area Team** have been involved during the whole process of the application, providing comments on the initial submission and attendance at the meetings, discussions and negotiations with the agents, providing detailed comments on the application at each stage. These comments are incorporated into the appraisal below.



## APPRAISAL

This application has been called to Committee for determination at the request of Councillor Tony Colburn, in order to assess safety considerations, aesthetic effect and strong public concern. Councillor Colburn has advised that the local member, Councillor Miles Thomas, is aware of his request and has also requested that a site visit be undertaken by Members.

Full planning permission is sought for the construction of a two-level decked area to the front of the Llangland Brasserie site, off Brynfield Road, Llangland, on an area of sloping grassland on the opposite side of the 'Promenade' footpath. The land is in Council ownership and it is proposed that the land be leased from the Council.

The site itself comprises a narrow, roughly triangular, sloping area of grassland, lying in front of the Llangland Brasserie building, and between the existing promenade to the north and the beach to the south. The western part of the site abuts a further parcel of vegetated land which runs between the curving Promenade path (leading to the western headland and beyond) and the beach at Llangland. To the east, the site adjoins a wide set of steps which provides access from the promenade to the beach. Immediately in front of the site (south) is a sloping access ramp which runs from the side of the steps and provides additional/alternative access to the beach.

The area in front of the Llangland Brasserie therefore acts as a gateway transition between the rural character of the Wales Coastal Path to the west, the low-key and relatively un-commercialised nature of the raised promenade to the east and the access to the beach beneath this. The Llangland Brasserie and its existing external terraced area lie on the opposite side of the coastal path, behind a sloping retaining wall measuring approximately 2-3m in height, and faced with an irregular rubble stone masonry finish.

The proposal comprises an expansion to the outdoor seating area available to the Llangland Brasserie, and will allow the provision of 8 four seat and 6 two seat tables on the lower deck, with 6 four seat tables on the smaller upper deck (up to 64 seats). The main access to the seating area is proposed in a centralised location from the promenade into the middle of the decked area. This would align with the main steps leading down from the raised outdoor seating area directly outside the Llangland Brasserie. A wheelchair access ramp is also proposed, some 5m further along the coastal path than the main access.

The rear upper deck is to be stepped down from the Promenade footway, with stone retaining walls, planting and glazed panels forming its northern edge. A further run of stone wall to the south of this rear deck, will form the backdrop of the larger, lower decked area which is to be finished to the front with glazed balustrade/safety panels. Precise details of the balustrade, glazing and stone walls are to form part of future submissions for approval and these details will be secured by means of a suitably worded condition attached to any grant of planning permission in this instance.

The main issues for consideration in this instance are the impact of the proposed development on the visual and residential amenities of the immediate and wider areas, and on the tourism and recreational values associated with both the Llangland Bay area and the wider AONB. These will be assessed against the criteria of adopted UDP Policies and SPG documents.

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Those UDP policies particularly relevant to this proposal are: EV1 - General Design Principles; EV2 – Siting and Location; EV3 – Accessibility; EV4 – Public Realm; EV9 - Development in Conservation Areas; EV21 – Rural development; EV26 – Gower AONB policy; EC16 – Swansea Bay Recreational and Tourism Facilities; EC17 – Rural Tourism; and AS3 – Public Rights of Way.

The site lies within the designated Langland Bay Conservation Area and the character statement for this area states:

*“The coastal area lies within the designated AONB and is also part of the Heritage Coast. It is the most intensely used coastal tourist and recreation area in Gower, offering a varied seascape of fine sandy bays and limestone rock. The popular coastal footpath between Limeslade and Caswell Bays runs directly along the bay front and is in need of some upgrading.*

*A unique feature of the Bay is the abundance of small summer chalets dating from the early 1920's which are used in the main as shelter facilities for bathers. They run intermittently along the foreshore for over a mile.*

*Langland Bay's special character and appearance are due to this combination of fine coastal scenery, accessible sandy beaches and a relatively un-commercialised seafront, epitomised by the extensive bathing-hut sites. This small but popular seaside resort is visually 'framed' by the mature woodland which forms the backcloth to the bay. The gradation from sea to sand, promenade to beach-hut, hotels and flats to residential area above within the woodland setting, allows the resort to nestle within the bay rather than dominate it. "Green" areas still predominate visually; buildings, with a few exceptions, remain subservient”.*

The above statement declares that the area has a relatively un-commercialised seafront and that the existing gradation of all of the various elements making up the resort allows this to nestle within the bay, which is predominantly 'green' in nature. This would suggest that development along the seafront should generally be resisted. However, in this instance, it is considered that the proposals represent a minor form of development which, sensitively designed, would be complementary to the established character of the area and would support a local business in a manner which would provide a level of activity in the public realm which is appropriate to the area as a coastal tourism and recreation destination, in accordance with Policies EV1, EV4, EV9, EV21, EV26, EC16 and EC17 of the adopted Unitary Development Plan.

The proposed decks sit in an elevated position above the beach, which increases the visual prominence of the development. However, the decks now proposed have been made more subservient than those originally proposed, by decreasing their height and lowering them into the sloping ground levels, with a stepped access down from the coastal footpath. This, it is considered, has helped the development nestle into the proposed site and retains the characteristic open views from the Wales Coastal path out to the sea. Thus, whilst it is recognized that the site utilizes previously undeveloped land, it is considered to be acceptable, particularly as no previously developed land is available for the proposal, as advocated by Policy EV2.

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It is noted that the finally amended scheme now provides access for wheelchair users and, it is noted that the main brasserie site also provides access ramps for wheelchair users. Therefore, wheelchair users visiting the brasserie are provided with a suitable means of access to the main building and the outdoor area immediately surrounding it, and will also now be able to use the upper decked area being proposed. The proposal is therefore considered to comply with UDP Policy EV3.

The proposal was also amended following concerns expressed by the Planning Department's Conservation Area Team, that the easternmost tip of the scheme would have been highly prominent on approach from both the east and north. The lower deck has therefore been reduced in length at its eastern end, in order to minimise its visual impact when approaching from Brynfield Road to the north and along the coastal path to the east. This reduction has also allowed for a greater separation of the development from existing signage on the corner of the site, which in turn allows for additional planting at this location to help create a softer edge to the proposals when viewed from the north and east.

Whilst precise details have not yet been agreed, the proposals put forward for enclosing the front of the lower deck include glazed panels and handrails and this is considered to provide a suitable level of enclosure whilst maintaining visual penetration and wider views of the Llangland Bay area. Indeed, the lowering of the decked areas almost to the existing ground levels and contours of the open grassed area, and the incorporation of such a means of enclosure would ensure that when not in use, the vista from the beach towards the seafront area at Llangland will appear close to what presently exists i.e. a stone wall construction in front of and below the promenade footway. Even when in use, the design of the decked area and its siting in the slope of the grassed area means that views both from the promenade footway towards the beach, and from the beach and slipway towards the seafront would be minimally affected and those panoramic views maintained.

Finally, given the established character of the Llangland Bay Conservation Area as an 'un-commercialised seafront' as well as the relatively prominent nature of the site and its close proximity to the adjacent Wales Coastal Path, the visual impact arising from the subsequent use of the proposal must be carefully controlled. As such, a condition should be attached to any grant of planning permission to prohibit the use of parasols and/or umbrellas within the decked area, as these would likely adversely impact upon the visual qualities to which the current proposal has sought to aspire and relate.

In response to consultations on the various schemes submitted as part of this application, objections have been received relating to various matters of visual amenity, impact on the designated Conservation Area and Area of Outstanding Natural Beauty, potential health and safety issues and potential issues arising from the licence already held by the restaurant owner.

Matters relating to visual amenity and impact upon the Llangland Bay Conservation Area and wider Area of Outstanding Natural Beauty have been addressed above. Matters concerning health and safety, licensing issues and the potential for hazards during the use of the decked area for consuming hot/cold food/drinks are not material to the consideration of the application but are controlled under separate legislation.

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ITEM 6 (CONT'D)

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Several objectors have criticized the planting being proposed. The Planning Department's Landscape Architect has also raised concern with the proposed planting and has requested that alternative details be provided. This matter will therefore be addressed by means of a suitably worded condition.

In conclusion, and having regard to all material considerations including the Human Rights Act, the proposal is considered to represent an acceptable form of development which is appropriate for its purpose and in the context of the Llangland Bay Conservation Area and the wider AONB designation. As such, the proposal complies with the criteria of Policies EV1, EV4, EV9, EV21, EV26, EC16 and EC17 of the adopted City & 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 materials used for the external finishes/surfaces of the development shall be in accordance with details/samples to be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason: In the interests of visual amenity.
- 3 No umbrellas or parasols shall be used on the decked areas hereby approved.  
Reason: In the interests of visual amenity.
- 4 Notwithstanding the drawings hereby approved, 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.

### 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, EV2, EV3, EV4, EV9, EV21, EV26, EC16, EC17 and AS3 of the adopted City & County of Swansea Unitary Development Plan 2008.

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2014/0026

- 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. 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

Amended Plans: HG-12-74-00 REV 07 - Amended Site Location Plan and Block Plan; HG-12-74-01 REV 07 - Amended Existing Elevation and floor plan; HG-12-74-03 REV 07 - Amended Proposed Sections, received 2nd October 2014; Amended plans showing ramp: HG-12-74-02 REV 08 - Amended Proposed Floor Plan, HG-12-74-04 Rev 08 - Proposed Elevation, received 2nd December 2014

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PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 7

APPLICATION NO.

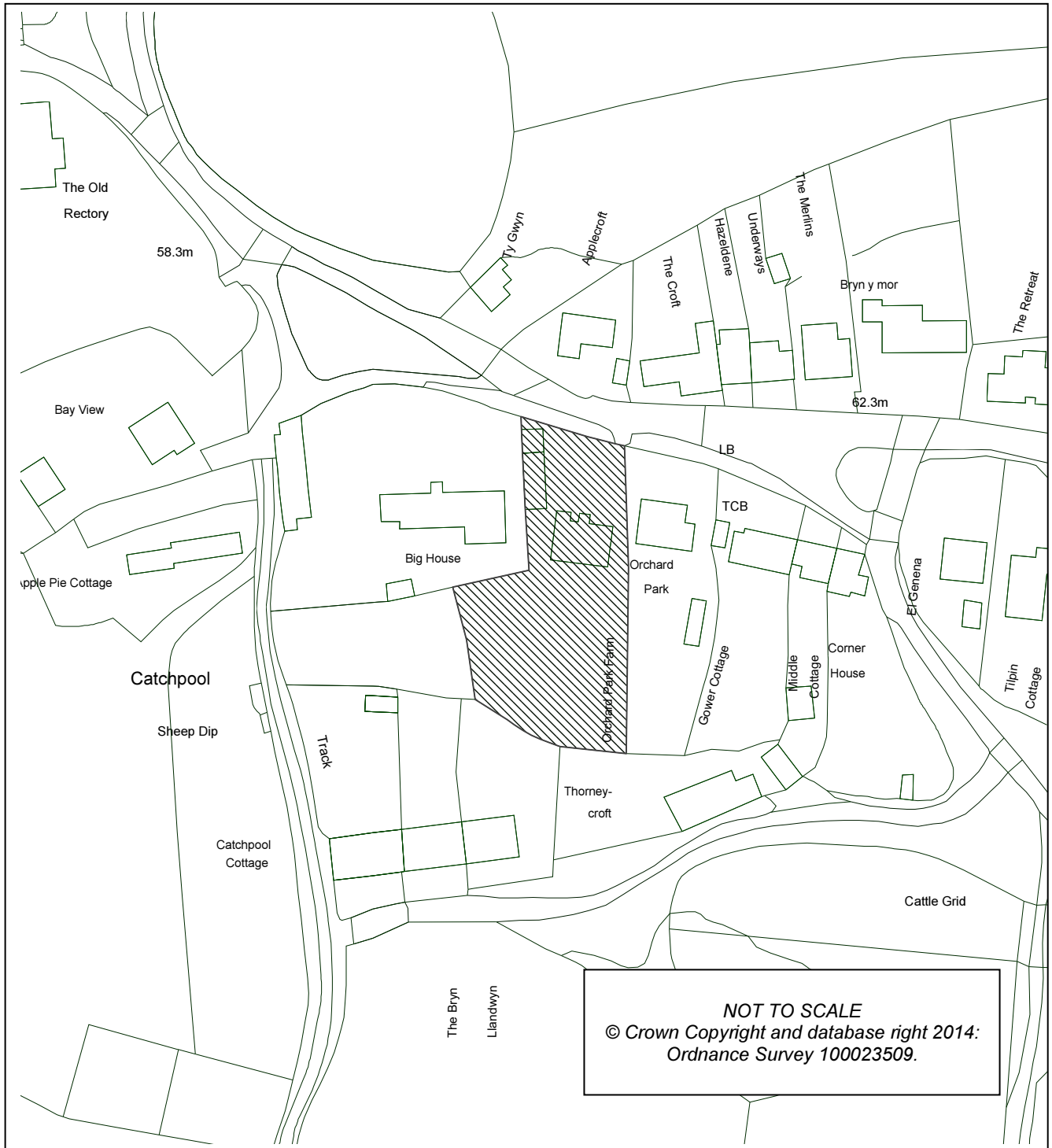
2014/1382

WARD:

**Location:** Orchard Park Farm, Llanmadoc, Swansea, SA3 1DE

**Proposal:** Construction of stables

**Applicant:** Mrs Margaret Lloyd



## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 7 (CONT'D)

APPLICATION NO.

2014/1382

### **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 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 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, affect 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>
2014/0867	Construction of stables Decision: Refuse Decision Date: 04/08/2014

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 7 (CONT'D)

APPLICATION NO.

2014/1382

### RESPONSE TO CONSULTATIONS

The neighbouring occupants at Ashcroft, Sunset Lodge, The Bryn, Catchpool Cottage, Big House Farm, Thorneycroft, Orchard Park and Llandwyn were sent letters of consultation on 27<sup>th</sup> November 2014. A site notice was posted within the vicinity of the site and a press notice was issued on 29<sup>th</sup> December 2014.

ELEVEN LETTERS OF OBJECTION have been received which are summarised below:

- The stables would affect all of the surrounding homes and the use of their gardens
- The property although called Orchard Park Farm is not actually a farm but in close proximity to a number of other houses.
- The stables would overbear our property as the roof level of the stables would be two feet higher than the upstairs window of our home.
- The application form states that neighbours have been consulted; nobody was consulted by the applicant.
- The stables will be in close proximity to neighbouring properties.
- The structure would be a detrimental, non-essential, recreational and arguably luxury facility to a location where residents housing and gardens are established.
- Alternatives to the proposed facility are within a 2 minute walk
- There will be air and noise pollution from the stables
- Orchard Park Farm has not kept horses at the house for a very long time.
- The trees between Orchard Park Farm and Big House Farm will not adequately hide the proposed building, which due to the lay of the land would be extremely visible from Big House Farm
- The smell and noise impact is a concern
- There are drainage issues on the site
- The pictures submitted by the applicant show the tree screen in full leaf at the height of the growing season and make no allowance for the other 6 months of the year where there would be no visual protection.

**The Gower Society** responded with a letter of comment which is summarised below:

- We cannot see any significant difference to the original application 2014/0867 that was refused
- Our original letter of 29<sup>th</sup> June 2014 still stands
- The development will impact upon the neighbouring properties
- We understand that the owners have fields near that would be more suitable and should at least be considered
- The proposal is within the core of the Llanmadoc Conservation Area
- The close proximity may impact upon the adjacent domestic properties.

ONE LETTER OF SUPPORT has been received which is summarised below:

- I fully support this application by Mrs Lloyd
- Mrs Lloyd's horses bring life back to the village
- The horses need shelter and I assume that they will bring a lot of joy.



## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 7 (CONT'D)

APPLICATION NO.

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ONE LETTER OF COMMENT was received which is summarised below:

- I used to live in Big House Farm, we had no occasions of flooding either in the curtailment of the house, the vegetable garden or the stable yard.

Amended plans were received on 12<sup>th</sup> December 2014. Ashcroft, Sunset Lodge, The Bryn, Catchpool Cottage, Big House Farm, Thorneycroft, Orchard Park and Llandwyn were sent letters of consultation on 18<sup>th</sup> December 2014. TWO further letters of objection were received which are summarised below:

- The amended plans do not change the issues, therefore our comments still stand.
- The issues have not changed in spite of the revision; our previous objections should be applied to the amended plan.

**Llangennith, Llanmadoc and Cheriton Community Council** responded with an objection to the proposal which is summarised below:

- The community council objects on the grounds that the immediate surrounding area is fully residential
- The odours emitting from the stables would be unpleasant
- There is concern regarding the pollution of water courses in the area as a result of the development
- The stables should be located much farther away from the houses

### **Highways Observations -**

The Head of Transportation and Engineering was consulted and offered no objection to the proposal.

### **APPRAISAL**

This application is reported to Committee for decision and a site visit has been requested by Councillor Richard Lewis in order to assess the impact of the proposal on the Conservation Area.

The application site comprises of a two storey detached dwelling in Llanmadoc which is situated in the local ward of Gower. The application property benefits from off road parking and a large curtilage. The application site is located within the Llanmadoc Conservation Area and the Gower Area of Outstanding Natural Beauty (AONB).

The village of Llanmadoc lies at the northern edge of Llanmadoc Hill in the north-west of Gower. It supports a number of community facilities including a village hall, church, shop and public house. The original settlement of Llanmadoc was focused upon the medieval church of St. Madoc, on the junction of the ancient road linking Cwm Ivy to Llangennith. Infilling between the original hamlets has resulted in a linear form, the central section of which is characterised by larger dwellings set in substantial plots, the majority of which were developed during the later half of the twentieth century.

A previous application (2014/0867) for the construction of stables at Orchard Park Farm was refused planning permission on 4<sup>th</sup> August 2014 for the following reasons:

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ITEM 7 (CONT'D)

APPLICATION NO.

2014/1382

*1. The proposed stables by virtue of their size and siting would introduce an incongruous and disproportionate form of development which would have a detrimental impact upon the visual amenity of the surrounding area and the character and appearance of the Gower Area of Outstanding Natural Beauty (AONB) and the Llanmadoc Conservation Area, contrary to Policies EV1, EV2, EV9, EV21, EV26 and HC7 of the adopted City and County of Swansea Unitary Development Plan 2008.*

*2. The proposed stables would have a detrimental impact upon the residential amenity of the adjoining neighbours by virtue of the non-residential activity which would be introduced to the area, as well as the level of overshadowing and overbearance which would arise from the proposed stables, contrary to Policies EV1, EV2, EV9, EV21, EV26 and HC7 of the adopted City and County of Swansea Unitary Development Plan 2008.*

The current application seeks full planning permission to construct a stable building in the rear garden of the property which will incorporate two horse boxes, a tack room and hay store and an associated area of hardstanding. The proposed stable building has an 'L' Shaped footprint and will measure approximately 10.8 metres wide and approximately 9.0 metres deep. It will measure approximately 2.5 metres to the eaves and approximately 4 metres to the ridge.

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, EV9, EV21, 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 document entitled the 'Gower AONB Design Guide'.

The proposed stables will be constructed in the rear garden of the application property, therefore only very oblique views (if any) of the proposed stables would be offered from public vantage points. The proposed building will however be visible from several nearby properties.

Although it is recognised that the current proposal has been reduced in size compared to the previously refused application, it is still considered that the proposed development is contrary to Section 7.3 of the Design Guide for Householder Development which states that an outbuilding 'must be smaller in scale and subservient to the main house'. Whilst it is recognised that the footprint of the stable building is smaller than that of the host dwelling, the proposed building is nevertheless not considered to be sufficiently subservient. The proposal is therefore considered to be contrary to the Design Guide and Policy HC7. The excessive size of the proposed building relative to the host dwelling is also considered to render it as an inappropriate development within the conservation area and AONB, as the relative scale of the building results in it failing to enhance or preserve the character of the conservation area, contrary to Policy EV9 and EV26.

The application site shares its curtilage boundary with the properties known as Llandwyn, Thorneycroft, Orchard Park and Big House Farm. The proposed building is sited in close proximity with the common boundary of Big House Farm.

It is noted that Big House Farm is a Grade II Listed Building; therefore it is important to consider the possible impact that the proposed development may have on the siting of this listed building.

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ITEM 7 (CONT'D)

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It is considered that the proposed stable building would not have an adverse impact upon this Grade II Listed Building given its siting, which is approximately 15 metres from the house itself. Whilst it is recognised that the proposed stable building is within approximately 1.5 metres of the curtilage boundary of Big House Farm, it is not considered that this proximity to the curtilage boundary would have an adverse effect on the Grade II Listed Building.

The applicant's agent has stated that the proposed building is only to be used for domestic purposes. Furthermore it is noted that the proposal only makes provision for 2 stable bays. It is accepted that the proposed stables would create an increased level of traffic as a result of the removal of waste from the site to the outlying fields, the movement of the horses to and from the site to suitable grazing pastures, as well as movement associated with taking the horses out for riding. However, the level of activity associated with a 2 bay domestic stables is not considered to have a significant, detrimental impact on the amenity of the neighbouring occupants, by virtue of noise and disturbance.

The previously approved application was partially refused on the grounds that the building subject of that application would have resulted in an overbearing and overshadowing impact on neighbouring occupiers. The proposed stable building subject of this application is however smaller than the previously refused building and is set off the common boundary with the property known by approximately 1.2m-1.5m. It is considered that due to this 'set off' distance, together with the reduced size of the proposal, the proposed building will no longer impinge an unacceptable impact upon neighbouring occupiers (particularly those residing at Big House Farm) in terms of overbearance and overshadowing.

With regards to the objections raised, the majority of these issues have been addressed in the main body of this report. However, with regards to the issues raised concerning the odours which could arise from the proposed development, it is not considered that significant odours would arise from the two horses which would be housed within this domestic stable building. In the event that such problems did arise, the Council's Pollution Control section would have powers to deal with such a complaint. With regards to the drainage issues which have been raised, it is considered that this issue could be overcome with the provision of a suitable condition.

In conclusion it is considered that the proposal represents an unacceptable form of development. The scale of the proposed development is such that it would be visually intrusive and would alter the character and appearance of the surrounding area, the Conservation Area and the wider Gower AONB within which the application property lies. Therefore the proposed development contravenes Policies EV1, EV2, EV9, EV21, EV26 and HC7 of the City and County of Swansea Unitary Development Plan and the Gower AONB Design Guide.

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**RECOMMENDATION**

**REFUSE, for the following reason;**

- 1 The proposed stable building by virtue of its size and siting would introduce an incongruous and disproportionate form of development which would fail to be sufficiently subservient to the host dwelling and would have a detrimental impact upon the visual amenity of the surrounding area and the character and appearance of the Gower Area of Outstanding Natural Beauty (AONB) and the Llanmadoc Conservation Area, contrary to Policies EV1, EV2, EV9, EV26 and HC7 of the adopted City and County of Swansea Unitary Development Plan 2008 and the Council's Design Guide for Householder Development

**INFORMATIVES**

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV9, EV21, EV26 and HC7

**PLANS**

Site location plan, dated 23rd September 2014. Amended block plan, amended elevations, amended west elevation and amended floor plan, dated 12th December 2014.

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ITEM 8

APPLICATION NO.

2014/1845

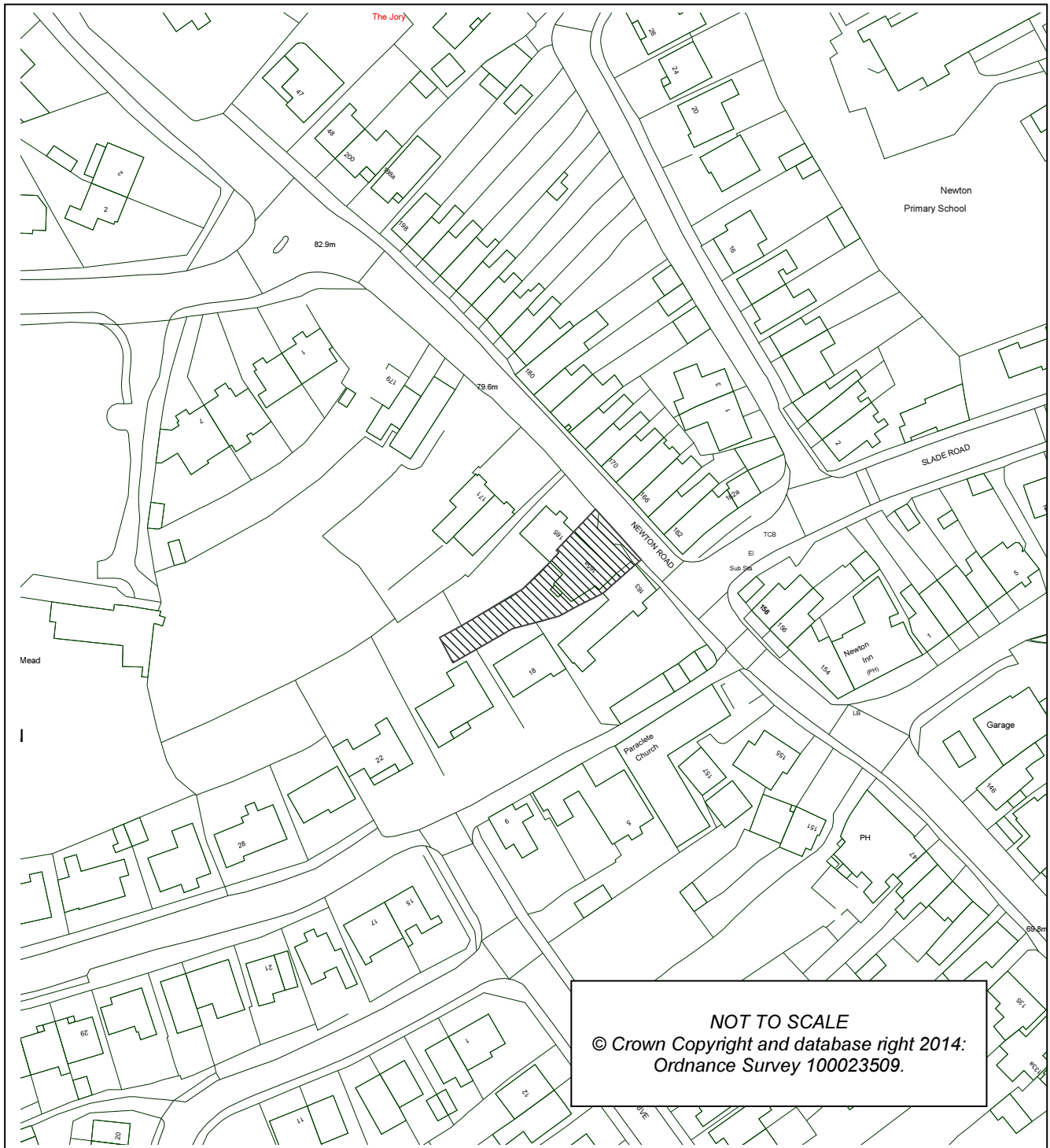
WARD:

Newton

**Location:** 165A Newton Road, Newton, Swansea, SA3 4UD

**Proposal:** Two storey rear extension, front porch and creation of one additional off road parking space

**Applicant:** Mr John McGuinness



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ITEM 8 (CONT'D)

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2014/1845

### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)
Policy 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, affect 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>
2014/0556	Provision of a hardstanding to create three additional parking spaces and front boundary wall Decision: Refuse Decision Date: 06/06/2014

#### RESPONSE TO CONSULTATIONS

The neighbouring occupants of Nos. 18 and 20 Summerland Lane and Nos. 163 and 165 Newton Road were sent letters of consultation on 4<sup>th</sup> December, 2014 and the application was advertised in the press and on site on 15<sup>th</sup> December, 2014. No representations have been received to date.

Council's **Head of Transportation and Engineering** - This is a resubmission of a previous proposal that included the alteration of the forecourt area to accommodate 4 cars. That application was refused on highway safety grounds due to concerns with visibility for vehicles entering and leaving the site at that location. The current proposal has reduced the number of parking spaces sought to 2, with space between the bays for alighting the vehicles. The overall space on the forecourt would likely accommodate three cars to be parked if less space is allowed between them. This alternative proposal also indicates the removal of part of the wall that can restrict visibility when a car is parked in the present lay-by facility.

The neighbouring property does have a larger forecourt similar to this proposal and is able to park at right angles to the road and therefore has restricted visibility when leaving the site, whether reversing or in forward gear, due to the presence of boundary walls and the lack of any footway provision along this part of Newton Road.

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The application property however is located nearer to the junction of Newton Road with Slade Road and therefore is subject to additional traffic manoeuvres compared to the neighbouring property that is further away. The current lay-by parking does allow a vehicle to park with the driver placed nearer to the road side thus improving visibility and consequently safety for the exiting manoeuvre and is little different than kerb side parking albeit clear of the carriageway.

I have considered whether the applicant's revised proposal reducing the number of parking spaces and removing part of the boundary wall is sufficient to overcome the objections previously raised, however, I consider that on balance the main thrust of the concerns remain and will increase the safety risk of the parking and exiting of a vehicle and this will increase as a result of the additional vehicle able to be accommodated.

I recommend refusal of the application on the grounds that the proposed alterations to the parking facilities may result in increased risk to highway safety in that vicinity.

**Conservation Area Team Observations** - The proposals follow the refusal of permission for the creation of 4 parking bays running orthogonally to the highway in front of the property (app ref: 2014/0556). The proposed parking arrangements for this application now seek the introduction of 2 no. parking bays running orthogonally to the road. The plans show these spaces to have a 1.2m circulation space around the sides of each bay. However the overall area of uninterrupted hardstanding provided is very similar to the previous application.

As such the comments from the previous application stand and are as follows:

- The principle of the revised parking arrangements is acceptable.
- Due to the level difference between the raised area outside of the front of the property and the parking area below the application will be subject to the provisions of Part K of Building Regs (2013). This will require a barrier to a height of 1100mm to reduce the risk of falls.
- This barrier should be comprised of conservation area style railings (see photo for example) painted black in order to provide a visually permeable barrier in this raised location and also to respect the character of the conservation area.
- Furthermore the applicant should consider utilising the proposed grass area as a planting bed to add some variety and visual interest to the scheme.

In relation to the proposed 2 storey extension to the rear, this extends no further than the current rear building line of the property and therefore the overall mass of the structure is not significantly different and is not visible from the public realm. Therefore this element of the proposals will have no impact upon the character and appearance of the Newton Conservation Area. However there is a small area of this rear extension which although not extending beyond the existing rear building line will infill the gap between the main rear elevation and that at the north-western side of the dwelling adjacent to the neighbouring house. An assessment should therefore be made to ascertain as to whether this section of infill extension impacts upon the amenity of the neighbouring dwelling.

In terms of the proposals to the front of the dwelling these include a front porch to replace the existing front door and canopy and the inclusion of a narrow, full height slot window above this. The proposed porch is acceptable subject to this being finished in smooth render to match the existing dwelling.

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ITEM 8 (CONT'D)

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However if it is proposed to utilise similar concrete tiles to the main roof of the dwelling then these should be small scale tiles to match the small scale of the porch roof and to ensure that the heavy appearance of the main roof tiles does not visually detract from this feature to the detriment of the character and appearance of the dwelling and the wider conservation area. The proposed slot window is acceptable subject to this being of matching style and with a matching cill to the existing windows at the front of the dwelling.

### APPRAISAL

This application is reported to Committee for decision at the request of Councillor Keith Marsh and a Site Visit has also been requested to allow the Planning Committee to consider the impact of this amended application.

The application site comprises of a two storey semi-detached dwelling on Newton Road, which is situated within the Newton Conservation Area. The site benefits from a modest curtilage incorporating off-street parking and a modest sized rear garden plot.

This application seeks full planning permission to build a two storey rear extension, front porch and creation of one additional off road parking space to the front of the site. The proposed two storey rear extension will measure approximately 3.3 metres deep, 3.8 metres wide, and will comprise of a pitched roof measuring approximately 4.6 metres to the eaves and 5.8 metres to the ridge. The construction of the two storey rear extension will incorporate the renovation of the existing two storey rear extension. The proposed front porch will measure approximately 1.3 metres deep, 2.2 metres wide, and will comprise of a pitched roof measuring approximately 2.1 metres to the eaves and 2.9 metres to the ridge. The extended hardstanding will measure approximately 4.8 metres long by 9.6 metres wide. Given the dramatic changes in levels across the site the proposed works will include excavation work of parts of both the front and rear gardens.

The primary issues in the consideration of this application relate to the impact of the proposed development on visual and residential amenities having regard to the provisions of Policies EV1, EV9 and HC7 of the City and County of Swansea Unitary Development Plan (UDP), which was formally adopted in November 2008. The application is also considered with respect to the Council's Supplementary Planning Guidance document entitled 'A Design Guide for Householder Development'.

The application property is located on the residential street of Newton Road within a Conservation Area, which is characterised by a mixture of mainly detached, semi-detached and terraced two storey dwellings of varying ages with traditional pitched roofs.

Firstly, it is considered that the scale and design of the proposed front porch is acceptable, particularly given its modest height and proposed use of matching materials and will be of a similar scale and design to the attached neighbouring property's front porch. The two storey rear extension will not project past the existing two storey extension and will have a gable end similar in design to the existing extension. Taking into account the scale, matching design and siting of the two storey extension to the rear of the property, it is considered that the proposal will have an acceptable impact on visual amenity. The extension will have limited visibility from public vantage points and no impact on the streetscene, and is therefore not considered to have any unacceptable impact on the visual character of the conservation area.



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ITEM 8 (CONT'D)

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The increase in the size of the hardstanding to create an additional off road car parking space is also considered acceptable in visual terms, given that the neighbouring property has similar front car parking, as do others within the street.

In terms of residential amenity, the proposals are not considered to have any unacceptable overlooking impacts. The two storey rear extension is proposed on the shared boundary with No.165 Newton Road and could have a potential negative overbearing impact on the occupiers of No.165.

It is noted however that the ground floor rear windows of No 165 look onto and are within approximately 1m of a fence (located inside a retaining wall, retaining the garden of that property). A boundary fence is also located along the common boundary between the application site and the upper garden area of No 165. With these elements combined, they result in the ground floor windows already being severely compromised in terms of outlook and overbearance. The proposed rear extension is not considered to make matters materially worse, given the current circumstances. It should also be noted that the nearest rear ground floor rooms within No 165 serve a utility room and bathroom and are therefore not habitable room windows.

The main part of the rear garden serving No 165 is (as is the application site's rear garden), raised above the slab level of the house by some 1.5m. It will not therefore be adversely affected by the proposed rear extension.

In terms of overshadowing, the proposed rear extension will be in breach of the 45 degree rule when a horizontal line is taken from the nearest first floor bedroom of No.165. It is considered however that given that there is only a breach of the 45 degree rule by approximately 1 metre, combined with the length of the proposed extension being only 3.3 metres from the rear wall of the host dwelling, any increased overshadowing is in this instance considered to be acceptable.

The proposed hardstanding is however considered to be unacceptable in highway terms. The Council's Head of Transportation and Engineering has objected to the application on the basis that it does not provide adequate visibility for vehicles leaving the proposed extended hardstanding area, which would prejudice pedestrian and highway safety. It is therefore recommended that the application be refused on such grounds.

In conclusion, it is considered that whilst the proposal causes no significant detrimental impact upon the visual amenity of the surrounding streetscene or the residential amenity of any neighbouring occupants, the highway objections raised are significant and warrant a recommendation of refusal in this instance. The potentially dangerous situation which would arise from the creation of an extended hardstanding area is not considered acceptable. Refusal is therefore recommended.

### **RECOMMENDATION**

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

- 1 The proposed extended vehicle hardstanding, would give rise to an increased number of vehicles using a parking facility which does not provide adequate visibility for vehicles egressing from it onto the public highway, which would prejudice the safety of pedestrians and other road users, contrary to Policy EV1 of the City and County of Swansea Unitary Development Plan.

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### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV9 and HC7.

### PLANS

Site location plan, proposed block plan, 11.14.165.D1 A existing floor plans and elevations, 11.14.165.D2 A proposed floor plans and elevations dated 2nd December, 2014.

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**PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015**

ITEM 9 (CONT'D)

APPLICATION NO.

2014/1067

**BACKGROUND INFORMATION**

**POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
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 EC4	All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EC8	The development of new retail warehouses will be directed to suitable locations firstly within and then on the edge of existing centres. Where such sites are not available, suitable locations at established retail parks will be considered. (City & County of Swansea Unitary Development Plan 2008)
Policy EC9	Retail development at out of centre locations will be restricted. (City & County of Swansea Unitary Development Plan 2008)
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)

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- Policy AS2 Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS5 Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS6 Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

App No.	Proposal
2011/0092	Construction of 4.No retail units Decision: Refuse Decision Date: 01/08/2013
2009/0282	One double sided non-illuminated free standing retail park sign Decision: Refuse Advertisement Consent Decision Date: 31/03/2009
2003/2327	Erection of three attached retail units Decision: Grant Permission Conditional Decision Date: 29/04/2004

### RESPONSE TO CONSULTATIONS

**Swansea Access for Everyone** – There are 27 parking places shown but none for disabled (Blue Badge) use. Parking guidelines require 6% for disabled use. In this case 2 bays suitably marked should be provided.

Council's **Pollution Control** section – No comments

**Welsh Water** – This proposed development is located in an area which has the potential to discharge into national and international designated waters. The Loughor Estuary forms part of the Carmarthen Bay & Estuaries European Marine Site which is the collective name for three European 'Natura 2000' designated areas, namely Carmarthen Bay & Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area and Burry Inlet Special Protection Area.

A key fundamental issue associated with any proposed development(s) located on both the Carmarthenshire and Swansea side of the Estuary is the potential impact that any revised or additional water discharges, either foul or surface water, will have on the local drainage systems and ultimately the designated waters. Dwr Cymru Welsh Water is contributing towards improving the water quality in the Estuary by undertaking key infrastructure improvements at its Northumberland Avenue and Llanant Waste Water Treatment Works which are designed to improve arrangements for dealing with surface water, provide ultra violet treatment and phosphate removal.

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ITEM 9 (CONT'D)

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Equally developers too, can also play a significant part in mitigation measures by incorporating sustainable drainage facilities within their proposals. It is essential therefore, that as a pre-requisite of any development being considered for approval that such matters are effectively controlled through planning conditions.

Therefore, we seek your Authority's co-operation in imposing the following condition to any grant of planning.

1) No development shall take place until full details of a scheme for the foul and surface water sewerage disposal (incorporating sustainable drainage principles) of the whole site has been submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details. Surface water shall not be connected to the foul sewerage system.

Reason: To ensure the integrity of the public sewerage system [and designated waters] is protected through the implementation of sustainable practices.

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.

No net increase of surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

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.

**NRW** – We would have no objection to the proposal, but would like to make the following comments.

### Flood Risk

The site is located within Zone A, as defined by the Development Advice Maps referred to under TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be outside of the flood zones. The proposal is for four retail units which can be classed as less vulnerable development according to TAN15.

### Surface Water Discharge

It is proposed to discharge surface water to the main sewers. Whilst we acknowledge that this is an existing connection we would advise that where possible, sustainable urban drainage systems are implemented. We would be in favour of the proposal to install rainwater harvesting on site as shown on the Existing / Proposed Drainage plan, however we would also like to see other SUDs options explored and implemented where possible.

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### Foul Water Drainage

As your Authority is aware, since 2007, issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling to the Burry Inlet (Carmarthen Bay and Estuaries) SAC. As such, a Memorandum of Understanding (MOU) has been prepared to enable development in this area to go forward.

Protection of the water environment is a material planning consideration and your Authority must be satisfied that the proposed method of foul and surface water drainage from the proposal will not cause any detriment to water quality.

We would recommend that your Authority consult with Dwr Cymru/Welsh Water to ensure hydraulic capacity exists at the treatment works to accommodate the flows from this development, without causing pollution. We would also remind your Authority that to accord with the terms and content of the agreed MOU, foul connections should only be allowed when compensatory surface water removal or a suitable improvement scheme has been implemented within the same catchment.

The recently agreed revised MOU suggests a ratio of 2:1 is appropriate for small developments such as this. That is, for every 2 parts surface water removed from the system, 1 part foul could connect.

The agreed relevant details must be recorded on your Authority's register of compensatory surface water disposal.

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

It is imperative that no surface water is allowed to enter the sewerage infrastructure. This is in order to avoid hydraulic overloading of the sewerage system.

### Contaminated Land

We note that this is a brownfield site. Therefore, we advise that your Authority may wish to consider the following condition.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

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In addition to the above, we would ask that the attached planning advice note is provided to the applicant/developer. This provides further information and advice on matters such as SUDS, pollution prevention and waste management.

**Gorseinon Town Council** – No objection, however, Councillors did discuss and raise concern regarding the additional vehicular access point onto the main Gorseinon road in close proximity to the mini roundabout.

**Council's Planning Department's Policy section** – It is noted that this application follows a history of refusal for retail development at the site.

The application site has no formal designation in the UDP (i.e. white land) and forms part of the urban area at Garngoch Industrial Estate, Gorseinon. The site is approx. 600-700m to the east of Gorseinon District Centre.

As per previous proposals for the site, the proposed development would give rise to an A1 retail use without restriction to type or range of goods. Preventing retail development that is likely to have an unacceptable adverse impact on established shopping centres is a key objective of planning policy at both local and national level. Maintaining the health of designated centres across the County is an important means of sustaining communities, supporting existing essential services, co-locating commercial land uses and focussing economic investment within identified retail/commercial hubs. The application site does not lie within any established shopping centre and the abovementioned UDP policies and national guidance make clear that significant new retail proposals in such locations will only be supported if it can be demonstrated that:

- a) there is an identified need (quantitative/qualitative) for the size of store proposed
- b) no suitable sequentially preferable sites exist
- c) there would be no detrimental impact on established centres and stores, and
- d) it is a highly accessible site and can realistically be reached by a choice of means of transport

In respect of the sequential test, the applicant suggests no preferable sites exist within the nearest district centre at Gorseinon. The City Centre is not discussed. The applicant's Assessment of Retail Impact, dated July 2014, seems to suggest that their sequential test is based on units for 'retail warehouse type' operators (para 9.5). The application is not, however, for a defined range of retail goods and as such I would suggest this is an inappropriately narrow focus, particularly given other references in the report to convenience retailing in one or more of the units. Potential operators of the proposed units could in my view locate within the vacant space in the former Somerfield store within the District Centre. This option appears to have been disregarded in the retail impact report (see para 9.4) for the reasons that the proposed out of centre scheme would charge lower rents and that no refurbishment scheme has yet come forward for the building. These reasons are not sufficient in my view to consider this option as unviable, particularly given the relatively short period of time that has elapsed post global economic downturn. Furthermore, a clear and consistent approach by the LPA to resist inappropriate out of centre retail proposals will make clear to the market that investment must be prioritised towards redevelopment of existing in-centre retail space.



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Development plan policies and national guidance are clear in their requirement to safeguard against adverse impacts to town centre vitality and viability that could arise from out of centre development. It's in this context that new retail proposals not within existing centres must, as a starting point, demonstrate a need for the scale of provision that is proposed and fully appraise potential impact that could arise. There are a range of potential impacts of the proposed scheme; however measuring this impact is not straightforward in view of the open consent being sought. Impact will clearly vary depending on whether the operation is ultimately for convenience goods, bulky goods, everyday comparison items, etc.

The reference in the applicant's impact report at Para 9.6 to the proposal further consolidating the existing arrangement of retail units to form a de facto centre clearly illustrates why the proposal is of concern for the nearby district centre. The potential is for a rival retail destination to become established for operators that would otherwise co locate within the district centre, thereby ultimately leading to trade draw. The assertion that this would be complementary to the district centre cannot be substantiated, particularly given the open A1 consent being sought.

In terms of quantifying the potential trade draw, the applicant's Assessment of Retail Impact, dated July 2014 sets out a proposed methodology. Whilst I'm unable to provide a technical audit of the robustness of the proposed methodology and the figures used on aspects such as expenditure profiles (retail consultants can advise further on this if required), the use of proposed LDP allocation figures is unlikely to be considered best practice by the industry. The LDP is not adopted and moreover no allocations have yet been formally proposed. There is no certainty as to what the final proposals will be in the LDP, and in any event a number of the proposed growth areas will be developed with supporting uses such as retail provision.

My view is that the impact of the development upon Gorseinon District Centre would be potentially significant by means of consolidating the retail offer at an out of centre location, and the scheme could undermine ongoing efforts to maintain the health of the nearby district centre.

The Head of Engineering and Transportation will provide detailed comments on the highway implications of the scheme and accessibility matters. The requirements of UDP Policies AS1-2 and AS5-6 must be met as a minimum however and I consider it significant that the site is less accessible by a range of travel modes than the highly accessible Gorseinon District Centre and City Centre. Whilst the D&A statement suggests 'the application site can be easily accessed by public transport', there is no information on public transport services provided and a high level appraisal indicates the site is significantly less well connected to surrounding communities than sites within the designated district centre.

In summary, the proposed out-of-centre retail floor space has not been justified in terms of need and is not shown as the most sequentially preferable or accessible site available for investment. UDP Policies EC8 and EC9 state that bulky goods retailing at out of centre locations may be appropriate where they do not impact on existing centres and no alternative sites exist within defined retail destinations. However, the application allows for unrestricted retail sales (not just bulky goods) at an industrial park location that would cater predominantly for car-borne shoppers.

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The applicant has not in my view provided convincing evidence that the proposal would not impact upon the vitality and viability of Gorseinon district centre. It is therefore in conflict with abovementioned national guidance and UDP policies and supporting guidance.

### **Council's Head of Transportation and Engineering –**

This is a resubmission of the previously refused scheme. I reiterate my highway comments as they are still applicable.

#### 1 Background

1.1 The original submission of this proposal did not include sufficient detail to enable proper consideration of the development impact and therefore refusal was recommended. Subsequently, additional information has been submitted which assesses the traffic impact of the proposal.

#### 2 Development Proposal

2.1 The proposal is for 4 retail units of 310 sq m each. These are to be constructed on the site of the former Cross Marble and Stone premises next to the mini roundabout at the junction of Hospital Road with Gorseinon Road.

2.2 The site currently has 3 points of established access, one near the adjacent retail units, one at the mini roundabout which has been blocked off and the third access is shared with the next door property (Gymnasium) and provides rear access.

2.3 It is proposed to permanently remove the access which is presently blocked off as this emerges at the roundabout between the two road junctions and therefore its removal will be a safety enhancement. Customer access will be gained from the existing access which is approximately 90m from the roundabout and service and staff access will be on the shared access serving the Gymnasium leading to the rear of the site.

2.4 On site parking is to be provided for customers at the front (25 spaces) and staff parking at the rear (6 spaces). These figures accord with recommendations in adopted parking guidelines.

2.5 That part of Gorseinon Road fronting the site is to be widened in order to accommodate a right turn lane at the access point. This will ensure that traffic waiting to turn right into the site does not prohibit those wishing to travel onwards to Gorseinon. It will be necessary to install yellow box markings to ensure that any traffic queuing at the roundabout does not block the access. Visibility at the access point is good with clear views in both directions, with the access point being approximately 90m from the mini roundabout. Safe access and egress is therefore possible.

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### 3 Traffic Generation

- 3.1 Assessment of the peak hour traffic generation estimates that on a week-day pm peak between 1700 hrs and 1800 hrs, the development will generate 16 vehicle movements and for a Saturday peak between 1300 hrs and 1400 hrs, 92 vehicle movements will be generated. The Saturday traffic rises slightly to 107 movements after the peak period and therefore the higher figure has been used in the assessment for robustness.
- 3.2 Traffic modelling of the mini roundabout indicates that there will be a reduction in its efficiency, however the roundabout will continue to operate within its theoretical capacity.

### 4 Conclusions

- 4.1 The site has generated traffic movements in the past and this proposal will see a redevelopment of the site to rationalise access movements by removing one access point and potentially increasing safety. The level of traffic likely to be attracted can be accommodated on the adjacent highway and adequate parking will be available within the site.

### 5 Recommendation

- 5.1 I recommend no highway objection subject to the following;
- i. Prior to the commencement of development, the road fronting the site shall be widened and a right turn lane installed in accordance with detailed engineering details to be submitted and approved.
  - ii. Parking bays shall be laid out in accordance with adopted guidelines to width of 2.6m.
  - iii. The site shall not be brought into beneficial use until all access and on site parking has been completed and laid out in accordance with approved plans.

Note 1: The highway works fronting the site will be subject to an agreement under Section 278 of the Highways Act 1980.

Note 2: The Developer must contact the Team Leader - Highways Management, City and County of Swansea (Highways), Penllergaer Offices c/o Civic Centre, Swansea, SA1 3SN (Tel 01792 636091) before carrying out any work.

**Health and Safety Executive** – The development location is within the Consultation Distance of the Notified Hazardous Installation of 3M's. However HSE does not advise on safety grounds against the granting of planning permission in this case.

Council's **Drainage section** – As DCWW have recommended appropriate conditions to ensure that an appropriate drainage scheme is submitted to ensure the protection of the site, any surrounding third parties and their system we would use their view in this case.

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Assuming DCWW accept a connection which their reply suggests they might, all we would check would be storage/attenuation volumes/performance in the SW network for the relevant critical design storm.

### APPRAISAL

This application is reported to Committee for decision at the request of Councillor David Lewis so that the impact on Gorseinon CBD can be fully assessed and debated as well as the overall impact to the highway.

Full planning permission is sought for the erection of four attached retail units on the site formerly occupied by Cross Marble and Stone Ltd. on the northern side of Gorseinon Road within the Garngoch Industrial Estate. The site is located some 550-600m outside the Gorseinon Shopping Centre within the Gorseinon Road/Garngoch Industrial Estate employment area. The use of the former building is defined as a retail warehouse i.e. a large single storey retail outlet, normally of 10,000 sq.ft (930m<sup>2</sup>) gross or more, specialising in the sale of bulky household goods (furniture, carpets and electrical goods) and offering free adjacent ground level car parking. The application was advertised in the press as it is classed as a major development and a departure from the Development Plan.

The site lies within an established industrial area bisected by the A4240 which is a busy arterial route linking the urban areas of Gorseinon and Penllergaer and leading to Junction 47 of the M4. Neighbouring outlets bordering the site include a parade of three retail outlets including Farm Foods, Pound Stretcher and The Pet Hut constructed under planning permission reference (2003/2327 dated 6th May 2004), now known as J47 Retail Park.

The previous retail warehouse amounting to some 1275m<sup>2</sup> of floorspace has already been demolished and the proposal seeks permission for the construction of four smaller attached units amounting to 1263m<sup>2</sup> of retail floorspace, on roughly the same footprint as the previous building.

The units are similar in design to the three existing neighbouring units, being single storey and sub-divided internally creating four separate retail units with the floorspace distributed fairly evenly. The front (south) elevation would feature four separate entrance canopies with provision above each canopy for high level signage. The overall scale, siting, design and external appearance of the proposed building is considered visually acceptable and is considered to relate satisfactorily to the surrounding area.

The Head of Transportation and Engineering has stated that the site has generated traffic movements in the past and this proposal will see a redevelopment of the site. The proposal will also rationalize access movements by removing one access point and potentially increasing safety. The level of traffic likely to be generated by the proposal can be accommodated within the adjacent highway and local highway network and adequate parking will be available within the site. Therefore, no objections are raised subject to conditions and advisory notes.

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ITEM 9 (CONT'D)

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Further issues to be considered concern the suitability of this site for the proposed retail uses, having regard to prevailing Development Plan Policies. These are directed towards maintaining and strengthening the established shopping structure in the area, and consolidating the convenience goods shopping centre at Gorseinon District Centre, whilst allowing consideration of small scale shopping development where necessary to meet local community needs. Retail developments on established industrial land are generally resisted, with specific exceptions where other development plan objectives are not prejudiced.

One of the Assembly Government's objectives for retailing and town centres is to promote town, district, local and village centres as the most appropriate locations for retailing. Planning Policy Wales states that when determining an application for retail use Local Planning Authorities should take into account, amongst other things; the need for the development, the sequential approach to site selection and the impact upon existing centres. The sequential approach means that the first preference should be for town centre locations followed by edge-of-centre, then district and local centres and, then only, out-of-centre sites accessible by a choice of means of transport. The onus of proof that options have been assessed using the sequential approach rests with the developer.

Strategic Policy SP6 of Part 1 of the Swansea Unitary Development Plan states that new retail development that is best located within the City Centre, District or Local Centres will not generally be supported at out-of-town centre sites. Additional edge of centre shopping should be restricted to that which would not prejudice established shopping centres. Policies EC4 and EC9 of the Swansea Unitary Development Plan Part 2 presume against the establishment or expansion of retail outlets outside defined shopping centres, thereby supporting the aim of improving and strengthening the role of established centres which is supported by recent National Guidance. The proposal is clearly contrary to Policies EC4 and EC9 as it would result in the introduction of four retail units in an out of centre location which would be best located within a town centre and as such the proposal would not contribute to the aims of either National Guidance or established Development Plan Policy which seek to support and improve existing shopping centres.

The application site is located in an industrial estate outside the defined residential settlement limits of Gorseinon and Penllergaer and is likely to cater primarily for car-borne shoppers. In respect of this out-of-centre location, it is necessary to submit evidence demonstrating that a sequential test for retail development has been applied. Government planning policy guidance recommends that a sequential approach should be followed when considering out-of-centre retail development, to demonstrate that firstly there are no central locations and secondly edge-of-centre sites which are preferable, being more suitable viable and available than the proposed out-of-centre site.

There is considered to be a sequentially preferable location to the application site being the Somerfield Store site which is located within the District Centre. This appears to have been disregarded in The Retail Impact Report (July 2014) for the reasons that the proposed out of centre scheme would charge lower rents and that no refurbishment scheme has come forward for the building. These reasons are not considered sufficient to consider this option unviable. Furthermore, there is concern that the proposals are part of a wider plan to form a de facto centre which would be achieved by consolidating the existing arrangement of retail units which would ultimately be harmful to the nearby district centre. The assertion that this would be complimentary to the district centre cannot be substantiated, particularly given the open A1 consent being sought.

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The Town and Country Planning Act (as amended) requires that applications should be determined in accordance with development plan policy unless there are material considerations, which outweigh that policy. The proposed new retail units would provide a visual enhancement to the area and the site has an established use as a retail warehouse. However, it is not considered that this justifies departing from the adopted retail policies aimed at retaining and consolidating the established shopping structure of the area. Moreover to approve the application would establish an undesirable precedent for the consideration of similar applications for retail development, particularly within the Garngoch Industrial Estate which would undermine the vitality, attractiveness and viability of the nearby existing shopping centre. A more favorable consideration would be given to the development of the site for a retail warehouse development restricted to the sale of bulky household goods/DIY which would not compete directly with the range of convenience and comparison goods available in the nearby Gorseinon District Shopping Centre. Refusal is recommended therefore on the grounds that the proposal conflicts with established policies aimed at strengthening the role of the Gorseinon District Shopping Centre.

The previous reasons for refusal in relation to the 2011/0092 application are considered to still stand. The proposed development is still considered to result in the establishment of a significant retail development within a primarily industrial area, outside of the Gorseinon District Shopping Centre. The approval and formation of this retail development would establish an undesirable precedent for the consideration of applications of a similar nature, the cumulative effect of which would result in the sporadic development of retail units outside the centre, for which there is no proven need and which would undermine the future vitality and attractiveness of the centre and others. It is acknowledged that the Assessment of Retail Development (July 2014) submitted with the application aims to address these reasons, however, it is still considered that the fundamental concerns remain and warrant the refusal of the application.

With regards to the concerns raised by Gorseinon Town Council regarding the additional vehicular access point, this is considered to have been covered by the comments made by the Head of Transportation and Engineering. The other comments raised by consultees – with the exception of the Planning Department's Policy section - are considered to be possible to address via appropriately worded conditions if a recommendation of approval was being made.

### Burry Inlet Habitat Regulations Assessment

#### Introduction

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

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMS), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and RAMSAR site.

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ITEM 9 (CONT'D)

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2014/1067

Before deciding to give permission we must therefore first consider whether this development is likely to have a significant effect on the CBEEMS either alone or in combination with other plans or projects in the same catchment area.

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

### Water Quality

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

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

As the consents in question have already been subject to a full assessment (alone and in-combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits.

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

### Other Possible Effects on CBEEMS features

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

### **CONCLUSION**

On this basis there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with regulation 61(1).

In conclusion therefore and having regard to all material consideration including the Human Rights Act, refusal is recommended on the grounds that the proposal conflicts with established Policies aimed at strengthening the role of the Gorseinon District Shopping Centre.

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ITEM 9 (CONT'D)

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### RECOMMENDATION

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

- 1 The proposed development would result in the establishment of a significant retail development within a primarily industrial area outside of the established Gorseinon District Shopping Centre and would be contrary to Strategic Policy SP6 and Policies EC4 and EC9 of the City and County of Swansea Unitary Development Plan 2008 which aim to improve and strengthen the role of this established District Shopping Centre.
- 2 The approval and formation of this retail development within the Garngoch Industrial Estate would establish an undesirable precedent for the consideration of applications for development of a similar nature, the cumulative effect of which would result in the sporadic development of retail units outside the district shopping centres, for which there is no proven local need and which would undermine the future vitality and attractiveness of those centres contrary to the aims of Policies SP6, EC4 and EC9 of the Swansea Unitary Development Plan 2008.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, EC4, EC8, EC9, AS1, AS2, AS5, AS6, EV33, EV34 and EV35.

### PLANS

01 existing floor plans, 02 site location and existing elevations, 03 proposed floor plans, 04 proposed elevations, 05 block plan dated 25th July 2014

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PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 10

APPLICATION NO.

2014/1459

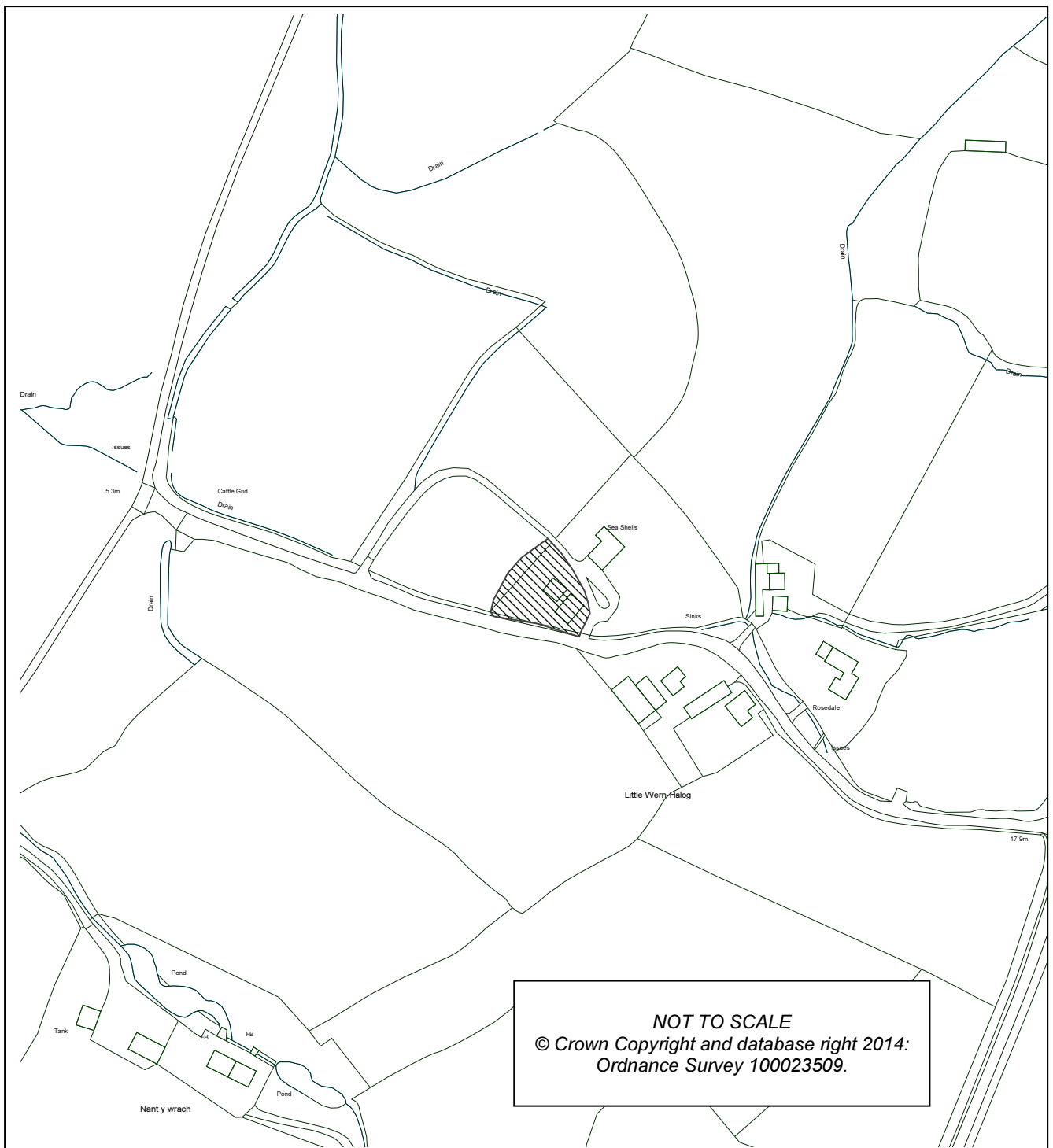
WARD:

Gower

**Location:** Sea Shells, Llanrhidian, Gower, Swansea

**Proposal:** Addition of pitched roof to existing outbuilding to form one unit of holiday accommodation with new garage/workshop (Amendment to planning permission 2010/0187 granted 3rd March 2011)

**Applicant:** S & J Properties



## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 10 (CONT'D)

APPLICATION NO.

2014/1459

### 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 EV19	Replacement dwellings in the countryside, including residential chalets, will only be permitted where the residential use has not been abandoned, the proposed new dwelling is similar in terms of siting, scale, design and character and compliments the character of the surrounding area. (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 EC12	The conversion of existing buildings in the countryside to new uses that contribute to the local economy and the extensions of such buildings will be permitted subject to a defined set of criteria including the building's structural integrity, its ability to be converted without prejudicing the character of the building or its locality, the building's compatibility with its surroundings, issues of access and highway safety, and the building's past uses etc. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2010/0187	Addition of pitched roof to existing outbuilding to form one unit of holiday accommodation with new garage/workshop Decision: Grant Permission Conditional Decision Date: 03/03/2011

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ITEM 10 (CONT'D)

APPLICATION NO.

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### RESPONSE TO CONSULTATIONS

The application was advertised on site. No response has been received to this publicity exercise.

Council's **Head of Transportation and Engineering** comments – the amendments to this consented scheme do not have any highway implications. I recommend no highway objection.

### APPRAISAL

This application is reported to Committee for decision at the request of Councillor Richard Lewis in order to assess the impact of the proposal upon the AONB.

Full planning permission is sought for the addition of a pitched roof to an existing outbuilding to form one unit of holiday accommodation. The proposal also involves the construction of a new garage/workshop to serve the host dwelling at the property known as "Sea Shells" in Llanrhidian. This application is an amendment to Planning Permission 2010/0187 granted 3<sup>rd</sup> March 2011.

The proposed conversion of the existing tractor store to form a holiday let remains exactly as previously approved; the main difference therefore between this application and that already approved is focussed on the proposed new detached garage/workshop. The differences are as follows:

- Length as approved 9.9m – as proposed 10.2m
- Width as approved 6.6m – as proposed 7.1m
- Height as approved 3.8m – as proposed 4.6m

The main issues to be considered therefore are the impact of the proposed development on the visual amenities of this part of the Gower AONB having regard to the requirements of Policies EV1, EV2, EC12, EV19, EV22 and EV26 of the Unitary Development Plan 2008.

Policies EV1 and EV2 refer to the design of the proposal and the preference of the use of previously developed land. Policy EV22 states that the countryside should be protected for its own sake and EV26 states that within the AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Policy EC12 refers to the conversion of existing buildings in the countryside to new uses that contribute to the local economy. Policy EC19 supports the provision of tourist accommodation through conversion of existing appropriate buildings. Proposals however, should be assessed against the criteria of Policy EC12.

Policy EC12 supports the re-use of existing buildings in the countryside to new uses that contribute to the local economy and supports their re-use as holiday accommodation. The building is capable of conversion without significant structural change, although as the building is only single skin, a second skin will be built internally to provide better insulation. In addition, the alterations proposed would not adversely affect the rural character of the locality and can provide safe access for pedestrian and vehicles.

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 10 (CONT'D)

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This current application raises no additional issues to consider having regard to the conversion of the existing garage over and above what was fully considered and deemed acceptable under the previous planning permission. The design and external appearance of the proposed holiday let has previously been considered acceptable subject to a condition requiring samples of external finishes to be submitted and approved, and it is not considered that it would have an unacceptable visual impact in the wider landscape.

The changes proposed to the proposed new detached garage workshop are as detailed above, and whilst the latest proposal is larger, it is not considered to be excessively so. Furthermore, the building remains within the existing land previously used by the owners of Sea Shells and does not project into any agricultural land, only into an area of unused land behind existing buildings. The scale and design of the proposed building is not greatly over and above that previously consented, albeit the formerly sloping roof will be replaced with a dual pitched roof. Subject to the approval of external finishes once again, it is not considered that it would have an unacceptable visual impact in the wider landscape. In addition, the siting of the building ensures it is well screened by the existing boundary treatments.

The Head of Transportation and Engineering raises no highway objection.

The siting, scale and design of the proposal would dictate that there are no residential amenity issues to consider.

In conclusion, therefore, and having regard to all material considerations including the Human Rights Act, the proposal is considered an acceptable form of development at this location that complies with the requirements of Policies EV1, EV2, EC12, EC19, EV22 and EV26 of the 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.
  
- 2        Notwithstanding the details on the submitted plans, 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        The building No. 1 as identified on the submitted plans shall be used for holiday accommodation only and shall not be occupied by any person or persons as their main or sole place of residence.  
Reason: The site is only suitable for holiday use and is unsuitable for permanent residential use.

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 10 (CONT'D)

APPLICATION NO.

2014/1459

- 4 The owner shall ensure that an up to date register containing details of all occupiers of the holiday accommodation hereby approved, together with the dates of occupancy and details of the occupiers' main home address, is maintained and submitted to the Local Planning Authority on an annual basis (the register for each calendar year shall be submitted by the 31st January in the following year unless otherwise agreed by the Local Planning Authority), and shall also be made available at all reasonable times for inspection by the Local Planning Authority.  
Reason: To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation.
- 5 The works to the existing workshop building shall comprise of its conversion and alteration as shown on the approved plans and no demolition of the walls shall take place unless otherwise approved in writing by the Local Planning Authority  
Reason: The proposal is only acceptable on the basis that the existing building is retained and converted to the use applied for.
- 6 The new garage/workshop indicated in the submitted plans shall be retained for the parking of vehicles and purposes incidental to that use.  
Reason: To ensure adequate on site car parking provision in the interests of highway safety, and residential and visual amenity.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies, EV1, EV2, EV19, EV22, EV26 and EC12 of the Swansea Unitary Development Plan 2008.
- 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).

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ITEM 10 (CONT'D)

APPLICATION NO.

2014/1459

- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.

### PLANS

Site location plan, 2038-001-existing plans, 2038-002-existing elevations, 2038-006-existing site plan, 2038-007A-proposed site plan, 2038-33-new barn plan & elevations, 2038-35prop chalet plans & elevations dated 3rd October 2014.

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PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 11

APPLICATION NO.

2014/1569

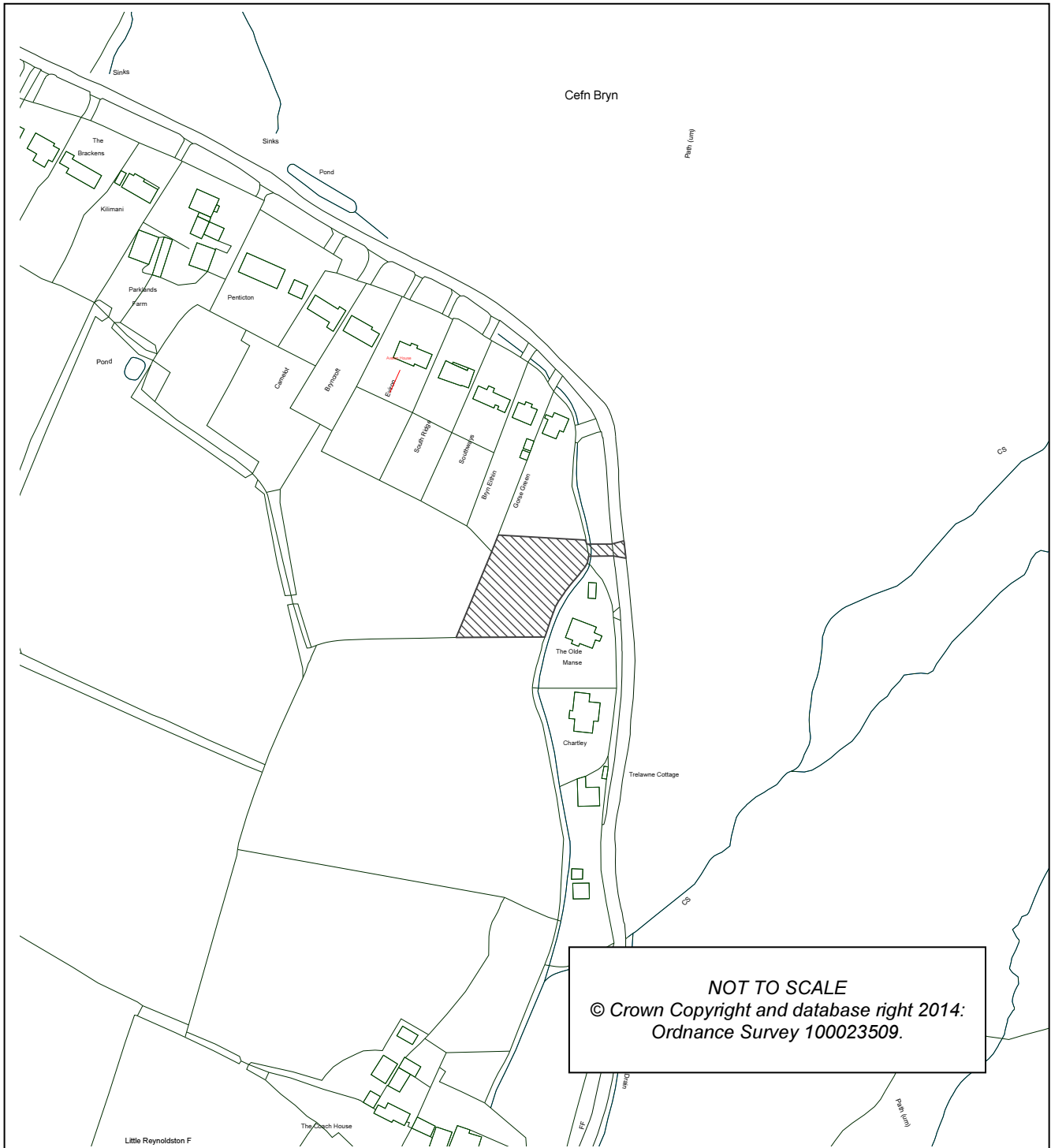
WARD:

Gower

**Location:** Land adjacent to Gors Green, Reynoldston, Swansea, SA3 1AE

**Proposal:** Detached dwelling house (details of access, appearance, layout and scale pursuant to application 2008/0560 granted 20th December 2013)

**Applicant:** Mr Derek & Mrs Susan Bowes-Mctear



## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1569

### **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 EV16	Within the small villages identified on the Proposals Map, small-scale development will be approved only where it is appropriate to the location in terms of the defined criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy 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**

<b>App No.</b>	<b>Proposal</b>
2009/1842	Detached dwelling house with detached garage (details of the siting, design, external appearance and landscaping pursuant to condition 1 of outline planning permission 2008/0560 granted on appeal on 27th January 2009) Decision: Grant Permission Conditional Decision Date: 07/05/2010
2013/1675	Variation of condition 03 of planning permission 2008/0560 granted at appeal 27th January 2009 to extend the period of time to commence works for a further 3 years Decision: Approve Conditional (S73) Decision Date: 14/02/2014
2008/0560	Detached dwelling house (outline) Decision: Refuse Decision Date: 05/06/2008

#### **RESPONSE TO CONSULTATIONS**

The application was advertised on site and two individual neighbouring properties consulted. No Response.



## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1569

**Council's Head of Transportation and Engineering** – No objection

**Dwr Cymru/Welsh Water** – No objection subject to standard conditions and advisory notes.

### **APPRAISAL**

This application is reported to Committee for decision at the request of Councillor Richard Lewis.

Reserved matters approval is sought for the construction of a detached dwelling on land adjacent to Gors Green, Reynoldston. Matters relating to scale, layout, access and appearance are to be considered as part of this application.

Outline and detailed planning permission has been granted for a detached dwelling on this site since 2008. Outline planning permission 2008/0560 was originally granted at appeal on the 27<sup>th</sup> January 2009.

Reserved matters approval was granted on the 7<sup>th</sup> May 2010 (2009/1842 refers). A Section 73 application to vary Condition 3 of the above referred outline permission to extend the period of time to commence works for a further 3 years was approved (2013/1675 refers) was approved in February 2014.

### Issues

The main issues to be considered during the determination of this application relate to the proposal's impact on the character and appearance of this part of Reynoldston and the surrounding Area of Outstanding Natural Beauty, together with its impact upon the amenities of neighbouring residents and highway safety. It is not considered that the provisions of the Human Rights Act raise any other overriding considerations.

Given the historic decisions on the site, the principle of development at this location has been firmly established and the application falls to be considered against the criteria under Policy EV16 and EV26 of the Unitary Development Plan. Policy EV16 requires that development within small Gower Villages, such as Reynoldston, must be appropriate in terms of a number of criteria including scale, density, elevational design, prominence, materials, screening, acceptable access and relationship to adjacent buildings, spaces and landscape features.

Policy EV26 requires development to preserve or enhance the natural beauty of the Gower AONB.

### Character and Appearance

It is considered that the plot is of sufficient size to accommodate a detached dwelling, and as it is considered to fall within the village, an appropriately designed dwelling would not have an adverse impact on the character and appearance of the area. The area is characterised by a mixture of architectural styles and designs and given the relatively hidden nature of the site it is not considered that there is a prevailing characteristic or dominant house type to suggest a specific architectural response on this site.

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1569

The design has been developed so as to integrate into the terrain of the land and the form of the building expresses the fall of the land whilst maximising on views. A comparison of the original approved dwelling with the proposal as submitted as part of this application, shows that the currently proposed dwelling has a similar L-shape form to the approved scheme albeit with longer and narrower perpendicular 'wings' on both sides. Despite the increase in the length of the wings of the building the new proposal presents a dwelling which is significantly smaller than the approved, with a gross internal floor of 225m<sup>2</sup> in comparison to the previous 460m<sup>2</sup>.

Further to this, the proposed dwelling is also 3m lower than the previous scheme, being 7.5m in height over 2 storeys in comparison to 10.5m tall over 3 storeys. This is a result of a change in the design of the dwelling from a more traditional building form with tall pitched roofs to a more dispersed linear form with mono-pitched roofs on the northern, east-west running wing and flat sedum roofs on the other wing. This revised approach has the dual benefits of helping the dwelling to better nestle into the falling topography of the site to reduce its visual impact, as well as providing an appropriate and contemporary re-interpretation of a cluster/grouping of agricultural buildings. It is considered that a dwelling of this size and scale can be accommodated on the site without unduly affecting the character and appearance of the wider landscape. The appearance is contemporary in nature and given its reduced height will not be highly visible and therefore would not detract from the overall character of the area, nor does it negatively impact on the adjacent properties. Overall, given the reduction in the massing and height of the house when compared to the approved, as well as providing a revised dwelling which better suits the local topography and agricultural vernacular, the proposals are considered acceptable, subject to the agreement of details such as materials, interfaces/junctions etc. all of which can be controlled via condition.

The house incorporates a roughly 'L' shaped footprint, set well back from the road and hidden from wider vantage points on Cefn Bryn by existing landscaping and this coupled with the sloping land levels and design will shield Cefn Bryn from the bulk of the building. The building incorporates a significant amount of glazing which maximises solar gain into the property. Whilst the proposed external roof terrace is quite large this will be primarily shielded from the north by the proposed dwelling itself and to the south and east by existing screening and will only be visible from oblique long range views from the south and west directions. On this basis the proposal is not considered to have an unacceptable impact on this part of the Gower AONB and would not adversely impact on the character and appearance of the surrounding area.

### Residential Amenity

Turning to the impact upon the residential amenities of the neighbouring residents, the proposed dwelling will mainly affect The Old Manse. Given the separation distances in excess of 40m from Gors Green and Bryn Eithin, it is not considered the proposed dwelling will have an unacceptable overbearing, overshadowing or overlooking impact upon the residential amenities of these dwellings. The dwelling will be situated within the rear garden of Gors Green and it is considered that given the size of the plot and the fall in gradient, which helps break down the overall massing of the dwelling. A separation distance of between 9m and 15m is achieved off the eastern common boundary with the Manse, however, at its lowest separation distance the dwelling is limited to single storey in height and appears almost subterranean due to its position within the landscape.

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1569

On this basis the proposed dwelling will not have an unacceptable overbearing or overshadowing impact upon the residential amenities of the occupiers of that neighbouring dwelling.

With regards overlooking, an agreed level of boundary treatment can overcome issues in relation to overlooking at ground level. Turning to the windows at first floor level and roof terrace, there are no issues raised relating to the windows in the south facing elevation. In terms of the west facing elevation, the windows are limited to ground floor only and look inwards over a private courtyard area. The north facing windows are again limited to the lower ground floor (effectively subterranean) and as such overall it is not considered the proposal will result in unacceptable overbearing and overshadowing or overlooking from the habitable room windows.

Turning to the proposed roof terrace area, whilst the majority of the terrace will be sited in excess of 10m from the eastern boundary, which is considered sufficient in order to overcome privacy issues, a small section along the south-east elevation facing the Old Manse will be within this distance. However given the existing dense foliage and low lying nature of the terrace the impact is considered acceptable. A condition forming part of the 2013/1675 outline planning permission requires the maintenance of this hedgerow.

### Highways

With regard to highway safety, the Head of Transportation and Engineering has no objection to the proposal as the layout scheme provides more than adequate parking and suitable turning facilities within the site. The means of access serving the site is also considered to be acceptable.

### Conclusion

In conclusion, and having regard to all material considerations including the Human Rights Act, it is considered that the proposal represents an acceptable form of infill development which respects the character and appearance of the area and the wider Gower AONB, whilst at the same time introducing a modern dwelling which conserves and enhances the protected area. The proposal has been carefully designed to ensure that the development does not have an unacceptable impact upon the residential amenities of the neighbouring occupiers and as such it is considered that it complies with Policies EV1, EV2, EV16 and EV26 of the Adopted UDP. Approval is therefore recommended.

## **RECOMMENDATION**

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

- 1 Notwithstanding the approved plans, samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before any construction works above ground level are commenced. The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 11 (CONT'D) APPLICATION NO. 2014/1569

- 2 Foul water and surface water discharges shall be drained separately from the site.  
Reason: To protect the integrity of the Public Sewerage System.
- 3 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.
- 4 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 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, EV2, EV16 and EV26 of the Swansea Unitary Development Plan 2008.
- 3 The developer is advised to contact Dwr Cymru (Welsh Water) Telephone Swansea 772200 Ext. 2562 with regard to adequacy of water supply and position of water distribution mains in the area.
- 4 To protect the integrity of the Public Sewerage System, foul water and surface water discharges shall be drained separately from the site.
- 5 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment, no surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
- 6 To prevent hydraulic overload of the public sewerage system and pollution of the environment, land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
- 7 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.

**PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015**

ITEM 11 (CONT'D)

APPLICATION NO.

2014/1569

- 8 The developer is advised that the Welsh Government are planning to introduce new legislation that will make it mandatory for all developers who wish to connect to the public sewerage to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW) (Mandatory Build Standards). Further information on the Mandatory Build Standards can be found on the Developer Services Section, DCWW at [www.dwrcymru.com](http://www.dwrcymru.com) or on the Welsh Government's website [www.wales.gov.uk](http://www.wales.gov.uk).
- 9 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.

**PLANS**

1326/S02-proposed roof plan, 1326/S03-proposed entrance plan, 1326/S04-proposed lower level plan, 1326/S10-proposed west elevation/section Aa, 1326/S11-proposed east elevation, 1326/S12-proposed south elevation, 1326/S13-proposed north elevation dated 16th October 2014. Site location plan, 1326/S01A-proposed site plan received 21st October 2014

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PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 12

APPLICATION NO.

2014/1588

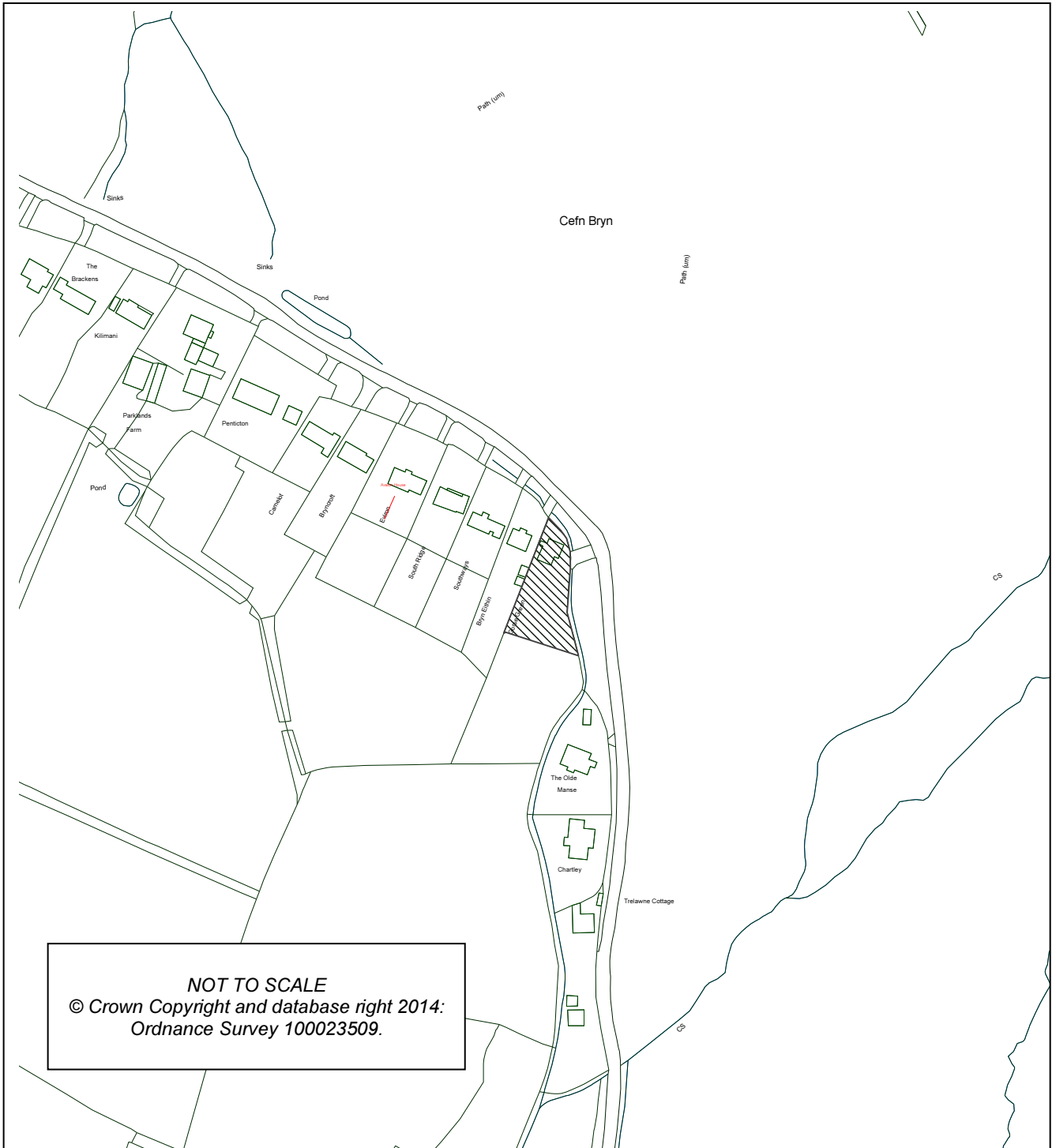
WARD:

Gower

**Location:** Gors Green, Reynoldston, Swansea, SA3 1AE

**Proposal:** Single storey rear extension, creation of outdoor swimming pool rear terraced areas, safety ballustrade and new rear boundary walls

**Applicant:** Mr Howard Kinsey



## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 12 (CONT'D)

APPLICATION NO.

2014/1588

### 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 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, affect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

There is no relevant planning history pertaining to the site.

#### RESPONSE TO CONSULTATIONS

The neighbouring occupants at Bryneithin were sent a letter of consultation on 20<sup>th</sup> October 2014. A site notice was posted within the vicinity of the application site on 31<sup>st</sup> October 2014.

- No representations have been received to date.

#### Highway Observations -

The Council's **Head of Transportation and Engineering** was consulted and responded with the following comments:

*Proposals are for a single storey rear extension, creation of outdoor swimming pool and new rear boundary walls. Current parking arrangements are unaffected. There are no highway objections.*

The Council's **Ecology Officer** observations -

#### BIRDS

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

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

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 12 (CONT'D)

APPLICATION NO.

2014/1588

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

### APPRAISAL

This application has been called to Committee at the request of Councillor Richard Lewis in order to assess the impact of the proposed development on the AONB.

The application site comprises a detached, two storey dwelling known as Gors Green which is situated in Reynoldston and the local ward of Gower. The application property benefits from off road parking and a large curtilage and is also situated within the Gower Area of Outstanding Natural Beauty (AONB).

Reynoldston is the largest settlement within the AONB with approximately 178 dwellings. It sits at the centre of the peninsula, on the crossroads of both north/south and east/west routes. The 20<sup>th</sup> Century saw a significant increase in the size of the village with the development of the Applegrove Estate. As development extended along radial routes from the original village core, subsequent cul-de-sac development and linear expansion has resulted in the extension of the village eastwards towards the separate settlement of Little Reynoldston. There are a number of key characteristics to Reynoldston; wide shallow footprints are characteristic of older properties within the village, larger squarer footprints typify the more recent suburban development forms. Simple pitched roofs punctuated by chimneys are the characteristic roof form on older properties within the village with subservient pitched roofs to extensions; generally ridgelines run parallel to the road.

This application seeks full planning permission to construct a single storey rear extension, an outdoor swimming pool, rear terraced areas, safety balustrade and new walls. The proposed single storey rear extension will measure approximately 3.7 metres deep and approximately 6.2 metres wide. It will feature a pitched roof measuring approximately 2.7 metres to the eaves and approximately 3.4 metres to the ridge. The swimming pool will be approximately 1.5 metres deep, approximately 3 metres wide and approximately 6 metres in length. The walls will measure approximately 2.5 metres in height and will be constructed from brick, finished in render to match the existing dwelling. One of the walls is to be sited along part of the common boundary with the neighbouring property. The other section of wall is to be sited within the rear garden area, to the rear of the host dwelling.

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 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 development will be constructed to the rear elevation of the dwelling and will be partially visible from public vantage points.



## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 12 (CONT'D)

APPLICATION NO.

2014/1588

Section A1.58 of the Gower AONB Design Guide states that 'the addition of a conservatory should respect the scale and character of the existing building'. It is considered, that given the relatively small scale of the proposed single storey rear extension it accords with the provisions of the Gower AONB Design Guide.

The proposed swimming pool will not be raised above ground level, therefore it will have a minimal visual impact. There are also a number of swimming pools in back gardens of other properties within Reynoldston. Therefore the creation of a swimming pool in this location is not considered to be out of character for the area, in accordance with Policies EV1, EV26 and HC7 of the City and County of Swansea Unitary Development Plan, the Design Guide for Householder Development and the Gower AONB Design Guide.

The decked area will only be raised above the ground level by approximately 0.2 metres and only comprises a small area of the overall garden space. It is therefore not considered that it will have an adverse effect on the character or appearance of the host dwelling or the wider Gower AONB in accordance with the provisions of Policies EV1, EV26 and HC7 of the City and County of Swansea Unitary Development Plan.

The new walls will not obstruct views of the house. The purpose of the new walls is to screen the proposed swimming pool from public vantage points along the adjacent access road. The proposed walls will be constructed from brick and rendered to match that of the existing dwellinghouse. It is not considered that the proposed walls adversely affect the character and appearance of the host dwelling or the surrounding street scene in accordance with Policies EV1, EV26 and HC7 of the City and County of Swansea Unitary Development Plan.

In terms of residential amenity it is not considered that the proposals will result in any overlooking, overbearing or overshadowing impact to any adjoining neighbour. The single storey rear extension is of a minimal scale, the swimming pool will be at ground level and the proposed walls and decked area will not be overly dominant, especially as the neighbouring property at Bryneithin is at a slightly higher level than that of the application property.

There are also no highway objections to the proposals.

In conclusion it is considered that the proposals represent an acceptable form of development. The proposed single storey rear extension, new boundary walls, safety balustrade, rear terraced area and the creation of an outdoor swimming pool is considered acceptable particularly given their subservient scale and appropriate design.

### **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.

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 12 (CONT'D)

APPLICATION NO.

2014/1588

- 2 Samples/details of all external finishes of the flank walls of the extension 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.

### 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
- 2 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.

### PLANS

Site location plan, block plan, 254.01-existing floor plan, 254.01-existing elevations, 254.04-proposed floor plan dated 21st October. Proposed block plan, 2014. 254.05-proposed elevations dated 23rd October 2014

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## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 13

APPLICATION NO.

2014/1666

WARD:

Bishopston

**Location:** The Dranges Nature Reserve on land to the East of Barlands Common, South & West of Broadley Farm, Bishopston, Swansea

**Proposal:** Creation of seven small ponds and the construction of hibernation sites

**Applicant:** The Wildlife Trust of South & West Wales

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
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Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
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Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)
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Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
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#### **SITE HISTORY**

None.

#### **RESPONSE TO CONSULTATIONS**

The proposal was advertised on site. No responses have been received.

Council's **Head of Transportation and Engineering** - This proposal will have no adverse affect on local highway safety conditions. I recommend that no highway objections are raised.

Council's **Ecology Officer** - The proposed ponds should provide a valuable ecological enhancement of the site. The locations of the ponds coincide with relatively poor areas of the reserve. There are no ecological concerns.

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 13 (CONT'D)

APPLICATION NO.

2014/1666

**Natural Resources Wales** – Having reviewed the information provided with the application, we are supportive of the proposal. We do not envisage any issues in relation to surrounding watercourses as a result of excavating the ponds. We recommend that prior to works commencing the applicant should assess if the movement of machinery across the site could cause sediment pollution.

### APPRAISAL

This application is reported to Committee for decision at the request of Councillor Keith Marsh to make members aware of the nature reserve.

The application seeks full planning permission for the creation of 7 small ponds and the construction of hibernation sites at the Dranges Nature Reserve on land to the east of Barlands Common, south west of Broadly Farm, Bishopston. The proposals are aimed at providing improvements within the nature reserve for both reptiles and amphibians.

Each pond varies in size, with the largest being 15m long and 12m wide, with the smallest being 10m long and 10m wide. The depth of the ponds varies between 1.2m and 1.5m. All but one pond will include hibernacula banks of approx. 1m in height and between 5-10m in length depending on the individual pond size. The banks will be created from clay, subsoil, logs and brash and will run adjacent to the ponds in an east-west orientation. The materials are to be sourced from the site. The banks would become vegetated over time and are likely to reduce in size due to decomposition.

The applicant states that the proposals are to both benefit biodiversity and to provide water for grazing livestock. The objective to the proposed habitat works is to maintain and increase the diversity of the grassland habitat at the site through the removal of specified areas of regenerative willow and alder growth and maintain the floristic composition by light grazing by appropriate grazing stock. The creation of the ponds is designed to increase the colony robustness and connectivity of species that are known to be present.

Access to the site would be from the exiting access off Bishopston Road, across private land. Public access is limited and only via a permissive path off a public right of way.

There are no defining features in the immediate vicinity of the application site and the applicant has stated that the locations of the ponds coincide with areas of the reserve of poor ecological value.

The main issue for consideration relates to whether the ponds will be visually prominent in the landscape, access and parking, having particular regard to Policies EV1, EV22 and EV26. There are no additional issues arising from the provisions of the Human Rights Act.

Policy EV26 relates to the Gower AONB and states that within the AONB, the primary objection is the conservation and enhancement of the area's natural beauty. Any development with the AONB should (i) be of an appropriately high standard of design and (ii) retain and where possible enhance exiting features of natural heritage and the historic environment.

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 13 (CONT'D)

APPLICATION NO.

2014/1666

Policy EV22 relates to the countryside and states that the countryside 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 (ii) practical management and improvement measures.

In terms of visual amenity the ponds are not prominent, being situated too far away from the highway network to be visible from passing traffic and located within private land with restricted access and views. From afar, any views of the site would be against the backdrop of the countryside and its associated setting. The provision of the ponds is considered to preserve the visual quality of the application site and will maintain and enhance the landscape quality of the site whilst protecting its nature conservation interests and enhancing biodiversity.

It is considered that the visual amenity of the area would not be adversely affected by the proposed development and the proposal is therefore in accordance with the criteria set out in Policies EV1, EV22 and EV26 of the City and County of Swansea Unitary Development Plan 2008.

In terms of residential amenity, due to the location of the ponds, several hundred metres away from the nearest residential property, there are no issues to address in this respect.

In conclusion, therefore, and having regard to all material planning considerations including the Human Rights Act, the proposal is considered to represent an acceptable form of development, having particular regard to Policies EV1, EV22 and EV26 of the City and County of Swansea Unitary Development Plan 2008. Accordingly, approval is recommended.

### 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 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: EV1, EV22, EV26.
- 3 The applicant's attention is drawn to the attached advisory notes relating to pollution prevention, drainage, waste management, habitats and species. The applicant must contact Natural Resources Wales (03000653000) prior to commencing works.

**PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015**

ITEM 13 (CONT'D)

APPLICATION NO.

2014/1666

- 4 The applicant is advised that prior to the commencement of works on site, an assessment should be made to establish if the movement of machinery across the site prior to and during construction works could cause sediment pollution to local watercourses. If the applicant considers that there is such a risk, then the applicant should contact National Resource Wales's Environmental Management Team for advice.

**PLANS**

Site location plan, 01-block plan, pond number 1-plan view, pond number 1-cross sectional view, pond number 2-plan view & cross sectional view, pond number 3-plan view & cross sectional view, pond number 4-plan view & cross sectional view, pond number 5-plan view & cross sectional view, pond number 6-plan view & cross sectional view, pond number 7-plan view, pond number 7-cross sectional view, photographs dated 3rd November 2014. Pond one plan view, pond two plan view, pond three plan view, pond four plan view, pond six plan view, pond seven plan view, photos dated 21st November 2014.

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**PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015**

ITEM 14

APPLICATION NO.

2014/1757

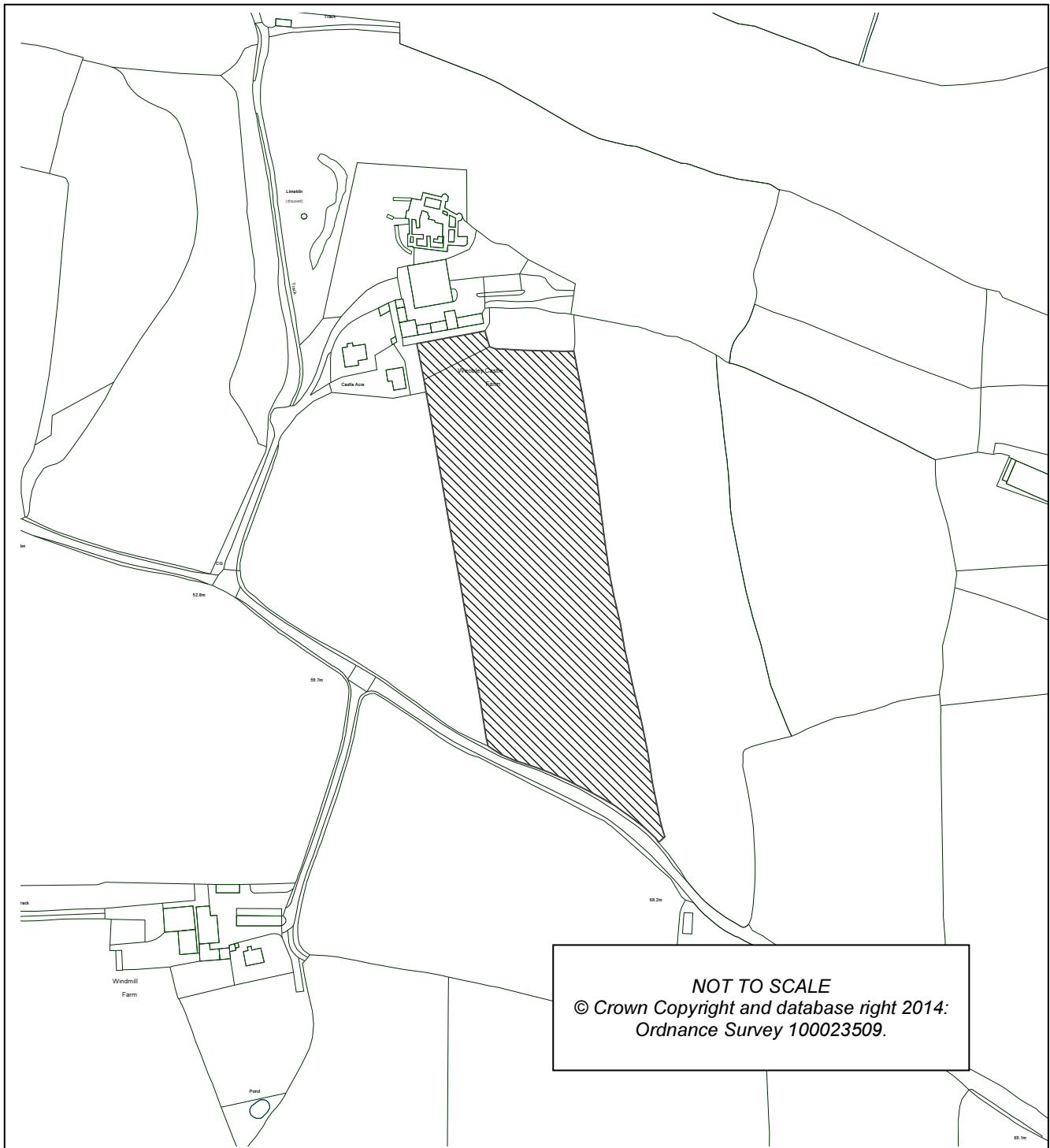
WARD:

Gower

**Location:** Field 8753, Weobley Castle Farm, Llanrhidian, Gower

**Proposal:** Use of land for caravan rally for a maximum of 60 units from Friday 3rd July to Sunday 5th July 2015 (inclusive)

**Applicant:** The Caravan Club



## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 14 (CONT'D)

APPLICATION NO.

2014/1757

### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
Policy EC22	Control of camping and touring caravans on farms and storage of touring caravans. (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 EV31	Along the undeveloped coastline development proposals for the provision of visitor and recreation facilities and services to complement existing facilities will be permitted at specified coastal locations. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2013/1282	Use of land for caravan rally for a maximum of 60 units from 27th to 29th June 2014 (inclusive) Decision: Grant Temporary Permission Decision Date: 21/10/2013
2001/0902	Renewal of temporary permission for the siting of 5 touring caravans from good friday or 1st April (whichever is earlier) to 31st October during the 2002 and 2003 seasons Decision: Grant Permission Conditional Decision Date: 13/07/2001



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ITEM 14 (CONT'D)	APPLICATION NO.	2014/1757
2012/0754	Use of land for caravan rally for a maximum of 60 units from 28th to 30th June 2013 (inclusive) Decision: Grant Temporary Permission Decision Date: 16/07/2012	
2013/0325	Use of land for camping and caravan rally for a maximum of 20 units from 14th to 16th June 2013 inclusive) Decision: Grant Temporary Permission Decision Date: 15/04/2013	
2013/0715	Use of land for camping and caravan rally for a maximum of 100 units from 13th to 15th June 2014 (inclusive) Decision: Grant Temporary Permission Decision Date: 24/06/2013	
2008/1179	Use of land for caravan rally for approx. 50 units from 26th - 28th June 2009 (inclusive) Decision: Grant Temporary Permission Decision Date: 24/07/2008	
2010/1366	Use of land for camping and caravan rally for a maximum of 50 units from 24th - 26th June 2011 (inclusive) Decision: Grant Temporary Permission Decision Date: 06/10/2010	
2013/0714	Use of land for camping and caravan rally for a maximum of 100 units from 5th to 7th September 2014 (inclusive) Decision: Grant Temporary Permission Decision Date: 24/06/2013	
2014/0663	Use of land for caravan rally for a maximum of 20 units from 10th to 12th July 2015 (inclusive) Decision: Grant Temporary Permission Decision Date: 26/06/2014	
2003/1039	Renewal of temporary permission for the siting of 5 touring caravans from Good Friday or 1st April (whichever is earlier) to 31st October during the 2004 and 2005 seasons Decision: Grant Temporary Permission Decision Date: 23/07/2003	
2005/0051	Use of land for a caravan rally for approximately 20 units from 9th September to 11th September 2005 (inclusive) Decision: Grant Temporary Permission Decision Date: 18/02/2005	

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ITEM 14 (CONT'D)	APPLICATION NO.	2014/1757
2007/1203	Use of land for camping and caravan rally for a maximum of 90 units from 2nd May to 5th May 2008 inclusive Decision: Grant Temporary Permission Decision Date: 01/08/2007	
2008/0556	Use of land for a caravan rally for a maximum 20 units from 14th August 2008 to 17th August 2008 (inclusive) Decision: Grant Temporary Permission Decision Date: 28/04/2008	
2010/0579	Use of land for camping and caravan rally for the maximum of 30 units from 2nd - 4th September 2011 (inclusive) Decision: Grant Temporary Permission Decision Date: 24/06/2010	
2011/0864	Use of land for camping and caravan rally for a maximum of 50 units from 22nd to 24th June 2012 (inclusive) Decision: Grant Temporary Permission Decision Date: 21/07/2011	
99/1384	USE OF LAND FOR A CARAVAN RALLY FOR APPROXIMATELY 45 UNITS FROM 7th JULY TO 9th JULY 2000 (INCLUSIVE) Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 26/11/1999	
2007/0319	Use of land for a caravan rally for a maximum of 20 units from 15th to 17th June 2007 (inclusive) Decision: Grant Temporary Permission Decision Date: 28/03/2007	
2012/0445	Use of land for camping and caravan rally for a maximum of 100 units from 10th to 12th May 2013 (inclusive) Decision: Grant Temporary Permission Decision Date: 27/04/2012	
2013/0710	Use of land for camping and caravan rally for a maximum of 100 units from 9th May to 11th May 2014 (inclusive) Decision: Grant Temporary Permission Decision Date: 24/06/2013	
99/0788	RENEWAL OF TEMPORARY PERMISSION FOR THE SITING OF 5 TOURING CARAVANS FROM GOOD FRIDAY OR 1st APRIL (WHICHEVER IS THE EARLIER) TO 31st OCTOBER DURING 2000 & 2001 SEASONS Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 23/07/1999	

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ITEM 14 (CONT'D)	APPLICATION NO.	2014/1757
2002/1074	Use of land for a caravan rally for approximately 35 units from 11th to 13th July 2003 (inclusive) Decision: Grant Temporary Permission Decision Date: 19/07/2002	
2007/2376	Use of land for a caravan rally for a maximum 50 units from 27th June 2008 to 29th June 2008 (inclusive) Decision: Grant Temporary Permission Decision Date: 17/12/2007	
2012/0323	Use of land for camping and caravan rally for a maximum of 100 units from 20th to 22nd April 2012 (inclusive) Decision: Grant Temporary Permission Decision Date: 03/04/2012	
2013/1279	Use of land for caravan rally for a maximum of 50 units from 25th to 27th April 2014 (inclusive) Decision: Grant Temporary Permission Decision Date: 21/10/2013	
2003/0440	Use of land for a caravan rally for approximately 20 units from 27th June until 29th June 2003 (inclusive) Decision: Grant Temporary Permission Decision Date: 02/05/2003	
2003/1285	Use of land for a caravan rally for approximately 40 units from 2nd to 4th July 2004 (inclusive) Decision: Grant Temporary Permission Decision Date: 08/08/2003	
2004/0757	Use of land for caravan rally for approx. 20 units from 18th-20th June 2004 (inclusive) Decision: Grant Temporary Permission Decision Date: 06/05/2004	
2004/2252	Use of land for caravan rally for approximately 60 units from 1st July until 3rd July 2005 (Inclusive) Decision: Grant Temporary Permission Decision Date: 12/11/2004	
2007/0434	Use of land for a caravan rally for a maximum 45 units from 22nd June 2007 to 24th June 2007 (inclusive) Decision: Grant Temporary Permission Decision Date: 30/03/2007	

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ITEM 14 (CONT'D)	APPLICATION NO.	2014/1757
2009/0636	Use of land for camping and caravan rally for the maximum of 30 units from 7th - 9th May 2010 (inclusive) Decision: Grant Temporary Permission Decision Date: 16/07/2009	
2011/0533	Use of land for camping and caravan rally for a maximum of 100 units from 11th - 13th May 2012 (inclusive) Decision: Grant Temporary Permission Decision Date: 06/06/2011	
2006/0634	Use of land for a caravan rally for a maximum of 50 units from 30th June 2006 to 2nd July 2006 (inclusive) Decision: Grant Temporary Permission Decision Date: 15/05/2006	
2006/0758	Renewal of temporary permission for the siting of 5 touring caravans from 15th May-30th October during 2006 season and Good Friday or 1st April (whichever is earlier) to 31st October during the 2007 seasons Decision: Grant Temporary Permission Decision Date: 15/05/2006	
2008/1204	Use of land for camping and caravan rally for the maximum of 90 units from 8th - 10th May 2009 (inclusive) Decision: Grant Temporary Permission Decision Date: 25/07/2008	
2009/0923	Use of land for camping and caravan rally for the maximum of 50 units from 25th - 27th June 2010 (inclusive) Decision: Grant Temporary Permission Decision Date: 06/08/2009	
2010/0578	Use of land for camping and caravan rally for the maximum of 30 units from 10th - 12th June 2011 (inclusive) Decision: Grant Temporary Permission Decision Date: 24/06/2010	
2011/0534	Use of land for camping and caravan rally for a maximum of 100 units from 7th -9th September 2012 (inclusive) Decision: Grant Temporary Permission Decision Date: 06/06/2011	
2012/0444	Use of land for camping and caravan rally for a maximum of 100 units from 6th to 8th September 2013 (inclusive) Decision: Grant Temporary Permission Decision Date: 04/05/2012	

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ITEM 14 (CONT'D)

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### RESPONSE TO CONSULTATIONS

A site notice was posted within the vicinity of the application site on 27<sup>th</sup> November 2014.

- No representations have been received to date.

### Highway Observations –

The Head of Transportation and Engineering was consulted and offered no objection to the proposal.

### APPRAISAL

This application is reported to Committee at the request of Councillor Richard Lewis due to constituent concerns and in order to assess the impact of the proposed development on the AONB.

This application seeks temporary planning permission for the use of Field 8753, Weobley Castle Farm as a caravan rally for a maximum of 60 units from Friday 3<sup>rd</sup> July to Sunday 5<sup>th</sup> July 2015.

Within the Gower AONB permitted development rights for:

- (i) Camping for a maximum of 28 days in any year;
- (ii) Siting of up to three caravans on holdings of 5 acres or more for a maximum of 28 days in any year, and
- (iii) Caravan rallies which are organised by exempt organisations for a maximum of 5 days

have been removed by an Article 4 Direction. The Article 4 Direction was confirmed in 1979 by the Secretary of State for Wales for environmental infrastructure reasons and through these powers the Council has control over the provision of pitches. This continues to be an important element for the protection of the natural beauty of the AONB.

The site has a long established history of receiving temporary planning permission for the use of this field for caravan rallies. Temporary planning consent has already been issued for the use of this field as a caravan rally from the 10<sup>th</sup>-12<sup>th</sup> July 2015 (Ref 2014/0663).

The primary issues in the consideration of this application relate to the impact of the proposal on the character and appearance of the countryside and Gower Area of Outstanding Natural Beauty (AONB), having regard to Policies EV1, EV3, EV22, EV26, EV31 and EC22 of the adopted City and County of Swansea Unitary Development Plan (2008).

This short term proposal is considered to have no detrimental impact upon the visual amenities of the surrounding area or the character and appearance of the countryside or wider Gower AONB which therefore accords with the primary objectives of Policies EV1, EV3, EV22, EV26 and EV31.

It is also considered that the proposal meets the essential criteria of Policy EC22 which states that temporary camping should minimise significant impacts upon the environment.

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ITEM 14 (CONT'D)

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In conclusion it is considered that the proposal represents an acceptable form of development in this sensitive location within the countryside and the Gower AONB which therefore complies with the provisions of the prevailing Unitary Development Plan Policies.

### RECOMMENDATION

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

- 1 This permission is granted for a temporary period from 3rd July to 5th July 2015 inclusive, after which time the use shall cease. No caravans or other structures associated with the use hereby approved shall be on the site before 3rd July 2015 or after 5th July 2015.

Reason: In order that the Local Planning Authority may review the situation and in order to achieve a satisfactory form and pattern of development in accordance with the intentions of the Article 4 Direction.

### INFORMATIVES

- 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: EV1, EV3, EV22, EV26, EV31 and EC22
- 3 The applicant shall comply with the requirements of the Head of Environmental Management and Protection of the City and County of Swansea.
- 4 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 5 The site is crossed by a registered public footpath (LL2), this footpath must be kept clear at all times.

### PLANS

Site location plan received 17th November 2014

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ITEM 15 (CONT'D)

APPLICATION NO.

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### BACKGROUND INFORMATION

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
Policy EV31	Along the undeveloped coastline development proposals for the provision of visitor and recreation facilities and services to complement existing facilities will be permitted at specified coastal locations. (City & County of Swansea Unitary Development Plan 2008)
Policy EC22	Control of camping and touring caravans on farms and storage of touring caravans. (City & County of Swansea Unitary Development Plan 2008)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2014/0137	Use of land for a caravan rally for a maximum of 80 units from 23rd May to 1st June 2014 (inclusive) Decision: Grant Temporary Permission Decision Date: 13/03/2014
2006/0261	Use of land for a caravan rally for approximately 50 units from 24th August to 3rd September 2006 (inclusive) Decision: Grant Temporary Permission Decision Date: 08/03/2006



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ITEM 15 (CONT'D)	APPLICATION NO.	2014/1758
2006/0389	Use of land for a caravan rally for approximately 25 units from 25th to 28th August 2006 (inclusive) Decision: Grant Temporary Permission Decision Date: 24/03/2006	
2006/2255	Use of land for a caravan rally for a maximum of 60 units from 21st July to 4th August 2007 (inclusive) Decision: Grant Temporary Permission Decision Date: 21/11/2006	
2007/2498	Use of land for a caravan rally for a maximum 50 units from 13th June 2008 to 15th June 2008 (inclusive) Decision: Grant Temporary Permission Decision Date: 17/12/2007	
2008/1886	Use of land for a caravan rally for a maximum of 50 units from 1st to 4th May 2009 (inclusive) Decision: Grant Temporary Permission Decision Date: 05/11/2008	
2011/0532	Use of land for a caravan rally for a maximum of 80 units from 6th - 15th April 2012 (inclusive) Decision: Grant Temporary Permission Decision Date: 06/06/2011	
2012/0039	Use of land for a caravan rally for a maximum of 35 units from July 26th to 13th August 2012 (inclusive) Decision: Grant Temporary Permission Decision Date: 24/02/2012	
2013/1277	Use of land for a caravan rally for a maximum of 25 units from 21st to 23rd March 2014 (inclusive) Decision: Grant Temporary Permission Decision Date: 21/10/2013	
2001/1648	Use of land for a caravan rally for approximately 60 units from 31st May to 9th June 2002 (inclusive) Decision: Grant Permission Conditional Decision Date: 16/11/2001	
2002/2178	Use of land for a caravan rally for approximately 60 units from 31st July until 17th August 2003 (inclusive) Decision: Grant Temporary Permission Decision Date: 10/01/2003	

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ITEM 15 (CONT'D)	APPLICATION NO.	2014/1758
2009/0918	Use of land for a caravan rally for a maximum of 60 units from 28th May to 6th June 2010 (inclusive) Decision: Grant Temporary Permission Decision Date: 06/08/2009	
2009/1037	Use of land for a caravan rally for a maximum of 30 units from 21st to 23rd March 2010 (inclusive) Decision: Grant Temporary Permission Decision Date: 28/08/2009	
2010/0491	Use of land (Field 0005) for a caravan rally for a maximum 25 units from Friday 28th May 2010 to Tuesday 1st June 2010 (inclusive) Decision: Withdrawn Decision Date: 28/06/2010	
2011/0231	Use of land for a caravan rally for a maximum of 30 units from 8th June to 13th June 2011 (inclusive) Decision: Grant Temporary Permission Decision Date: 09/05/2011	
2013/0116	Use of land for a caravan rally for a maximum of 35 units from 24th July to 13th August 2013 (inclusive) Decision: Withdrawn Decision Date: 04/04/2013	
2013/1281	Use of land for a caravan rally for a maximum of 80 units from 25th May to 1st June 2014 (inclusive) Decision: Withdrawn Decision Date: 04/02/2014	
2013/1461	Use of land for a caravan rally for a maximum of 60 units from 23rd May to 1st June 2014 (inclusive) Decision: Grant Temporary Permission Decision Date: 25/11/2013	
2014/1659	Use of land for a caravan rally for a maximum of 30 units from 27th December 2014 to 2nd January 2015 (inclusive) Decision: Grant Temporary Permission Decision Date: 22/12/2014	
A01/0042	USE OF LAND FOR A CARAVAN RALLY FOR APPROXIMATELY 20 UNITS FROM 28TH JULY 2001 TO 11TH AUGUST 2001(INCLUSIVE) Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 16/02/2001	

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ITEM 15 (CONT'D)	APPLICATION NO.	2014/1758
2001/1650	Use of land for a caravan rally for approximately 40 units from 6th - 8th September 2002 (inclusive) Decision: Grant Permission Conditional Decision Date: 16/11/2001	
2002/1077	Use of land for a caravan rally for approximately 40 units from 26th to 31st August 2003 Decision: Grant Temporary Permission Decision Date: 19/07/2002	
2003/2006	Use of land for a caravan rally for approximately 60 units from 29th July until 15th August 2004 (inclusive) Decision: Grant Permission Conditional Decision Date: 16/11/2003	
2004/0301	Use of land for a caravan rally for approximately 40 units from 9th April to 12th April and approximately 40 units from 27th August to 30th August 2004 (inclusive) Decision: Grant Temporary Permission Decision Date: 08/04/2004	
2004/2248	Use of land for caravan rally for approximately 60 units from 26th May until 5th June 2005 (Inclusive) Decision: Grant Temporary Permission Decision Date: 15/11/2004	
2007/0950	Use of land for a caravan rally for a maximum 80 units from 22nd May 2008 to 1st June 2008 (inclusive) Decision: Grant Temporary Permission Decision Date: 07/06/2007	
2009/1484	Use of land for a caravan rally for a maximum of 30 units from 30th April 2010 to 3rd May 2010 (inclusive) Decision: Grant Temporary Permission Decision Date: 19/11/2009	
2010/0691	Use of land for a caravan rally for a maximum of 80 units from 27th May 2011 to 5th June 2011 (inclusive) Decision: Grant Temporary Permission Decision Date: 07/10/2010	
2012/0153	Use of land for a caravan rally for a maximum of 30 units from 30th July, 2012 to 13th August, 2012 (inclusive) Decision: Grant Temporary Permission Decision Date: 11/04/2012	

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ITEM 15 (CONT'D)	APPLICATION NO.	2014/1758
2013/0575	Use of land for a caravan rally for a maximum of 40 units from 26th July to 9th August 2014 (inclusive) Decision: Grant Temporary Permission Decision Date: 06/06/2013	
2013/0713	Use of land for a caravan rally for a maximum of 60 units from 24th - 29th October 2014 (inclusive) Decision: Grant Temporary Permission Decision Date: 25/06/2013	
99/0815	USE OF LAND FOR A CAMPING AND CARAVAN RALLY FOR 35 UNITS FROM 21ST JULY 2000 TO 14TH AUGUST 2000 (INCLUSIVE) Decision: *HGPCT - GRANT PERMISSION COND. (T) Decision Date: 30/07/1999	
A01/0045	USE OF LAND FOR A CARAVAN RALLY FOR APPROXIMATELY 50 UNITS FROM 24TH MAY TO 29TH MAY 2001 (INCLUSIVE) Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 16/02/2001	
A01/0047	USE OF LAND FOR A CARAVAN RALLY FOR APPROXIMATELY 40 UNITS FROM 28TH AUGUST TO 2ND SEPTEMBER 2001 (INCLUSIVE) Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 16/02/2001	
2004/2249	Use of land for caravan rally for approximately 40 units from 10th - 12th June 2005 (Inclusive) Decision: Grant Temporary Permission Decision Date: 15/11/2004	
2005/0272	Use of land for caravan rally for approximately 40 units from 23rd July to 13th August 2005 (inclusive) Decision: Grant Temporary Permission Decision Date: 18/03/2005	
2006/1808	Use of land for a caravan rally for a maximum of 60 units from 25th May to 3rd June 2007 (inclusive) Decision: Grant Temporary Permission Decision Date: 18/09/2006	
2006/2650	Use of land for a caravan rally from 4th May 2007 to 7th May 2007 (inclusive) for a maximum of 25 units. Decision: Grant Temporary Permission Decision Date: 16/01/2007	

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ITEM 15 (CONT'D)	APPLICATION NO.	2014/1758
2007/0292	Use of land for a caravan rally for a maximum 25 units from 27th August 2007 to 30th August 2007 (inclusive) Decision: Grant Temporary Permission Decision Date: 16/03/2007	
2007/1383	Use of land for a caravan rally for a maximum of 40 units from 19th - 21st October 2007 (inclusive) Decision: Withdrawn Decision Date: 12/11/2007	
2008/0147	Use of land for a caravan rally for a maximum 30 units from 1st to 15th August 2008 (inclusive) Decision: Withdrawn Decision Date: 15/04/2008	
2010/0570	Use of land for a caravan rally for a maximum of 35 units from 20th July to 10th August 2010 (inclusive) Decision: Grant Temporary Permission Decision Date: 27/05/2010	
2010/1576	Use of land for a caravan rally for a maximum of 30 units from August 6th 2011 to August 20th 2011(inclusive) Decision: Grant Temporary Permission Decision Date: 22/03/2011	
2012/0228	Use of land for a caravan rally for a maximum of 80 units from 3rd August to 17th August 2013 (inclusive) Decision: Grant Temporary Permission Decision Date: 02/04/2012	
2013/0157	Use of land for a caravan rally for a maximum of 58 units from 5th to 15th September 2013 (inclusive) Decision: Grant Temporary Permission Decision Date: 08/04/2013	
2001/0815	Use of land for a caravan rally for approximately 80 units from 6-8 July 2001 (inclusive) Decision: Grant Permission Conditional Decision Date: 22/06/2001	
2002/1068	Use of land for a caravan rally for approximately 40 units from 20th June - 22nd June 2003 (inclusive) Decision: Grant Temporary Permission Decision Date: 19/07/2002	

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ITEM 15 (CONT'D)	APPLICATION NO.	2014/1758
2002/1072	Use of land for a caravan rally for approximately 60 units from 21st May -1st June 2003 (inclusive) Decision: Grant Temporary Permission Decision Date: 19/07/2002	
2002/2177	Use of land for a caravan rally for approximately 60 units from 19th July until 30 July 2003 (inclusive) Decision: Grant Temporary Permission Decision Date: 10/01/2003	
2002/2248	Variation of condition 1 of planning permission 97/1088 dated 29th January 1998 to extend the period of time in which to commence the development by a further 2 years Decision: Approve Conditional (S73) Decision Date: 11/04/2003	
2004/0266	Use of land for a caravan rally for approximately 25 units from 2nd June to 4th June 2004 (inclusive) Decision: Withdrawn Decision Date: 23/12/2004	
2004/2345	Use of land for a caravan rally for approximately 20 units from 29th April to 2nd May 2005 (inclusive) Decision: Grant Temporary Permission Decision Date: 22/11/2004	
2009/0953	Use of land for a caravan rally for a maximum of 30 units from 5th to 23rd August 2010 (inclusive) Decision: Refuse Decision Date: 28/08/2009	
2013/0711	Use of land for a caravan rally for a maximum of 60 units from 18th - 27th April 2014 (inclusive) Decision: Grant Temporary Permission Decision Date: 24/06/2013	
2003/1924	Use of land for a caravan rally for approximately 20 units from 30th April to 3rd May 2004 (inclusive) Decision: Grant Temporary Permission Decision Date: 31/10/2003	
2004/2243	Use of land for caravan rally for approximately 60 units from 15th July until 17th July 2005 (Inclusive) Decision: Grant Temporary Permission Decision Date: 15/11/2004	

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ITEM 15 (CONT'D)	APPLICATION NO.	2014/1758
2006/2136	Use of land for a caravan rally for a maximum of 80 units from 24th May to 4th June 2007 (inclusive) Decision: Withdrawn Decision Date: 01/02/2007	
2009/1268	Use of land for a caravan rally for a maximum of 30 units from 12th to 14th March 2010 (inclusive) Decision: Grant Temporary Permission Decision Date: 08/10/2009	
2010/0754	Use of land for a caravan rally for a maximum of 50 units from 20th July to 10th August 2010 (inclusive) Decision: Withdrawn Decision Date: 18/05/2010	
2012/0457	Use of land for a caravan rally for a maximum of 60 units from 25th to 31st October 2013 (inclusive) Decision: Grant Temporary Permission Decision Date: 28/05/2012	
99/0147	USE OF LAND FOR A CARAVAN RALLY FOR APPROXIMATELY 40 UNITS FROM 24TH JULY 1999 TO 8TH AUGUST 1999 (INCLUSIVE) Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 26/02/1999	
2001/1652	Use of land for a caravan rally for approximately 30-40 units from 10th - 12th May 2002 (inclusive) Decision: Grant Permission Conditional Decision Date: 16/11/2001	
2003/2008	Use of land for a caravan rally for approximately 60 units from 21st October until 31st October 2004 (inclusive) Decision: Grant Permission Conditional Decision Date: 21/11/2003	
2004/2245	Use of land for caravan rally for approximately 50 units from 30th August until 4th September 2005 (Inclusive) Decision: Grant Temporary Permission Decision Date: 15/11/2004	
2005/2275	Use of land for a caravan rally for approximately 25 units from the 14th to 17th April 2006 (inclusive) Decision: Grant Temporary Permission Decision Date: 01/12/2005	

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ITEM 15 (CONT'D)	APPLICATION NO.	2014/1758
2006/0244	Use of land for a caravan rally for approximately 80 units from 15th May until 3rd June 2006 (inclusive) Decision: Grant Temporary Permission Decision Date: 22/03/2006	
2006/1165	Use of land for a caravan rally for a maximum 20 units from 24th June 2006 to 8th July 2006 (inclusive) Decision: Withdrawn Decision Date: 17/07/2006	
2008/0422	Use of land for a caravan rally for a maximum 20 units from 3rd August 2008 to 17th August 2008 (inclusive) Decision: Refuse Decision Date: 05/06/2008	
2008/1884	Use of land for a caravan rally for a maximum of 35 units from 10th July 2009 to 12th July 2009 (inclusive) Decision: Grant Temporary Permission Decision Date: 06/11/2008	
2009/0031	Use of land for a caravan rally for a maximum 60 units from 10th April 2009 to 14th April 2009 (inclusive) Decision: Grant Temporary Permission Decision Date: 19/03/2009	
2009/1269	Use of land for a caravan rally for a maximum of 30 units from 21st to 23rd May 2010 (inclusive) Decision: Grant Temporary Permission Decision Date: 08/10/2009	
2011/0862	Use of land for a caravan rally for a maximum of 80 units from 1st to 10th June 2012 (inclusive) Decision: Grant Temporary Permission Decision Date: 12/04/2012	
2012/0154	Use of land for a caravan rally for a maximum of 80 units from 24th May 2013 to 2nd June 2013 (inclusive) Decision: Grant Temporary Permission Decision Date: 29/02/2012	
2012/0990	Use of land for a caravan rally for a maximum of 100 units from 15th to 27th August 2014 (inclusive) Decision: Grant Temporary Permission Decision Date: 17/12/2012	



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ITEM 15 (CONT'D)	APPLICATION NO.	2014/1758
A01/0046	USE OF LAND FOR A CARAVAN RALLY FOR APPROXIMATELY 50 UNITS FROM 4TH TO 7TH MAY 2001 (INCLUSIVE) Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 16/02/2001	
2002/1041	Use of land for a caravan rally for approximately 60 units from 21st to 23rd March 2003 (inclusive) Decision: Grant Temporary Permission Decision Date: 19/07/2002	
2005/0339	Use of land for caravan rally for approx 60 units from 19th July 2006 to 9th August 2006 (Inclusive) Decision: Grant Temporary Permission Decision Date: 13/04/2005	
2006/0495	Use of land for a caravan rally for 30 units from 5th - 7th May 2006 (inclusive) Decision: Grant Permission Conditional Decision Date: 10/04/2006	
2007/2573	Use of land for a caravan rally for a maximum 30 units from 14th March 2008 to 16th March 2008 (inclusive) Decision: Grant Temporary Permission Decision Date: 13/12/2007	
2008/0792	Use of land for a caravan rally for a maximum 60 units from 22nd May to 31st May 2009 (inclusive) Decision: Grant Temporary Permission Decision Date: 11/06/2008	
2008/0793	Use of land for a caravan rally for a maximum 60 units from 1st to 15th August 2009 (inclusive) Decision: Grant Temporary Permission Decision Date: 11/06/2008	
2010/0183	Use of land for a caravan rally for a maximum of 50 units from 20th July to 10th August 2010 (inclusive) Decision: Refuse Decision Date: 19/03/2010	
2010/1540	Use of land for a caravan rally for a maximum of 35 units from 20th July to 10th August 2011 (inclusive) Decision: Grant Temporary Permission Decision Date: 22/03/2011	

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ITEM 15 (CONT'D)	APPLICATION NO.	2014/1758
2012/0440	Use of land for a caravan rally for a maximum of 60 units from 29th March to 7th April 2013 (inclusive) Decision: Grant Temporary Permission Decision Date: 04/05/2012	
2014/1762	Use of land for a caravan rally for a maximum of 30 units from 27th December 2015 to 2nd January 2016 (inclusive) Decision: Grant Temporary Permission Decision Date: 05/01/2015	
2014/1763	Use of land for a caravan rally for a maximum of 40 units from 1st to 6th September 2015 (inclusive) Decision: Grant Temporary Permission Decision Date: 05/01/2015	

### RESPONSE TO CONSULTATIONS

A site notice was posted within the vicinity of the site on 27<sup>th</sup> November 2014.

- No representations have been received to date.

### Highways Observations –

The Head of Transportation and Engineering was consulted and offered no objection to the proposal.

### APPRAISAL

This application is reported to Committee at the request of Councillor Richard Lewis in order to assess the impact on the AONB.

This application seeks temporary planning permission for the use of Field 0818 Bank Farm as a caravan rally for a maximum of 40 units from Saturday 8<sup>th</sup> August to Saturday 22<sup>nd</sup> August 2015. The field is part of an established caravan and camping site comprising two static caravan parks, a touring unit field, a camping field and a small chalet development overlooking Port Eynon Bay, located to the west of the village of Horton.

Within the Gower AONB permitted development rights for:

- (i) Camping for a maximum of 28 days in any year
- (ii) Siting up to three caravans on holdings of 5 acres or more for a maximum of 28 days in any year, and
- (iii) Caravan rallies which are organised by exempt organisations for a maximum of 5 days

have been removed by an Article 4 Direction. The Article 4 Direction was confirmed in 1979 by the Secretary of State for Wales, for environmental infrastructure reasons and through these powers the Council has control over the provision of pitches. This continues to be an important element for the protection of the natural beauty of the AONB.

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 15 (CONT'D)

APPLICATION NO.

2014/1758

The site has a long established history of receiving temporary planning permission for the use of this and adjacent fields for caravan rallies. This year to date no temporary consents have been issued on this field, although temporary planning permission has been granted for the use of an adjoining field for a caravan rally from the 1<sup>st</sup> - 6<sup>th</sup> September 2015 and the 27<sup>th</sup> December - 2<sup>nd</sup> January 2016 (Refs 2014/1762 and 2014/1763)

The primary issues in the consideration of this application relate to the impact of the proposed development on the character and appearance of the countryside, Gower Heritage Coast and AONB, having regard to the provisions of Policies EV1, EV3, EV22, EV26, EV31 and EC22 of the City and County of Swansea Unitary Development Plan (2008).

This short-term proposal is considered to have no detrimental impact upon the visual amenities of the surrounding area or the character and appearance of the countryside, Gower Heritage Coast and AONB, which therefore accords with the primary objectives of Policies EV1, EV3, EV22, EV26 and EV31.

Therefore it is also considered that the proposal would meet the essential criteria of Policy EC22 which states that temporary camping should minimise significant impacts upon the environment.

In conclusion it is considered that the proposal represents an acceptable form of development at this sensitive location within the open countryside, the Gower Heritage Coast and AONB, which therefore complies with the provisions of the prevailing Unitary Development Plan policies.

### RECOMMENDATION

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

- 1 This permission is granted for a temporary period from 8th August 2015 to 22nd August 2015 inclusive, after which time the use shall cease. No caravans or other structures associated with the use hereby approved shall be on the site before 8th August or after 22nd August 2015.

Reason: In order that the Local Planning Authority may review the situation and in order to achieve a satisfactory form and pattern of development in accordance with the intentions of the Article 4 Direction.

### INFORMATIVES

- 1 The applicant shall comply with the requirements of the Head of Environmental Management and Protection of the City and County of Swansea.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 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, EV3, EV22, EV26, EV31 and EC22

**PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015**

ITEM 15 (CONT'D)

APPLICATION NO.

2014/1758

**PLANS**

Site location plan dated 17th November 2014

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## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 16 (CONT'D)

APPLICATION NO.

2014/1759

### 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 EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV31	Along the undeveloped coastline development proposals for the provision of visitor and recreation facilities and services to complement existing facilities will be permitted at specified coastal locations. (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 EC22	Control of camping and touring caravans on farms and storage of touring caravans. (City & County of Swansea Unitary Development Plan 2008)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2013/1280	Use of land for a caravan rally for a maximum of 40 units from 25th to 27th July 2014 (inclusive) Decision: Grant Temporary Permission Decision Date: 21/10/2013
2009/0916	Use of land for a caravan rally for a maximum of 40 units from 1st to 3rd October 2010 (inclusive) Decision: Grant Temporary Permission Decision Date: 06/08/2009

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 16 (CONT'D)	APPLICATION NO.	2014/1759
2008/0022	Use of land for a caravan rally for a maximum of 30 units from 3rd to 5th October 2008 (inclusive) Decision: Grant Temporary Permission Decision Date: 04/03/2008	
2008/0906	Use of land for a caravan rally for a maximum of 40 units from 12th to 14th June 2009 (inclusive) Decision: Grant Temporary Permission Decision Date: 17/06/2008	
99/1484	USE OF LAND FOR SITING OF 5 TOURING CARAVANS FROM GOOD FRIDAY OR 1ST APRIL (WHICHEVER IS EARLIER) TO 31ST OCTOBER DURING THE 2000 AND 2001 SEASONS Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 22/12/1999	
2007/2392	Caravan Rally for maximum of 25 units from 26th August 2008 to 31st August 2008 inclusive Decision: Grant Temporary Permission Decision Date: 17/12/2007	
2008/0909	Use of land for a caravan rally for a maximum of 30 units from 2nd to 4th October 2009 (inclusive) Decision: Grant Temporary Permission Decision Date: 17/06/2008	
2009/0919	Use of land for a caravan rally for a maximum of 40 units from 12th to 14th August 2010 (inclusive) Decision: Grant Temporary Permission Decision Date: 06/08/2009	
2011/0858	Use of land for a caravan rally for a maximum of 40 units from 20th to 22nd July 2012 (inclusive) Decision: Grant Temporary Permission Decision Date: 08/08/2011	
2014/1760	Use of land for a caravan rally for a maximum of 25 units from Friday 24th July to Sunday 26th July 2015 (inclusive) Decision: Grant Temporary Permission Decision Date: 05/01/2015	

### RESPONSE TO CONSULTATIONS

A site notice was posted within the vicinity of the site on 27<sup>th</sup> November 2014.

- No representations have been received to date.

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 16 (CONT'D)

APPLICATION NO.

2014/1759

### Highway Observations –

The Head of Transportation of Engineering was consulted and offered no objection to the proposal.

### APPRAISAL

This application is reported to Committee for decision at the request of Councillor Richard Lewis in order to assess the impact of the proposal on the AONB.

The application seeks temporary planning permission for the use of Field 6729, Rosedale as a caravan rally for a maximum of 25 units from Friday 24<sup>th</sup> April to Sunday 26<sup>th</sup> April 2015.

Within the Gower AONB permitted development rights for:

- (i) Camping for a maximum of 28 days in any year,
- (ii) Siting of up to three caravans on holdings of 5 acres or more for a maximum of 28 days in any year, and
- (iii) Caravan rallies which are organised by exempt organisations for a maximum of 5 days

have been removed by an Article 4 Direction. The Article 4 Direction was confirmed in 1979 by the Secretary of State for Wales, for environmental infrastructure reasons and through these powers the Council has control over the provision of pitches. This continues to be an important element for the protection of the natural beauty of the AONB.

The site has a long established history of receiving temporary planning permission for the use of this field for caravan rallies. Temporary consent has already been issued on this field for its use as a caravan rally on the 24<sup>th</sup> – 26<sup>th</sup> July 2015 (Ref 2014/1760).

The primary issues in the consideration of this application relate to the impact of the proposal on the character and appearance of the countryside, Gower Heritage Coast and AONB, having regard to the provisions of Policies EV1, EV3, EV22, EV26, EV31 and EC22 of the adopted City and County of Swansea Unitary Development Plan (2008).

This short term proposal is considered to have no detrimental impact upon the visual amenities of the surrounding area or the character and appearance of the countryside, Gower Heritage Coast and AONB, which therefore accords with the primary objectives of Policies EV1, EV3, EV26 and EV31.

Therefore it is also considered that the proposal would meet the essential criteria of Policy EC22 which states that temporary camping should minimise significant impacts upon the environment.

In conclusion it is considered that the proposal represents an acceptable form of development at this location within the countryside and the Gower Area of Outstanding Natural Beauty which therefore complies with the provisions of the prevailing Unitary Development Plan policies.



## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 16 (CONT'D)

APPLICATION NO.

2014/1759

### RECOMMENDATION

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

- 1 This permission is granted for a temporary period from 24th April to 26th April 2015 inclusive, after which time the use shall cease. No caravans or other structures associated with the use hereby approved shall be on the site before 24th April 2015 or after 26th April 2015.

Reason: In order that the Local Planning Authority may review the situation and in order to achieve a satisfactory form and pattern of development in accordance with the intentions of the Article 4 Direction.

### 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, EV3, EV22, EV26, EV31 and EC22
- 2 The applicant shall comply with the requirements of the Head of Environmental Management and Protection of the City and County of Swansea.
- 3 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 17th November 2014

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**PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015**

ITEM 17

APPLICATION NO.

2014/1782

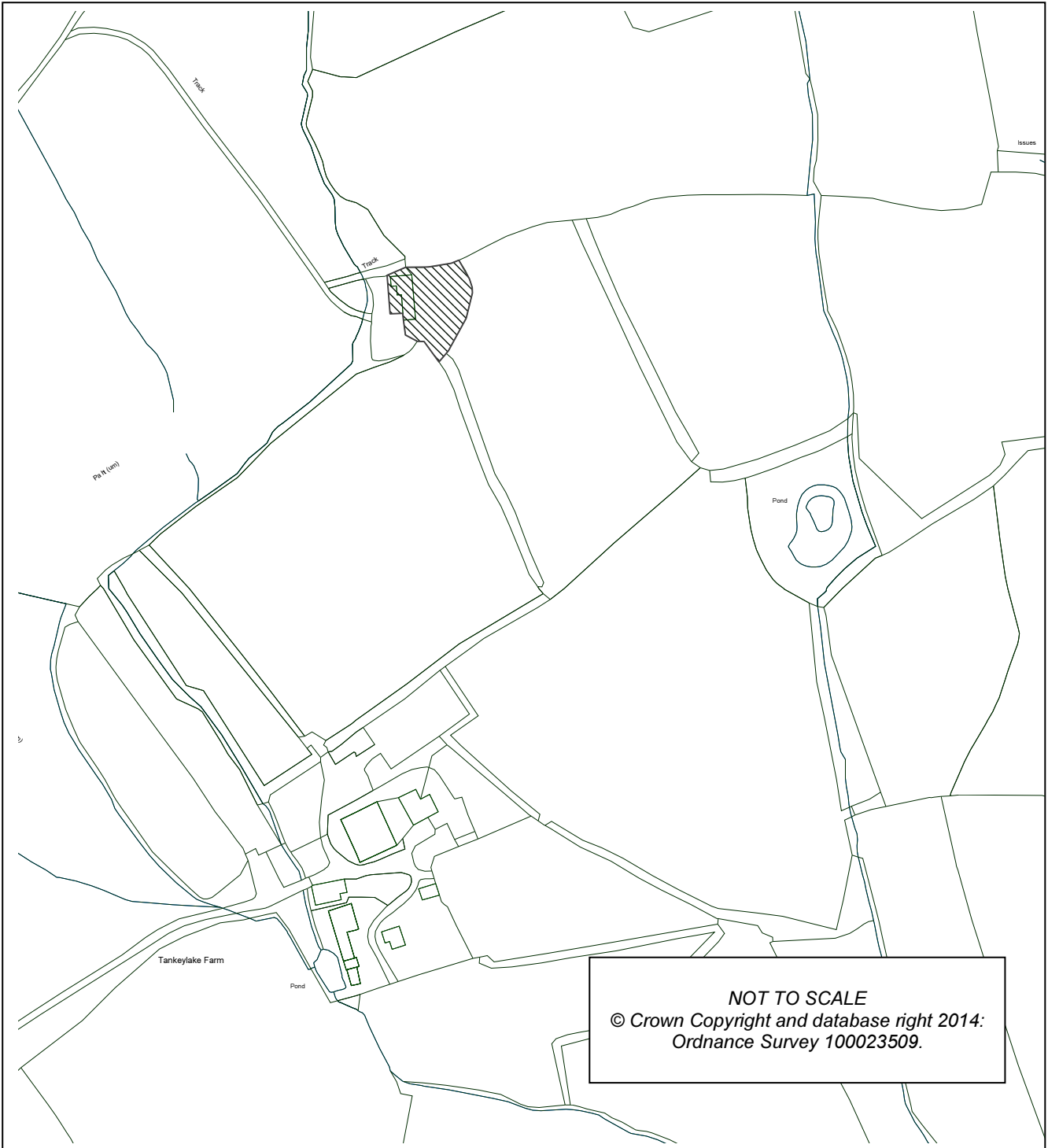
WARD:

Gower

**Location: Little Penmynydd Cottage Llangennith Swansea SA3 1DT**

**Proposal: Extension to existing outbuilding to form a garage**

**Applicant: Mr Robert Price**



## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 17 (CONT'D)

APPLICATION NO.

2014/1782

### **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, affect 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>
2007/2665	Single storey rear extension Decision: Grant Permission Conditional Decision Date: 08/01/2008
2007/2074	Rear conservatory Decision: Refuse Decision Date: 12/10/2007

#### **RESPONSE TO CONSULTATIONS**

A site notice was posted within the vicinity of the application site on 2<sup>nd</sup> December 2014.

- No representations have been received to date.

#### **Highway Observations -**

The Head of Transportation and Engineering was consulted and offered no objection to the proposal.

#### **APPRAISAL**

This application is reported to Committee at the request of Councillor Richard Lewis in order to assess the impact of the proposed development on the AONB.

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 17 (CONT'D)

APPLICATION NO.

2014/1782

The application site is located within the local ward of Gower and is situated within the Gower Area of Outstanding Natural Beauty (AONB). The site benefits from off road parking and a fairly large curtilage.

This application seeks consent to extend an existing domestic outbuilding to form a garage. The resulting structure will measure approximately 5 metres wide and approximately 6 metres deep. It will comprise of a pitched roof measuring approximately 2.2 metres to the eaves and approximately 3.1 metres to the ridge.

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 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 scale of the proposed extension to the existing outbuilding is considered proportionate to the application site and dwelling and accords with Section 7.3 of the Design Guide for Householder Development, which states that an outbuilding must be smaller in scale and subservient to the main house. Furthermore Section 7.3 states that outbuildings should not be positioned to the front of the main house, the proposed development also accords with this section of the Design Guide.

The proposed development is considered in keeping with the character and appearance of the host property, particularly given the proposed use of materials to match that of the dwelling and the existing outbuilding. Therefore it is considered that the proposed extension to the existing outbuilding in order to form a garage will not have a detrimental impact upon the character and appearance of the host dwelling or the wider Gower Area of Outstanding Natural Beauty (AONB), in accordance with the provisions of Policies EV1, EV26 and HC7 of the City and County of Swansea Unitary Development Plan and the Design Guide for Householder Development.

The application property is a detached dwelling in a secluded location and therefore does not have any immediate neighbours. Therefore it is not considered that the proposed development will have an impact upon the residential amenity of anyone. In addition the application site will benefit from sufficient amenity space following the proposed development.

There are no highway objections to the proposal.

In conclusion it is considered that the proposed extension to the existing outbuilding in order to form a garage represents an acceptable form of development. The proposed development bears no detrimental impact upon the character and appearance of the host dwelling or the visual amenity of the surrounding area and wider Gower AONB. Therefore the proposed development complies with Policies EV1, EV26 and HC7 of the City and County of Swansea Unitary Development Plan (2008).

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 17 (CONT'D)

APPLICATION NO.

2014/1782

### 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
- 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.

### PLANS

Site location plan, block plan, existing layout plan, proposed layout, DRG01 existing elevations & floor plan, DRG02 proposed elevations, received 26th November 2014.

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PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 18

APPLICATION NO.

2014/0773

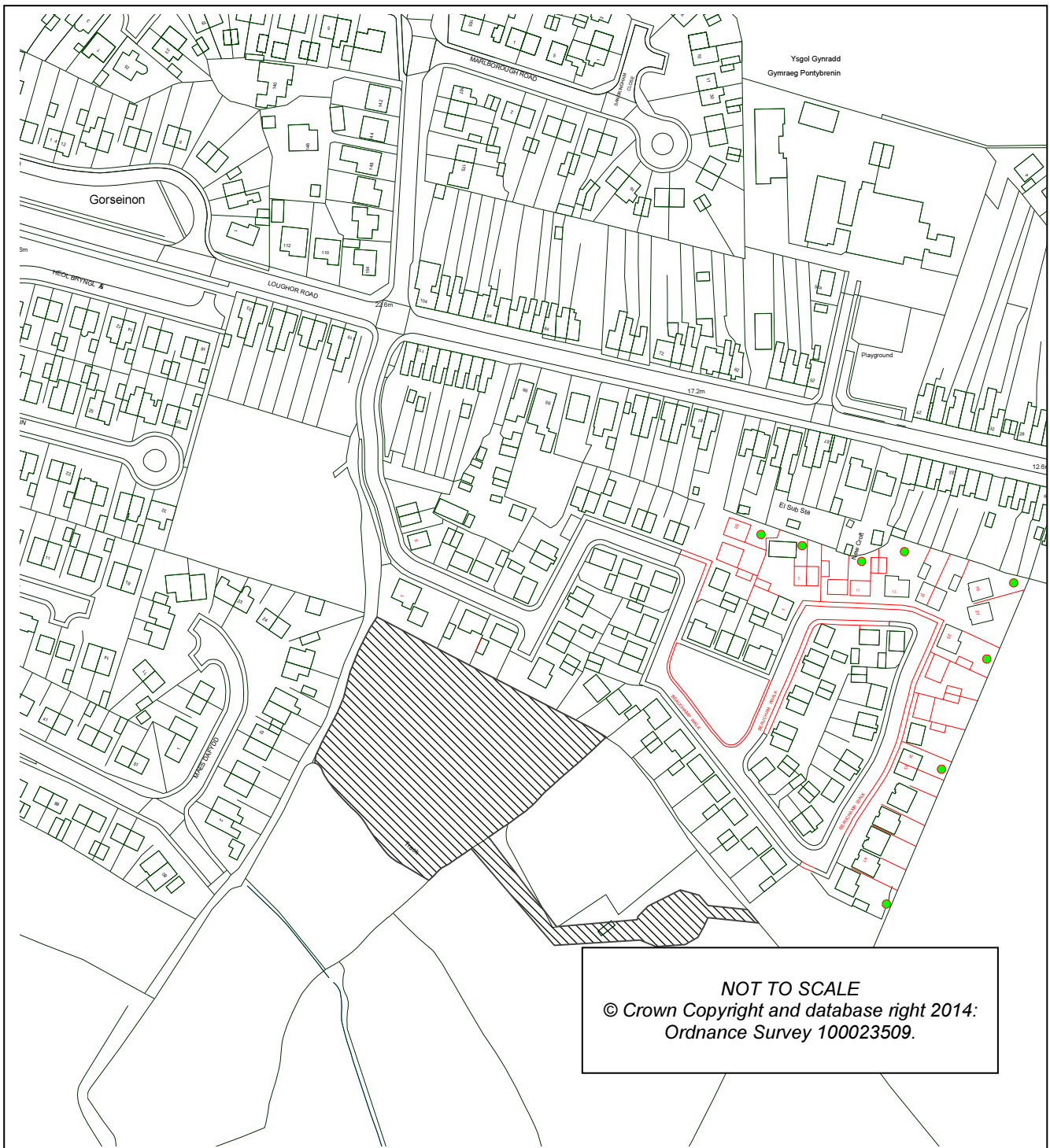
WARD:

Kingsbridge

**Location:** Land south of Beauchamp Walk (off Loughor Road) Gorseinon Swansea

**Proposal:** Construction of 25 residential dwellings and associated works including underground pumping station and surface water attenuation pond.

**Applicant:** Persimmon Homes West Wales



**PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015**

ITEM 18 (CONT'D)

APPLICATION NO.

2014/0773

**BACKGROUND INFORMATION**

**POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 18 (CONT'D) APPLICATION NO. 2014/0773

- Policy EV35 Development that would have an adverse impact on the water environment due to:
- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
  - ii) A reduction in the quality of surface water run-off.
- Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC1 Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC3 Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC17 The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2012/0044	Residential development comprising 86 dwellings, access off Loughor Road and associated works Decision: Perm Subj to S106 Agree Decision Date: 17/05/2013

### RESPONSE TO CONSULTATIONS

Twenty five neighbouring properties were directly consulted and four site notices were placed close to the site. The application was also advertised in the press.

FOUR LETTERS OF OBJECTION have been received. The concerns raised are as follows:

- The development will bring further disruption on a regular and permanent basis to the residents of Loughor Road
- Further traffic pollution in the area
- By increasing the housing in this locality, it will have a detrimental bearing on local schools and medical facilities.
- The pumping station will not enhance the already over capacity of the present sewerage farm on Victoria Road.
- The traffic is already horrendous – the school traffic and buses going back and fore to the collage, plus vehicles using Loughor Road.



## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 18 (CONT'D)

APPLICATION NO.

2014/0773

- Persimmon narrowly received approval for 86 homes in March 2013 for Kingsbridge Fields. Now they want another 25 for which no mention was made in the previous application.
- No account is taken of the wider picture – sites are approved here and there and the area becomes swamped with new developments. Please consider the knock on effect if this application can any other large scale developments on the whole of the area.
- The area is becoming overpopulated.

**Loughor Town Council - No Objection**

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

Natural Resources Wales has no objection in principle to the proposed development, but would like to make the following comments.

#### Foul Drainage Proposals

Report received: '*Flood Consequence Assessment*', produced by QuadConsult Limited, dated April 2014 and plan received: '*Kingsbridge Fields – Phase 2, Preliminary Site Levels and Drainage Strategy Layout for Planning*', produced by Persimmon dated May 2014.

As your Authority is aware, the proposed site is located in an area where there are known foul and surface water sewerage problems. The sewerage network is hydraulically overloaded, which is resulting in additional pollution and nutrient loading spilling to the Burry Inlet (Carmarthen Bay and Estuaries) Special Area of Conservation (SAC) during wet weather/storm events. Despite these concerns, the preferred and most sustainable method of foul drainage remains disposal to the main public sewer. We are pleased to note that mains drainage is proposed for this application. We would recommend that you consult with Dwr Cymru Welsh Water (DCWW) to ensure they are satisfied that capacity exists to accommodate the flows generated without causing pollution. It should be noted that we would object to any proposals for a private treatment system at this location. We understand that the sewerage network in this area is only able to accommodate additional foul flows if surface water is removed from within the drainage catchment. In order to free up additional hydraulic capacity, we would encourage the developer to work with DCWW to identify a scheme to remove surface water from the sewerage network. Any agreements/ commitments undertaken should be recorded on your Authority's Hydraulic Register. In addition to capacity and hydraulic overload issues, the Burry Inlet is understood to be sensitive to nutrient enrichment, notably to Phosphorus – a constituent of sewage-related discharges. Consequently, in addition to the Habitats Regulations considerations in respect of Phosphorus, the UK has an obligation under the Water Framework Directive to protect sensitive water bodies from deterioration. We would therefore recommend that a corresponding amount of Phosphorus is removed at the Llannant WWTW to that expected to be produced by this development at the time of completion. This would help prevent further deterioration in levels of Phosphorus in the Burry Inlet.

#### Foul Drainage Pumping Station

We note that the developer intends to utilise a Pumping Station as part of the foul drainage disposal system, and therefore an Environmental Permit may be required from NRW. In this respect we would refer the developer to our Customer Contact Centre (Tel. 03000 653000) to discuss.

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 18 (CONT'D)

APPLICATION NO.

2014/0773

### Surface Water Drainage Proposals

With regard to surface water drainage, due to the sewerage capacity issues in this area it is imperative that no surface water from this proposal is allowed to enter the existing infrastructure. We note that following site investigation field work it is considered unlikely that an infiltration type system to dispose of surface water is to be an option. The proposal is therefore to attenuate the surface water generated by the new development and discharge through a hydro brake to the manmade drainage channel along the northern boundary. Surface water will be discharged to the adjacent drainage channel via a hydro brake at a rate of 5l/s, as detailed in the accompanying drainage strategy layout drawing, PL01, dated April 2014. This is considered suitable for the development site of 0.77ha. We note that this pond has been designed to accommodate a 100 year rainfall event with a 30% allowance for climate change included which is acceptable. The attenuation pond is located offsite; therefore we advise that it is ensured that the land is within the applicant's ownership or that an agreement has been reached with the landowner. In addition, we advise your authority to agree on the proposed maintenance of the offsite attenuation and surface water features to ensure that their capacity is maintained in the future.

### Ecology

We welcome that the majority of the trees on site are to be retained and note that the submitted survey report '*Extended Phase 1 Habitat Survey – Land at Loughor Road, Gorseinon*', dated March 2014, produced by Hawkeswood Ecology identified 3 trees with the potential to support roosting bats. We welcome that these will also be retained. We note that some trees and parts of the hedgerow will be removed as part of the development as outlined in the submitted '*Planting Plan – Loughor Road Extension*', dated May 2014. We also note the proposal for supplementary planting on site and advise the use of native plants, local to the area for these measures. Where possible, we encourage the translocation of the removed trees and hedgerows on site to be used in other areas of the site. We welcome the recommendations made in section 8 of the above report and advise that these are followed. As vegetation is proposed to be removed, the applicant should be aware that all wild nesting birds are protected by The Wildlife & Countryside Act 1981 (as amended). If any vegetation clearance is required for works to commence, we advise this should be avoided during the bird breeding season (March to August inclusive). Should any vegetation clearance be required to be carried out during this time, we advise that the areas to be cleared are checked thoroughly for any evidence of breeding birds prior to any clearance. Should any evidence be found, no works should continue and NRW contacted for advice.

### **Dwr Cymru / Welsh Water (DCWW)**

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

### Sewerage Condition

This proposed development is located in an area which has the potential to discharge into national and international designated waters. The Loughor Estuary forms part of the Carmarthen Bay & Estuaries European Marine Site which is the collective name for three European 'Natura 2000' designated areas, namely Carmarthen Bay & Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area and Burry Inlet Special Protection Area.

## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 18 (CONT'D)

APPLICATION NO.

2014/0773

A key fundamental issue associated with any proposed development(s) located on both the Carmarthenshire and Swansea side of the Estuary is the potential impact of any revised or additional water discharges, either foul or surface water, will have on the local drainage systems and ultimately the designated waters. Dwr Cymru Welsh Water is contributing towards improving the water quality in the Estuary by undertaking key infrastructure improvements at its Northumberland Avenue and Llanant Waste Water Treatment Works which are designed to improve arrangements for dealing with surface water, provide ultra violet treatment and phosphate removal. Equally developers too, can also play a significant part in mitigation measures by incorporating sustainable drainage facilities within their proposals. It is essential therefore, that as a pre-requisite of any development being considered for approval that such matters are effectively controlled through planning conditions.

Therefore, we seek your Authority's co-operation in imposing the following condition to any grant of planning.

- No development shall take place until full details of a scheme for the foul and surface water sewerage disposal (incorporating sustainable drainage principles) of the whole site has been submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details. Surface water shall not be connected to the foul sewerage system.  
Reason: To ensure the integrity of the public sewerage system [and designated waters] is protected through the implementation of sustainable practices.
- Foul water and surface water discharges shall be drained separately from the site.  
Reason: To protect the integrity of the public sewerage system.
- No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
- Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.  
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

### Advisory Notes

If a 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. Some public sewers and lateral drains may not be recorded on our maps of 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. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

### Coal Authority

#### Initial Comments 25 June 2014

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically likely historic unrecorded underground coal mining at shallow depth and the zone of influence of three recorded mine entries extends into the site. The Coal Authority **objects** to this planning application, as the required Coal Mining Risk Assessment Report, or equivalent, has not been submitted as part of the application.

#### Additional Comments 2<sup>nd</sup> October 2014

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically likely historic unrecorded underground coal mining at shallow depth and the zone of influence of one recorded mine entry extends into the site. The Coal Authority previously objected to this planning application in a letter to the LPA dated 25 June 2014. The objection was raised on the grounds that a Coal Mining Risk Assessment had not been submitted as part of the application. The Coal Authority is therefore pleased to note the submitted Phase 2 Site Investigation Report (September 2014, prepared by Integral Geotechnique (Wales) Limited). The Report has been informed by appropriate and up-to-date coal mining information for the proposed development site; including a Coal Mining Report, BGS geological mapping and information from a recent site investigation, permission of which was obtained from us. Based on this review of existing sources of geological and mining information and the intrusive investigations, the Report concludes, that whilst the mine entry is remote and has been treated to an appropriate standard, confirmed shallow workings beneath the site where competent rock cover is insufficient to safeguard the development pose a significant risk to the stability of the development. Accordingly, appropriate recommendations are included in Section 11.2 for measures to remediate this mining hazard.

The Coal Authority is satisfied that the remedial measures proposed by the applicant following intrusive site investigation works set out in the submitted Phase 2 Site Investigation Report are appropriate to address the mining legacy issues present on the application site. The Coal Authority therefore has **no objection** to the proposed development. The Coal Authority recommends that the LPA impose a planning condition should planning permission be granted for the proposed development to ensure that these works are undertaken on site prior to commencement of development.

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### **Highway Observations**

This proposal is for the erection of an additional 25 dwellings on land south of Kingsbridge Fields development that was recently granted consent under application number 2012/0044. The Kingsbridge Fields development did not develop fully the land allocated for housing.

**Access and Traffic Impact :** A transport statement has been submitted in support of the application which considers the transportation impact of the development. Access is to be gained from the road serving the previously approved development and is known as Beauchamp Walk. The road is of a sufficient standard to accommodate the additional development. In terms of traffic generation, it is estimated that the additional dwellings will generate 16 and 17 further traffic movements in the am and pm peaks respectively. This is unlikely to have any significant detrimental impact when added to the main site traffic generation. The impact of the main site traffic was considered previously and the level of impact considered acceptable. Access from Loughor Road has already been improved as part of the main site development and this additional 25 dwellings will have little impact on its operation. Therefore no additional improvements are considered necessary.

In considering the main site, the current congestion with school traffic was taken into consideration and the developer, along with all other significant developments in the area, was required to contribute towards local highway safety enhancements. This included for a scheme to reduce the impact of the school traffic on Loughor Road immediately outside the site. As this development will also generate additional traffic movements, albeit significantly less than the main site, a similar contribution should be made and to that end I would recommend a contribution of £17,425 which is commensurate with the level of impact the development traffic will have.

**Accessibility Considerations :** The accessibility of the main site was considered acceptable and therefore as this is part of the larger site the same conclusions must be drawn.

**General Safety and Construction Issues :** During the early part of construction of the main site, technical issues prevented the expedient completion of the site access and this resulted in some delay and congestion issues affecting local residents. Construction traffic was unable to access the main site as intended and so caused disruption on Loughor Road. Now that the site access is in place, there is no reason that a similar issue should arise however to further minimise construction traffic impact, a construction traffic management plan needs to be conditioned.

**Conclusions and Recommendation:** The likely traffic generated by this additional 25 dwellings has been quantified and considered not to have any significant detrimental impact. Access into this site extension is in place and suitable for the level of traffic likely to be generated. I recommend no highway objection subject to the following;

- i. Prior to any works commencing on site, a contribution towards local highway safety improvements shall be made by depositing the sum of £17,425 with the Council.
- ii. 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.

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

Note : The applicant is advised that to discharge this condition that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

**Drainage Observations** - No Objection subject to conditions relating to surface water drainage.

**Pollution Control Observations** -The ground investigation report refers to basic radon protection measures to be used, with which I agree. Elevated concentrations of arsenic, chromium and lead have been discovered in the made ground which it states shall be quarantined prior to being 'placed under hard standings or buildings' should this occur the developer must ensure that the pathway has been removed. The ground investigation report also makes reference to additional Arsenic testing will be carried out.

### Unforeseen Contamination -

If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously agreed in writing with the Local Planning Authority] shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination. Reason: To ensure that the safety of future occupiers is not prejudiced.

### Provision of Company details

Prior to the commencement of demolition/construction works on the application site (including all access roads) the applicant shall provide the details, with regard to the Company Secretary and the registered company address, for the Company ultimately responsible for the application site. Reason: To ensure service of documentation upon appropriate persons.

### Demolition/Construction Site Management Plan

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

- a) Demolition/Construction programme and timetable
- b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
- c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;

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- d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
- e) Proposed working hours;
- f) Principal Contractor details, which will include a nominated contact for complaints;
- g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
- h) Details of on site dust mitigation measures having regard to BPM;
- i) Details of on site noise mitigation measures having regard to BPM;
- j) Details of waste management arrangements (including any proposed crushing/screening operations); and
- k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.

*Note: items g – j inclusive need to take particular account of the potential for statutory nuisance arising from site related activities [see Informatives]. Note: If, during the writing of the CPM, any specific issue needs to be discussed/clarified the applicant should contact the Pollution Control Division, Housing and Public Protection Service, Rm 401 Guildhall SA1 4PE 01792 635600*

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

### Informatives

**Construction Noise:** The following restrictions should be applied to all works of demolition/construction carried out on the development site - All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. The Local Authority has the power to impose the specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

**Smoke/ Burning of materials :** No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

**Dust Control:** During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

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

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**Ecology Observations**

The development site has been subject to an ecological survey. The grassland area is presently of low ecological value mainly due to the existing management regime. The surrounding hedges with trees are of value and should be retained. There are three trees growing in the southern hedge that have been identified as having bat roost potential (described in target note 5 of the survey) if any work is intended to be carried out on these they must be subject to a bat survey prior to any work starting. In order to mitigate against loss of habitats on the site please could we add a condition requiring the remaining hedges are to be planted up using suitable native species, they are at the moment gappy. The surveyor listed a series of recommendations in section 8 of their report please could we add a condition requiring these to be followed.

**Housing Enabling Observations**

The land south of Beauchamp Walk (off Loughor Road) Gorseinon falls within the Greater North West Swansea area. The Local Housing Market Assessment indicates a need for affordable housing within the area. The Housing Service would be seeking 30% affordable housing units on this site. We would ask for a range of unit types, 2 & 3 bedroom houses being the preferred property type, built to DQR standard. The design and specification of these units should be equivalent quality to those used in the open market units, to include social rent, intermediate rent and sale such as Low Cost Home Ownership (to be determined/negotiated).

**Education Observations**

In accordance with the provisions of the SPG, 25 dwellings proposed equates to: 7.7 places for primary schools and 5.5 places for secondary schools. The Schools in the catchment area for the site are:

Primary : Pontybrennin Primary (English) and YGG Pontybrennin (Welsh).

Secondary : Penyrheol Comprehensive (English) and Ysgol Gyfun Gwyr (Welsh).

At present there is spare capacity at all the 4 schools (2 Welsh & 2 English) for 2012 and 2013. With regard to future capacity (2021) both of the English schools have capacity as shown in the following table:

School	January 2014	January 2021
Pontybrenin Primary	30	70
Penyrheol Secondary	47	114

As such it is not necessary to ask for contributions for the English schools. With regard to the years 2014-2021 the table below shows the projected surplus capacity in both the Welsh medium schools. (based on the 2014 updated figures)

School	January 2014	January 2021
YGG Pontybrenin	55	-40
YG Y Gwyr	182	-197



The projected capacities above suggests that there will be a deficiency in Welsh school places. It is calculated that approx 14% of total school places are Welsh places. Applying this 14% figure to the school places required by this development equates to 1.0 place for primary (14% of 7.7 places) and 0.7 place for secondary (14% of 5.5 places). The S106 contribution for the Welsh school places therefore would equate to: £10,372 for primary (£10,372 x 1.0) and £11,093 for secondary (£15,848 x 0.7) : Total £21,465.

### **Arboricultural Observations**

The site for proposed development is an agricultural site consisting of a small field bordered on the north by an outgrown hedgerow which is protected under Area Order TPO 562:A001. The site is bordered on the south and east by small woods and on the west by an outgrown hedgerow and public footpath. (Measurements given have been taken from the barbed wire field boundary and not the board fence).

- It is important that the trees are looked at not only individually but in the context of their groupings as woods or hedgerows and their contribution visually and ecologically to the surrounding landscape.
- I have classified the majority of the trees bordering this site as Class B2 according to BS5837:2012 [trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals] and the remainder of the trees as A2, C2 or U category. Many of the trees have damage from fence wire and animal grazing which is to be expected and the amount of deadwood present is to be expected from trees which have been unmanaged.
- Trees along north boundary (TPO 562). The proposed extent of cutting back is too excessive. T27 has a crown spread of 10m to the south – to reduce this to 4m is too much (see attached photo).
- There is scope for limited reductions or crownlifts on these trees and trees that have collapsed into the field can be removed.
- The trees here are already under pressure from the buildings on the north side of the fence.
- It has been noted that a large root has been severed on T26 to place the board fence in situ and that the site office is directly under the canopies of T26 and T27 damaging a branch on T26.
- I would like to avoid the trees becoming placed in a 'no-mans land' between two high fences. This strip of trees should form the garden boundaries or there should be a low fence on the south side to allow for maintenance.
- There are access paths marked to the rear of properties 21, 2 and 3. These paths are within 0.5m of the field boundary and if the paths are constructed they will encroach into the bases of the trees along this line. These paths will need to be moved.
- East boundary – the trees along here form part of a small woodland which is on the tithe map dated 1839 and successive Ordnance Survey maps. T22 and T21 are mature trees in fair condition and should be preserved as part of the woodland.
- The development is encroaching into the woodland edge by at least 5m losing all of the trees along the woodland edge and also the strip of hedge running from the woodland to the hedge and copse at the southern end of the site.
- The pumping station is proposed to be placed in the south-west corner of the woodland which would mean losing a number of trees here.

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Southern boundary – these trees border a small copse and have mainly been classified as B2 in terms of their contribution to the landscape as a group.

Western boundary – these trees have mainly been classed as B2 trees. It is important to retain the hedgerows as opposed to singling out individual trees. This means encouraging regrowth of hedgerow species such as hazel, hawthorn and holly.

### APPRAISAL

This application is reported to Committee for decision at the request of Councillor Will Evans to assess the impact of the development on local residents.

Full planning permission is sought for the construction of 25 residential units and associated works, including underground pumping station and surface water attenuation pond.

### Site and Surroundings

The site comprises an area of greenfield grazing land measuring approximately 0.73ha which is set behind the recently constructed houses within Beauchamp Walk which is accessed from the new roundabout on Loughor Road. The site is bound to the north by the new dwellings, to the south and east by open fields and to the west by a public footpath (Llwchwr 37) and dwellings in Maes Dafydd. The fields to the east are within the 'Green Wedge'

The site slopes gently from west to east and comprises one large field bounded by mature hedging. The trees within the northern hedgerow are protected by a group Tree Preservation Order (TPO 562).

The site is allocated within the wider housing allocation HC1 (103). The first phase of this development was granted permission for 86 houses under planning permission 2012/0044 on 17/05/2013.

### The Proposal

The application consists of 25 residential units with the following dwelling mix:

- 4no. three bedroom (2 storey) detached houses
- 3no. four bedroom houses (2.5 storey) detached houses
- 10no. three bedroom houses (2.5 storey) semi-detached & terraced houses
- 6no. three bedroom houses (2 storey) semi-detached & terraced houses
- 2no. two bedroom (2 storey) semi-detached houses

Four dwellings are proposed to be 'affordable housing' which equates to 16% provision across the site. It will comprise of 4 low cost ownership houses (2no. three bedroom houses and 2no. two bed houses). The percentage of affordable housing in the original consented scheme was 17%.

Car parking is provided in the form of private drives and small parking courts.

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The new access will lead off an existing spur in Beauchamp Drive which in turn is accessed from the new mini roundabout is proposed on Loughor Road. The access and estate road will be private roads and will not be offered for adoption. The applicant has stated that the new roads will be maintained by a private management company.

A public footpath is proposed linking the application site to the existing public right of way (Llwchwr 37).

A surface water attenuation pond and a pumping station would be located to the east of the development site within the 'green wedge' area. The future maintenance of the ponds is also proposed to be managed by a private management company.

A number of TPO trees within the TPO hedgerow on the northern boundary are proposed pruned as part of the application and part of the existing hedgerow adjacent to Beauchamp Walk would need to be removed to accommodate the new access road. The hedgerows and trees forming the western and southern boundary would be retained.

An Environmental Impact Assessment (EIA) was not required.

### **Main Issues**

The main issues for consideration with regard to this application relate to the acceptability of residential development at this greenfield site in terms of the impacts of the development on the character and appearance of the area, residential amenity impacts on neighbouring occupiers, impact of the development on access, parking, highway safety and impacts upon environmental interests having regard to the provisions of the policies of the City and County of Swansea Unitary Development Plan 2008 (UDP) listed within the previous pages. The SPG – Places to Live : Residential Design Guide is also relevant to this proposal. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

### **Principle of Development**

The site forms part of an allocated housing site within the current UDP under Policy HC1 (Housing Sites) (103) 'Land South of Loughor Road' where the potential for 110 homes is indicated. This site represents approximately 0.73ha of the wider allocation – 86 homes have already been constructed as part of phase 1 (2012/0044).

The site allocated within the Greater North West Swansea housing policy zone. The amplification to the policy confirms that it is not necessary to phase the release of greenfield land given the relatively low levels of release proposed. These greenfield sites (including this site) are all within this housing policy zone where there would otherwise be a housing land shortage due to the lack of available alternative sites within existing settlements. Having regard to Policy HC1, the principle of residential development on this greenfield site is acceptable in accordance with the UDP housing strategy.

It is noted however that the scheme does not include the whole of the housing allocation site HC1 (103) as it excludes the land to the south. However it is noted that within the proposed layout, provision is made for future access to this land.

### **Visual Amenity and Urban Design**

The character of the built form in the area is mixed and there is no specific architectural style or development pattern that the proposal would need to adhere to. The site sits immediately adjacent to the new Persimmon Homes site which has recently been constructed. Policy EV1 requires developments to be appropriate to their local context in terms of scale, height, massing, elevational treatment, materials, detailing, layout, form, mix and density.

The layout and design of the development was subject to pre-application discussions and further amendments have been made during the course of the planning application to improve the overall layout and address officer concerns in respect of the design of the parking areas, the design of corner plots, impacts upon the retained trees, and front and rear boundary treatments.

The scheme comprises of a short access road running from the north east to south west which terminates at a dead end for possible future access to the south to the remainder of the housing allocation area. Running orthogonally off either side of this road in a staggered manner is a short cul-de-sac to the west, which provides for a pedestrian link through to an existing north-south footpath running down the western side of the site, and a short section of road to the east which also terminates at a dead end. Also coming off the eastern side of the main access road is access to a rear parking court area. All dwellings front onto one of these roads or the parking court area. A mixture of parking arrangements are proposed including rows of frontage parking, side drives, and a small rear parking court area. All dwellings have rear gardens except for the 2 dwellings at the site entrance (plots 1 & 25) which have side gardens. It is proposed to retain much of the existing hedgerow vegetation around the northern, southern and western site boundaries.

Focal buildings have been used to terminate important vistas within the site and amendments have been made to two of the corner plots to provide windows in their side elevations to improve the relationship of these buildings to the street.

The development would consist of twelve, two storey dwellings and thirteen, two storey with loft room dwellings (2.5 storey) in a mix of detached, semi-detached and terraced houses facing the street. It is considered that the houses would have a positive relationship with the public realm and would create an attractive traditional streetscene that maximises natural surveillance; and that layout and design would provide a good mix of houses within the development with a traditional appearance in respect of their detailing and roof forms. The materials consist of a mix of brick, render, reconstituted stone and smooth grey roof tiles. Prominent boundaries are proposed to be brick screen walls which would provide a quality and robust boundary treatment.

The development of part of this wider allocated site is welcomed. The proposed layout is legible and the homes would have a positive relationship to the street.

Notwithstanding the above paragraphs, concern has been raised by the Tree Officer with regard to the proximity of plots 19, 20, 21, 22 and 23 and the protected trees along the northern boundary. The applicant has shown a line of pruning / crown lifting of these trees which is considered to be too severe and would harm the longevity of the trees. As such the applicant has agreed to amend the layout to ensure that the above numbered plots are positioned so that the works to the trees would be within acceptable parameters.

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In addition, the rear foot paths to plots 3, 4, 20 and the car parking spaces for plot 25 are within 0.5m of the field boundary which would encroach on the base of the trees along this line. Therefore these paths and car parking spaces will need to be carefully constructed and/or amended to prevent them harming the bases and roots of these trees. This and the layout amendments can be secured by way of a condition to the permission.

An area of land between the curtilages houses at plots 19, 18, 12, 11, 10 and 9 and the boundary of the site (western & southern boundary) which contains hedgerows and trees is to be managed and maintained by the Management Company which will be secured via the S106.

As such it is considered that the proposed design and layout of the estate is acceptable and complies with the provisions of Policy EV1 and EV2 of the UDP and the SPG – Places to Live: Residential Design Guide.

### **Residential Amenity**

With regard to the amenity of existing residents in Beauchamp Walk which back on to the application site, sufficient separation distances would be maintained to ensure that existing privacy levels would not be compromised by the proposed development. Each of the dwellings which would abut the northern boundary would have a garden length of 10m to ensure that privacy levels are not detrimentally impacted upon. In terms of overbearance and overshadowing, sufficient distance would be maintained to ensure that none of the properties within Beauchamp Walk would be adversely affected by the new development. As such the application is considered to be acceptable in this regard.

The existing houses to the west within Maes Daffydd are located approximately 21m from the site and are separated by the existing public footpath and as such would not be adversely affected by this development.

In terms of the residential amenities of the future occupiers of the development, the site layout has been amended to ensure a minimum separation distance of 21m from rear to rear elevations of all the dwellings. In addition the vast majority of the proposed plots would have rear gardens of a length of 10m. On this basis, it is considered that the proposed layout would not give rise to any harmful impacts on the residential amenities of the future occupiers.

Having regard to the above, it is considered that the proposed development would not result in any significant impacts on the amenities of existing residents in Beauchamp Walk or Maes Dafydd and would not raise adverse impacts in respect of the residential amenities of the proposed development. The proposal would therefore be in accordance with Policy EV1 of the UDP.

### **Highway Impacts**

The Head of Transport and Engineering considers that the likely traffic generated by this additional 25 dwellings has been quantified and considered not to have any significant detrimental impact, as detailed in the Highway Observations section of this report. The applicant has agreed to pay £17,425 towards local highway safety improvements.

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Access into this site extension is in place and is considered to be suitable for the level of traffic likely to be generated by this development. As such, no highway objections have been raised subject to conditions.

### **Affordable Housing**

UDP Policy HC3 (Affordable Housing) highlights that where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on suitable sites. The evidence base for this need is the Local Housing Market Assessment which assessed the dynamics of the housing market in around Swansea and underpins the Council's Housing Strategy. The affordable housing provisions has been subject to negotiations which has resulted in a total of 4 affordable housing units (2no. three bedroom houses and 2no. two bed houses) being agreed, comprising of low cost home ownership units, which equates to 16% provision across the site which is considered to be an appropriate level in this instance. The percentage of affordable housing in the original consented scheme was 17%. These units have been identified on the submitted plans and have been sited throughout the site. The provision of the agreed level of affordable housing can be secured by a S106 planning obligation.

### **Education**

The Director of Education has requested a financial contribution for local the following schools within the catchment of the application site:

Primary : Pontybrennin Primary (English) and YGG Pontybrennin (Welsh).

Secondary : Penyrheol Comprehensive (English) and Ysgol Gyfun Gwyr (Welsh)

At present there is spare capacity at all the 4 schools (2 Welsh & 2 English) for 2012 and 2013. With regard to future capacity (2021) both of the English schools have capacity. As such it is not considered reasonable to require contributions for the English schools. The projected capacities suggest that there will be a deficiency in Welsh school places. The S106 contribution for the Welsh school places therefore would equate to: £10,372 for primary (£10,372 x 1.0) and £11,093 for secondary (£15,848 x 0.7) : Total £21,465.

### **Ecological Issues**

The development site has been subject to an ecological survey. The grassland area is presently of low ecological value mainly due to the existing management regime. The surrounding hedges with trees are of value and should be retained. The Council's Ecologist has noted that there are three trees growing in the southern hedge that have been identified as having bat roost potential (described in target note 5 of the survey) and has asked that if any work is intended to be carried out on these they must be subject to a bat survey prior to any work starting – these trees are shown to be retained. No objections are raised, therefore, subject to conditions.

### **Trees**

The site contains a number of trees – the trees within the northern boundary are subject to Tree Preservation Orders (TPO). A Tree Survey report, and a planting plan which includes works to the TPO trees was submitted which provides details regarding the quality, condition and constraints of the trees and hedgerows on this site.

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The Council's Tree Officer considers that the details submitted provide adequate space for many of the retained trees and hedgerows on this site. Some trees and hedgerows as identified have been highlighted to be removed and some branch pruning work will be required to many of the boundary trees/hedgerows on this site. It is considered that the proposal is acceptable in arboricultural terms subject to the inclusion of the planning conditions and informatives.

Notwithstanding the above paragraphs, concern has been raised by the Tree Officer with regard to the proximity of plots 19, 20, 21, 22 and 23 and the protected trees along the northern boundary. The applicant has shown a line of pruning / crown lifting of these trees which is considered to be too severe and would harm the longevity of the trees. As such the applicant has agreed to amend the layout to ensure that the above numbered plots are positioned so that the works to the trees would be within acceptable parameters. In addition, the rear foot paths to plots 3, 4, 20 and the car parking spaces for plot 25 are within 0.5m of the field boundary which would encroach on the base of the trees along this line. Therefore these paths and car parking spaces will need to be carefully constructed and/or amended to prevent them harming the bases and roots of these trees. This and the layout amendments can be secured by way of a condition to the permission.

### **Coal Mining Issues**

The Coal Authority considers that the content and conclusions of the Site Investigation Report are sufficient for the purposes of the planning system and meets the requirements of Planning Policy Wales in demonstrating that the application site is, or can be made, safe and stable for the proposed development. As such, the Coal Authority has no objection to the proposed development.

### **Water Quality Issues**

This application is located within the area where ongoing concerns raised by Europe and Welsh Government regarding the water quality of the Loughor Estuary which is part of the following European protected sites: Carmarthen Bay and Estuaries Special Area of Conservation; Carmarthen Bay Special Protection Area; and Carmarthen Bay RAMSAR (CBEEMs). The City and County of Swansea as Local Planning Authority has followed the precautionary approach advised by its statutory advisor CCW towards all development that drains into CBEEMs, and carried out the following Habitat Regulations Assessment

#### Burry Inlet Habitat Regulations Assessment

##### Introduction

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

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMS), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and RAMSAR site.

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Before deciding to give permission we must therefore first consider whether this development is likely to have a significant effect on the CBEEMS either alone or in combination with other plans or projects in the same catchment area.

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

### Water Quality

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

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

As the consents in question have already been subject to a full assessment (alone and in-combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits.

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

### Other Possible Effects on CBEEMS features

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

On this basis there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with regulation 61(1).

The LPA has therefore satisfied its obligations as the 'competent authority' under the Habitats Directive and associated Habitat Regulations. This is in line with the requirements of National Policy Guidance and Policy EV25 of the Unitary Development Plan.

### **Hydraulic Capacity Issues in Gowerton WwTW Drainage Network**

Whilst the LPA is satisfied that it has addresses the issues relating to the Habitat Regulations on this site, there are still outstanding issues in the Gowerton Waste Water Treatment Works (WwTW) catchment area.

In 2011 Dwr Cymru Welsh Water adopted the findings of a study commissioned to investigate the problems and solutions relating to foul drainage in this drainage catchment area.



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The have also prepared a plan of improvements works for Gowerton WwTW catchment area to start in 2020 (AMP7). In the meantime they are prepared to bring forward schemes if developers finance them.

In addition, the Council has kept a register of savings made on brownfield sites and some of these have been completed. The register is required by the Memorandum of Understanding 2011 agreed and signed by the City & County of Swansea, together with its partners Carmarthenshire County Council, Dwr Cymru Welsh Water, and Natural Resources Wales.

### **Foul Drainage**

This development will separate surface water and land drainage from foul water, so the only drainage impact on the existing sewerage drainage system to Gowerton WwTW would be the foul connections. It is estimated that the maximum foul flow from this site can easily be accommodated by potential surface water removal schemes or compensatory water savings already made from other brownfield developments in the area.

Dwr Cymru Welsh Water has not objected to this scheme. Whilst Natural Resources Wales raised concerns last autumn regarding the impact of new residential development on the water quality of the estuary, there is no conclusive evidence that supports this view, and the Agency has since agreed to the Council's adopted Habitats Regulation Assessment. The HRA conclusions are based on objective information available through the 2010 Environment Agency's own Review of Consents of Gowerton WwTW.

The current application if approved will be subject to planning conditions controlling drainage, including the use of SUDs, on this basis, there is no known evidence to justify refusal on drainage grounds. Subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and can meet the overarching aims of sustainable development in this area, and satisfy the provisions of Policies EV33, EV34, and EV35 of the UDP.

### **Land and Surface Water Drainage**

The arrangements for surface water drainage have been submitted and have been considered by the Council's Drainage Officer and NRW. Surface water from the roofs, hard surfaces and roads will be discharged via an attenuation pond at greenfield rates.

The details provided are considered to be satisfactory in principle, but it is considered necessary to secure further details of the drainage arrangements via conditions, prior to the commencement of development on site, to ensure there is no potential future harm to the water environment of the estuary or the amenities of existing and future residents. On the basis of the information submitted to date, it is considered that there are no overriding reasons to warrant a refusal of permission on drainage grounds alone.

Subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and are in accordance with the provisions of Policies EV33, EV34 and EV35 of the UDP.

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### Section 106 Contributions

Education : The S106 contribution for the welsh school places therefore would equate to: £10,372 for primary (£10,372 x 1.0) and £11,093 for secondary (£15,848 x 0.7) : Total £21,465.

Affordable Housing : Four units (16%) low cost home ownership houses (2 x 3 bed and 2 x 2bed)

Highways : a contribution of £17,425 towards local highway safety improvements

Management plans for future maintenance and management of the:

- attenuation pond & pumping station,
- the footpath between the site and the existing public right of way (LLwchwr 37),
- the land between the curtilages of houses at plots 19, 18, 12 11, 10 and 9 and the boundary of the site (western & southern boundary)

Management and monitoring fee for the S106 – this will be based on either 20% of the planning application fee (£1,650) or 2% of the value of the obligations of the S106 agreement (which ever is the greater and subject to a minimum charge of £150).

### Other Material Considerations

The concerns raised by third parties are summarised above and have been addressed within the above appraisal. This includes reference to UDP policy considerations, the current status of this greenfield site, its acceptability for development and impacts upon schools and local services The highway access and public safety concerns relating to traffic (including during the course of construction) are considered in the Highways section above. The design and layout considerations have been carefully assessed and amendments have been made to ensure that the design and layout would be acceptable. The impact on trees, local wildlife and ecology has been properly assessed by NRW, the Council's Ecologist and the Council's Arboricultural Officer and subject to conditions is considered to be satisfactory in this respect.

Concerns have been raised with regard to air quality from car fumes – the site is not located in a specified area of concern with regard to air quality and the Pollution Control Team have raised no objections to this development.

The management of the attenuation pond & pumping station will be secured under the Section 106 Planning Obligation Agreement.

### Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, the proposal for residential development of 25 dwellings on a site allocated for housing in the UDP is considered to be acceptable in terms of its impacts on the character and appearance of the area, impacts on residential amenity and impacts on access, parking and highway safety. The layout and design of the development will create a distinctive development that has had regard to the hedgerows bounding the site and, and will provide connections to the wider sections of the allocated housing site.

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The drainage proposals have been considered in the above report including the foul connections and the hydraulic capacity issues, as well as the land / surface water drainage issues. It is considered that the requirements of DCWW and NRW for compensatory surface water savings in the Gowerton WwTW catchment area can be accommodated for by potential surface water removal scheme or the Council's Register of savings made from brownfield sites within the Gowerton WwTW catchment area.

As such the application is considered to comply with the provisions of policies AS1, AS2, AS6, EV1, EV2, EV3, EV30, EV33, EV34, EV35, HC1, HC3, HC17 of the City & County of Swansea Unitary Development Plan 2008 and the SPG – Places to Live: Residential Design Guide.

### RECOMMENDATION

**That planning permission be granted subject to the following conditions and the applicant entering into a S106 Planning Obligation to provide:**

- **4 units of affordable housing on the site;**
- **an education contribution of £21,465,**
- **a highways contribution of £17,425**
- **management plans for future maintenance and management of the:**
  - **attenuation pond & pumping station,**
  - **the footpath between the site and the existing public right of way (Llwchwr 37),**
  - **the land between the curtilages of houses at plots 19, 18, 12 11, 10 and 9 and the boundary of the site (western & southern boundary)**
- **Management and monitoring fee for the S106 – this will be based on either 20% of the planning application fee (£1,650) or 2% of the value of the obligations of the S106 agreement (which ever is the greater and subject to a minimum charge of £150).**

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 No dwelling hereby approved shall be occupied until the surface water removal strategy as indicated on drawing C/110 Rev 2 (Engineering Layout) dated 26th September 2014 has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the details thereby approved.

Reason: To provide satisfactory surface water removal for 6 dwellings to prevent hydraulic overloading of the public sewerage system and pollution of the environment.

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- 3 Prior to the commencement of the construction of the 7th dwelling hereby approved either,
- a) a surface water removal strategy delivering sufficient compensation for the foul flows from the development shall have been implemented in accordance with details which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, or,
  - b) Works to upgrade the sewage infrastructure at Gowerton WwTW have been implemented in full and written confirmation of this has been issued by the Local Planning Authority.
- Reason: To prevent hydraulic overloading of the public sewage system and pollution of the water environment.
- 4 Unless otherwise agreed in writing with the Local Planning Authority, foul water and surface water discharges must be drained separately from the site and no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public foul sewerage system.
- Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.
- 5 Surface water from the site shall discharge at no greater than 5 l/s as stated using an approved flow control device as per drawing no. C/110 Rev 2 (Engineering Layout) dated 26th September 2014.
- Reason: To reduce surface water loading to the watercourse network and reduce surface water flood risk downstream.
- 6 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water runoff
- 7 Prior to the commencement of any development, a scheme for the ownership and maintenance of the surface water system shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans / specification at such time(s) as may be specified in the approved scheme.
- Reason: To ensure the satisfactory long-term operation of the surface water management scheme to prevent the increased risk of flooding to the development itself and surrounding third parties.

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- 8 The development shall be completed in accordance with the recommendations in section 8 (Recommendations) of the approved Extended Phase 1 Habitat Survey by Hawkswood Ecology dated 31 May 2014 .  
Reason: In the interests of protecting the ecology of the site and surrounding area.
- 9 Prior to any works being carried out to the three trees growing in the southern hedge that have been identified as having bat roost potential (described in target note 5 - para 6.10 of the approved Extended Phase 1 Habitat Survey by Hawkswood Ecology date 31 May 2014) a full bat survey shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in strict accordance with the details thereby approved.  
Reason: In order to ensure the protection of a European Protected Species.
- 10 Prior to any works commencing on the site, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CTMP shall be implemented and adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure minimal nuisance impact on local residents/ businesses from construction traffic activities.
- 11 Prior to the commencement of development on site full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.  
Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.
- 12 Prior to the commencement of works on site (including all access roads) a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the LPA. The CPMP shall to include the following:
- a) Demolition/Construction programme and timetable
  - b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
  - c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
  - d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
  - e) Proposed working hours;
  - f) Principal Contractor details, which will include a nominated contact for complaints;
  - g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
  - h) Details of on site dust mitigation measures having regard to BPM;

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- 12 i) Details of on site noise mitigation measures having regard to BPM;  
j) Details of waste management arrangements (including any proposed crushing/screening operations); and  
k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.  
Note: items g - j inclusive need to take particular account of the potential for statutory nuisance arising from site related activities [see Informatives].  
Note: If, during the writing of the CPM, any specific issue needs to be discussed/clarified the applicant should contact the Pollution Control Division, Housing and Public Protection Service, Rm 401 Guildhall SA1 4PE 01792 635600  
Reason: To ensure minimal nuisance impact on local residents/ businesses from construction activities.
- 13 If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously agreed in writing with the Local Planning Authority] shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination.  
Reason: To ensure that the safety of future occupiers is not prejudiced
- 14 Prior to the commencement of development on site full details of the remediation works as set out in Section 11.2 of the approved Site Investigation Report by Integral Geotechnique dated 26th September 2014 shall be submitted to and approved in writing by the Local Planning Authority. The remedial works to treat any mine entries or other coal mining legacy features, shall undertaken and completed prior to the construction of the development and shall be completed in accordance with the details thereby approved.  
Reason: In order to establish the exact situation regarding coal mining legacy issues on the site
- 15 Prior to the commencement of development full details of the pumping station, including the means of enclosure and access point, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the details thereby approved.  
Reason: To ensure a satisfactory means of drainage.
- 16 Unless otherwise agreed in writing by the Local Planning Authority, the proposed parking area hereby approved/illustrated on the submitted plan shall be:  
(i) porous or permeable; or  
(ii) constructed to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse; and  
(iii) be permanently maintained so that it continues to comply with the requirements of paragraph (i) and (ii).  
Reason: In the interests of sustainability.

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- 17 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.  
Reason: To ensure that the overall open plan housing layout is not prejudiced by uncontrolled development.
- 18 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, D and E of Schedule 2, Part 1 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.
- 19 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 unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of visual amenity.
- 20 No part of the development hereby permitted shall be occupied until street lighting has been installed in accordance with a detailed scheme to be agreed with the Local Planning Authority.  
Reason: To ensure a convenient and safe form of development.
- 21 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.
- 22 No development or other operations shall take place except in accordance with the guide on "The Protection of Trees on Development Sites" attached to this planning permission. No trees, shrubs, or hedges shall be felled or cut back in any way, except where expressly authorised by the landscaping scheme as approved by the Local Planning Authority until two years after the completion of the development. Any trees, shrubs or hedges removed without such authorisation, or dying, or being seriously damaged or diseased before the end of that period shall be replaced by plants of a size and species as may be agreed with the Local Planning Authority.  
Reason: To secure the protection of trees growing on the site whilst the development is being carried out.

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- 23 The tree works to which this permission relates must be completed in their entirety no later than 2 years from the date of this consent, after which time the consent is no longer valid.  
Reason: In the interests of visual amenity and safety, and the continued health of the tree.
- 24 The Local Planning Authority shall be notified a minimum of 7 days in advance of the date and time when tree the works are to be carried out.  
Reason: To give the Local Authority the opportunity to inspect the work being carried out.
- 25 The replacement trees must be planted during the first planting season (October-March) immediately following the felling of the trees authorised by this consent. The planting shall be carried out in accordance with the Code of Practice for General Landscape Operations BS4428:1989 Section 7.  
Reason: In the interests of visual amenity, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 26 Should any of the replacement trees be removed, die or become severely damaged or seriously diseased all within 5 years of planting, it shall be replaced by a tree of similar size and species to that originally planted.  
Reason: In the interests of visual amenity, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 27 Prior to any tree works commencing on site, the precise details of the works to be undertaken to the tree(s) shall be agreed and clearly identified on site by the Local Planning Authority in consultation with the contractor commissioned to undertake the works. The works shall then be undertaken in accordance with the details thereby agreed.  
Reason: In the interests of visual amenity, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 28 Prior to the commencement of work on site, full details of the proposed footpath link in front of plot 19 from the application site to the existing public footpath Llwhwr 37 including a cross section showing its gradient, the surface treatment and its relationship to all existing trees and their root protection areas shall be submitted to and approved in writing by the Local Planning Authority. The path shall be completed in accordance with the details thereby approved prior to the construction of the last dwelling.  
Reason: In the interests of the amenity of the area,
- 29 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.  
Reason: In the interests of the ecology and amenity of the area.



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- 30 Notwithstanding the details shown on the approved plans, full details of the repositioning of plots 19, 20, 21, 22, 23 and full details of works to the protected trees along the northern boundary shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site. The development shall then be implemented in accordance with the details thereby approved

Reason: To ensure that the trees along the northern boundary are adequately protected

- 31 Notwithstanding the details shown on the approved plans, the paths to plots 3, 4 and 20 and the car parking spaces for plot 25 shall be relocated / redesigned to ensure that do not harm the base of the trees and root protection area. Full details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. The development shall then be implemented in accordance with the details thereby approved.

Reason: To ensure that the trees along the northern boundary are adequately protected

### 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: AS1, AS2, AS6, EV1, EV2, EV3, EV30, EV33, EV34, EV35, HC1, HC3, HC17
- 2 Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting a watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues.
- 3 The applicant is advised that to discharge condition 11 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
- 4 The applicant is advised to provide the LPA with details of the Company Secretary and the registered company address for the Company ultimately responsible for the application site to ensure serving of documentation upon appropriate persons.
- 5 **Construction Noise**  
The following restrictions should be applied to all works of demolition/ construction carried out on the development site. All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. The Local Authority has the power to impose the specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

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5 Smoke/ Burning of materials

No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

Dust Control:

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

Lighting

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

6 The developer is advised to contact Dwr Cymru (Welsh Water) Telephone Swansea 772200 Ext. 2562 with regard to adequacy of water supply and position of water distribution mains in the area.

7 To protect the integrity of the Public Sewerage System, foul water and surface water discharges shall be drained separately from the site.

8 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment, no surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

9 To prevent hydraulic overload of the public sewerage system and pollution of the environment, land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

10 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.

11 The developer is advised that the Welsh Government are planning to introduce new legislation that will make it mandatory for all developers who wish to connect to the public sewerage to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW) (Mandatory Build Standards). Further information on the Mandatory Build Standards can be found on the Developer Services Section, DCWW at [www.dwrcymru.com](http://www.dwrcymru.com) or on the Welsh Government's website [www.wales.gov.uk](http://www.wales.gov.uk).

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- 12 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.
- 13 Natural Resources Wales (NRW) note that the developer intends to utilise a Pumping Station as part of the foul drainage disposal system, and therefore an Environmental Permit may be required from NRW. In this respect NRW would refer the developer to the NRW Customer Contact Centre (Tel. 03000 653000) to discuss
- 14 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
  - Take or destroy an egg of any wild bird
- You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.
- 15 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).
- 16 The applicant is advised that the development must be carried out in accordance with the approved plans. If, prior to or during the implementation of this permission, any particulars are found to be inaccurate then the Local Planning Authority must be informed and works shall not commence or be continued until the matter has been resolved. Failure to do so could lead to the serving of an enforcement or stop notice.
- 17 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

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- 18 The Council is responsible for the naming and numbering of streets within the administrative area. All new property addresses or changes to existing addresses arising from development for which planning consent is sought must be cleared through the Council's Street Naming and Numbering Officer as soon as building work commences. Street naming and numbering proposals must be agreed with the Council prior to addresses being created or revised. Please note that there is a charge for the provision of some street naming and numbering services.

For further information please visit [www.swansea.gov.uk/snn](http://www.swansea.gov.uk/snn) or contact the Council's Street Naming and Numbering Officer, City & County of Swansea, Room 2.4.2F, Civic Centre, Swansea, SA1 3SN. Tel: 01792 637127; email [snn@swansea.gov.uk](mailto:snn@swansea.gov.uk)

- 19 The applicant or his contractor should contact the Council's Tree Officer (Tel. No. 01792 635724) with regard to the discharging of any of the conditions of this consent.
- 20 The applicant or his contractor should follow the advice given in BS 3998 (2010) 'Recommendations for Tree Work'.
- 21 The Developer must contact the Team Leader, Highways Management, City & County of Swansea (Highways), Penllergaer Offices, c/o Civic Centre, Swansea, SA1 3SN (Tel: 01792 636091) before carrying out any work.

### PLANS

BK-WD16 Bickleigh plans, HB-WD-16 Hanbury plans, LY-WD16 Lumley plans, MR-WD16 Morden plans, dated 31 May 2014.

LOUGH-15-04-01 Rev D site location plan, LOUGH-15-04-03 Rev C materials enclosures layout, C/110 Rev 2 - Engineering layout; CA-WD16 Rev B - Clayton (village) plans and elevations; CCA-WD16 Rev E - Clayton Corner plans and elevations dated 26th September 2014

830.01 Rev E Planting / landscape plan, dated 19 December 2014

LOUGH-15-04-02 Rev E proposed planning layout dated 5 January 2015,

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## PLANNING COMMITTEE – 20<sup>TH</sup> JANUARY 2015

ITEM 19

APPLICATION NO. 2014/0761

WARD: Penyrheol

**Location:** Land at Pencefnarda Uchaf Farm, Pencefnarda Road, Gorseinon, Swansea

**Proposal:** Installation of ground mounted solar array; capacity up to 3.6 megawatts; ancillary infrastructure including fencing, security cameras, inverter kiosks, construction compound and laydown areas, cabling, substation building and screening including hedge and tree planting and new bank supporting hedge and tree planting

**Applicant:** Pencefnarda Solar Ltd

### BACKGROUND INFORMATION

#### POLICIES

Policy	Policy Description
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Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
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Policy 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).
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Policy EV21	In the countryside non-residential development will only be permitted where it can be demonstrated that it is beneficial for the rural economy, or it meets overriding social or economic local needs, or it is appropriate development associated with farm diversification, sustainable tourism or nature conservation, or it provides an acceptable economic use for brown field land or existing buildings, or it is essential for communications, other utility services, minerals or renewable energy generation. (City & County of Swansea Unitary Development Plan 2008)
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Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)
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Policy EV23	Within green wedges development will only be permitted if it maintains the openness and character of the green wedge and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. (City & County of Swansea Unitary Development Plan 2008)
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Policy R11      Proposals for the provision of renewable energy resources, including ancillary infrastructure and buildings, will be permitted provided:

(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.

Proposals for large-scale (over 25MW) onshore wind developments shall be directed to within the Strategic Search Area defined on the Proposals Map subject to consideration of the above criteria. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

#### App No.

#### Proposal

2002/0253

Construction of agricultural building (Application for the Prior Approval of the Local Planning Authority)

Decision: Prior Approval be given unconditional

Decision Date: 18/03/2002

98/1537

ERECTION OF STEEL FRAMED EXTENSION TO EXISTING AGRICULTURAL BUILDING

Decision: \*HGPC - GRANT PERMISSION CONDITIONAL

Decision Date: 15/02/1999

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2005/2277	Agricultural building (application for the Prior Approval of the Local Planning Authority) Decision: Prior Approval be given unconditional Decision Date: 24/11/2005	
2007/1236	Infill of former quarry to level of adjoining land and associated works Decision: Grant Permission Conditional Decision Date: 11/10/2007	
2012/0905	Variation of condition 1 of Planning Permission 2007/1236 dated the 11th October 2007 to allow tipping operations to continue for an extended period of 3 years Decision: Grant Permission Conditional Decision Date: 23/07/2013	
98/1516	ERECTION OF STEEL FRAMED EXTENSION TO EXISTING AGRICULTURAL BUILDING (APPLICATION FOR THE PRIOR APPROVAL OF THE LOCAL PLANNING AUTHORITY) Decision: Withdraw Decision Date: 03/11/1998	
LV/85/0652/01	BUNGALOW IN CONNECTION WITH FARM Decision: Withdraw Decision Date: 01/01/2001	
LV/94/0145/03	NEW SLURRY STORE Decision: *HGCC - GRANT CONSENT WITH CONDITIONS Decision Date: 02/06/1994	

### RESPONSE TO CONSULTATIONS

#### Original proposals

The application was initially publicised by means of a Press Notice, displaying site notices within the vicinity of the site and by sending letters to two local properties.

#### **Objections to the application -**

49 LETTERS OF OBJECTION have been received, the comments of which are highlighted below –

#### Visual Amenity

The proposal would severely spoil the visual amenity of the area.

Out of character due to the green belt.

Set a precedent for development in green wedge in the future.

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The proposal covers a very large area

For those who are directly overlooking the site the aesthetics will be destroyed for a significant period of time.

The nature of the proposal is incompatible with the landscape setting and will have a significant adverse impact upon the amenities of the area.

Whilst the site does not currently have any environmental protection, it is located within the proposed extension of Gower AONB (a designation that has been delayed and will be determined by Natural Resources Wales). The site is also adjacent to the Loughor Estuary which has protection as an SSSI and SAC.

Local residents feel that the required investment for this industrial scale development comprising of 14,400 solar panels within the overall site footprint of 26,500m<sup>2</sup> simply cannot be justified as 'small-scale' farm diversification based on the size of Pencefnarda Uchaf Farm.

### Impact on neighbouring properties

The proposed height and angle of the panels will face South into the sun directly into the nearby properties in Pencefnarda Road causing significant intrusion and potential glare/glint.

Concerns regarding high fences.

Affect on values of neighbouring properties.

The specific field selected cannot be sufficiently screened due to its topography and it is in close proximity to houses situated in Pencefnarda Road.

It is trusted that government planning guidance will be followed in that the need for renewable energy does not automatically override local environmental protections and the concern of local communities.

The visual impact of the solar panels, fencing, lighting and other ancillary equipment will have a high adverse impact on the residential amenity of the nearby properties.

Traffic, noise and air pollution during construction.

### Impact on the environment

Development would be detrimental to many species in the area.

The existing flora and fauna will be decimated.

Would undermine local ecology.

This field has a natural pond which has supported a variety of different wildfowl, which includes mallard, wigeon, teal, pintail, two species of geese and also two species of snipe. Bats also roost in the area and are frequently sighted.



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The ecologists recorded valuable habitats for aquatic amphibians, including habitats for the protected Great Crested Newt. The ecologists also noted, in their May survey, that the site had been drained since the earlier survey in February 2014.

The LANDMAP information supporting this application highlights the very close proximity of the proposed development to two designated sites being the Carmarthen Bay and Estuaries SAC and the Burry Inlet and Loughor Estuary SSSI respectively.

### Documents submitted

The supporting information to the application is generic and vague in places with significant errors and omissions some of which appear to be deliberately misleading.

It is important to note that none of the photographs included in the planning application were taken from nearby properties on Pencefnarda Road and no request was made from the applicant to cover this perspective.

The photographs included do not reflect the perspective of several houses in Pencefnarda Road which are located higher than the field and would look down on the proposed development. There would be a significant adverse impact on the residential amenity and individual site visits must be made to the Pencefnarda Road properties concerned before any decision is made.

The site is less than 1 km from the Loughor Estuary SSSI and less than 2km from the Carmarthen Bay and Estuaries but no exact distances are provided or a full assessment on the impact.

Glint and glare assessment requires very close scrutiny as it states 'no glint and glare is expected at residential properties' but studies have found that there will be some glint and glare in some directions at certain times of the day/year so where/when will it occur?

The developer states that the nearest properties are 180m away from the development but this needs to be clarified with the identification of 'nearest location' used in the application as local residents believe the site is actually closer than this.

There would be overwhelming direct views of the site for a time period that is vaguely quantified by the developer as 'short term'. A specific measureable number of months/years must be stated.

Decommissioning information is limited and should be scrutinised further under Unitary Development Plan Policy R11 (vii).

There appears to be some discrepancy with regards to the Environmental Statement failing to identify other similar schemes – 2012/0104 Llys Nini Animal Centre (0.9MW) and 2014/0739 Gelliwen Isaf (6MW). Note that two further ground-based solar arrays within 5km are publicly known as 'under development' with initial planning discussions commenced and formal submission likely – Gwenlais Uchaf, Pontliw (5MW) and Bryn/Llangennech (Unknown MW). Several of the above are theatricality visible and therefore must be fully considered so the LVIA assessment 'none and not significant' is incorrect and misleading.

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No specific details are provided on the grid connection and the Site Layout Plan (Version 2) does not show the export cable. However, Version 1 which is publicly available elsewhere on the internet does highlight the Export Cable exiting the site to the east through property Title Number WA 612073.

The specific sub-station connection needs to be confirmed together with all the associated necessary planning conditions as the works for the underground cable are external to the site and outside of the control of the applicant. The external cable will apparently cross external land and the public highway to connect to the required sub-station.

Viewpoints are supported by photographs in a pdf document only and there are significant concerns over several of them in terms of their grid references, view distances, extent of the proposed development, date taken and digital manipulation respectively. Best practice in line with GLVIA would be for additional supporting wide frames and photomontages with visualisations of the solar panels in periods of foliage and de-foliage respectively. This would more clearly demonstrate the impact of such a large scale development with limited screening in close proximity to residential properties and the Loughor Estuary SSSI.

### Issues with viewpoints

Viewpoint 1 – Field north of houses on Llannant Road (PCN014A)

Incorrect Viewpoint Number (Llannant Road) Grid Reference (258224 199932) & View Direction.

Photograph actually taken north of houses on Pencefnarda Road (estimated grid reference approximately E258349 N199889) with an estimated View Direction angled towards North West.

Local properties are situated on higher ground than the Viewpoint field and there is a significant difference in screening from different view directions.

'Short term' is repeated several times without ever being clearly quantified. At the Gorseinon Town Council Site Visit on Tuesday 8th July 2014, Ian Mclean of Locogen stated that in his opinion it would take a 'minimum of 8 to 10 years' to screen Viewpoint 1 which is a third of the project and even this could be optimistic. An independent assessment of the screening needs to be undertaken with supporting photomontage visualisations at different time periods.

Viewpoint 2 – Footpath north of Llannant Road (PCN015)

Incorrect Grid Reference as stated 258004 200060 is in the quarry approximately 400m away from the highlighted Viewpoint in Drawing PCN015 with position image approximately 258065 200455.

However the photograph appears to be taken in a more central position of the highlighted field (estimated grid reference approximately 258031 200364).

Incorrect View Direction angle and incorrect Extent of Development as this would continue approximately 75m further to the left of the photograph.

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Digital alteration of photograph with pylon (258160 199980) totally erased from photograph.

Appearance of trees in landscape compared with Viewpoint 1 suggests stated date incorrect.

Viewpoint 3 – Track South of Brynhyfryd (PCN016)

The extent of development indicator needs to be carefully scrutinised. Wireframe, photomontage visualisation at 3m and detailed glint and glare assessment needs to be comprehensively assessed.

Viewpoint 4 – Loughor Harbour (PCN017)

The Loughor 'Harbour' Viewpoint (256363 198101) relates to a small car park immediately outside Loughor Boating Club that does not provide a clear uninterrupted view of the site.

However, the north west of the site can be viewed directly from the A484 on the western side of the Loughor Bridge and this is confirmed in the LANDMAP Visual Sensory. This visual impact will further increase during the months of de-foliage.

There would be significant amounts of traffic travelling across the bridge on the A484 for visual impact and glint/glare consideration respectively.

### Highways

There are highway concerns particularly during the construction phase. The proposed traffic congestion would not be accommodated by the local transport system on Pencefnarda Road. It is a semi-rural street narrow in places with a single pavement. The road is very popular with pedestrians and many children use it to travel to and from the school playing fields and the local leisure centre. Adding this to a road that is already a busy bus route, this is highly likely to cause a disruption and potentially a fatal accident.

### General

The field hasn't always been in the condition it is now, this has only occurred since the applicant has been working on filling in a quarry. The site was previously used for many years for cattle grazing and only appears to have deteriorated very recently through changes in land management and the drainage system.

It is vitally important that before any decision is made regarding this planning application the watercourse is repaired to its former state and all failed diversions are rectified. The planning application granted in 2007 to infill the nearby quarry (2007/1236) lapsed in 2012. An application to extend the tipping operations at the site was submitted in July 2012 (2012/0905) but has yet to be granted due to the state of the drainage system at Pencefnarda Farm.

Firstly, information provided in the supporting environment document regarding the site's drainage system (p81) is incorrect and could be found to be misleading. There are 5 'ordinary' watercourse outlets at the site, not just the one that is describe within the report.

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The proposed panels are set in a uniform position across the field, regardless of the underground drainage system. If ground screws (1.5m) or piles (1.5m +) are to be used to anchor these panels then inevitably damage will be caused to the drainage system. With these panels set in place how will repair and maintenance work be carried out to ensure we receive this supply of water in its natural state?

There are concerns that if the solar array is mounted on top of the existing drainage system, this will further exacerbate problems that they are currently experiencing with the water that runs from the applicant's farm onto the neighbouring farm.

This is the latest of a number of requests to turn the site into an industrial site. Any further developments like this would be a step too far.

The applicant has not proven that there is an overriding need for this development in relation to the actual proposed location.

This land should be left as agricultural land for the benefit of the wildlife and harmony of the local area.

It could be argued that the only valid reason put forward to support the development is that the field in question is simply of lower agricultural quality even though it could be used for other purposes. There are numerous other alternative potential sites across the local area that are of similar lower agricultural quality so that alone does not justify the development and it therefore could create an important precedent for Gower.

Surface water management of the 14,400 south facing sloping solar panels is an important drainage issue.

The developer has now publicly disclosed for the first time in the local press that glint and glare will actually occur to the East and West of the site respectively. Local residents are extremely disappointed that this has not been stated before, despite several requests for further information and it is still not evaluated in any of the planning documents submitted to the City and County of Swansea. There are properties and transport links including roads and rail respectively to the west of the site across the estuary and so we would encourage further review in light of this new announcement particularly as there is a proposed large ground-based solar array on the opposite western side of the estuary.

The drainage system as currently on the ground is not the historical drainage system.

The additional amount of water that will be passed onto the neighbour's land through the amended and reconfigured ditch system will lead to substantial flooding on the neighbour's land, and the associated loss and problems to both his land and business that would stem from such flooding.

### Article in Evening Post

The following comments were made by one of the objectors within a letter he sent to the Evening Post.

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I read with interest your article on page 21 of the South Wales Evening Post (1/07/14) 'Solar power scheme under the spotlight' as I am a local resident who has objected to the proposed development at Pencefnarda Uchaf Farm in Penyrheol (Planning Application 2014/0761). Like several other local residents who read your paper, I was disappointed that your article was biased in that it only focused on the positive point of view of the developer and failed to represent the position of opponents who object to the scheme being situated specifically in the selected site in Penyrheol. It is important to point out that the vast majority of local residents who oppose this commercial development of land protected by Green Wedge EV23 allocation support the principle of renewable energy. The actual issue here is not whether green renewable energy is favourable but simply a planning assessment as to whether the potential site chosen in the application is suitable to locate 'one of the biggest solar co-operatives in the UK, and by far the biggest in Wales'. The developer also puts forward the argument that it will benefit the community although in reality this relates to the fact that local people would be given 'the opportunity' to invest their private capital in this commercial venture with the aim of achieving a return on their investment. The article states 'The array aims to offer electricity for over 1,050 houses and potentially the local school'. The objective of any commercial venture is to supply customers and the specific inclusion of the word 'school' in your article might evoke an emotional reaction to mislead readers into assuming that there is a community benefit. As the development will be connected to the National Grid, I am sure that it could also supply hospitals and other organisations not just locally but across the country so in my opinion there was no need to emphasise 'school' in this context. There is no direct financial support being offered as far as I am aware in terms of subsidies to local energy users and even if there were then this would not override the planning decision as it might be deemed to be an attempt to influence the process.

The article also positively highlights the names of several potential major funders that might back the scheme and the estimated turnover from the project stating vaguely that 'cash will be ploughed into a social impact scheme' without any further specific details. This again promotes the viewpoint of the developer and the likelihood is that funding would also be available for a more suitable alternative site in the region but all of this is subject to planning being passed. The fact that the commercial venture might appear financially viable and could attract large international investors does not justify the development on that particular site in Penyrheol. For example, a large theme park in the Gower to boost tourism would be financially attractive to investors but that is not a relevant point as it would not be acceptable under current planning laws.

In conclusion, I feel that the overall tone of this poorly researched article is biased and favourable to the developer as the opposing views have not been represented. The article has been published the day before the proposal goes before the Gorseinon Town Council Planning Committee and could potentially prejudice opinions. I trust that any further 'Community' reporting by the South Wales Evening Post on this sensitive local matter is fairly balanced to both sides to demonstrate professional journalism.

### Policy issues

The proposals does not comply with the following Paragraphs set out in Planning Policy Wales – 1.1.1, 4.6.3, 4.7.8, 4.8.14, 4.8.15, 4.8.16, 4.8.18 and Policies EV1, EV2 and EV23 of the Unitary Development Plan.

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### Support letters

The developer has highly publicised the quantity of support letters for this application but on closer inspection the actual quality of these is highly questionable in planning terms. We fully accept the right of the developer to gain support for their proposal but we feel strongly that as a 'local community developer' they have a responsibility to give potential supporters a balanced appraisal of the facts so that they can make an informed judgement. Local residents are concerned that a large number of people who genuinely agree with green energy initiatives might have supported this proposal in good faith based on the limited and biased information provided by the developer which undermines the planning process.

The vast majority of people who have submitted support letters from addresses (where provided) all across the UK and even abroad have almost certainly never actually visited the site or fully reviewed the supporting planning information. What is certain is that none of them have viewed the site from local properties in Pencefnarda Road unlike the local Gorseinon Town Councillors who completed a formal site visit with official representatives from both Locogen and Gower Power in attendance to formally answer their concerns and they subsequently unanimously rejected the application.

### **Support to the application -**

319 LETTERS OF SUPPORT have been received, the comments of which are outlined below:

Solar farms are not nearly as intrusive on the visual amenity of the environmental streetscene as tall wind turbine generators.

The array in the field does not damage the environment.

Solar power is a clean generator of electricity and is carbon free.

The solar farm will offer little visual impact on the local community as the panels will be low level and the trees and hedgerows around the field will also screen much of the area.

As shown on the Evening Post article, the panels will still allow grazing underneath, therefore, still allowing the site to be used as agricultural land. Also, the Evening Post article states that the array aims to offer electricity for over 1,050 houses and potentially the local school. This is clearly a beneficial project for the local area.

These farms are going out of business after generations due to the greed of supermarkets.

More green energy is needed to supplement increasing demand and also to secure a sustainable supply of electricity for future generations.

More renewable energy schemes are needed to cut the amount of fossil fuels being burnt.

The solar panels have lower visual and environmental impacts than other forms of power generation, and may also have dual purpose usage with sheep or other animals grazing between rows.

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The evening Post article also states that the solar array aims to offer electricity for over 1,050 houses and potentially the local school. This can only be seen as a positive thing. Solar energy doesn't smell, emits no waste, makes no noise and saves a lot of carbon.

This development has the potential to set a new benchmark for community owned renewable energy.

The project will be screened by existing and new native planting. This not only screens the panels it also boosts the local ecology.

It is understood that Gower Power Community Co-operative will use the money generated by the panels to fund an award winning social programme that aims to facilitate the local ownership of food, energy and biodiversity.

The intended community ownership of the project is also important as the revenue generated will be spent in the local area.

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. It has an opportunity to lead the rest of the UK in this respect.

It will offset 46,000 tonnes of CO<sub>2</sub> over its lifetime.

Gower Power Community Cooperative's involvement in the project is supported. If planning permission is granted there will be the opportunity to create one of the UK's biggest community owned solar co-operatives.

The solar farm would be owned and operated by a community group and all profits from the scheme would be invested in delivering social benefits. I think this would have a positive and beneficial impact on the local area.

The installation of renewable energy production is vital for meeting the increasing UK energy demands while decreasing our dependency on fossil fuels. The UK has set a target goal of an 80% reduction in greenhouse gas emissions by 2050. This will not be met without the support of local Councils supporting the development of renewable energy production.

It is vital that we reduce our dependence on fossil fuels for both climate change and energy security reasons. The energy policy for Wales is firmly for renewable sources and the fact that energy is within the responsibility of the First Minister shows the determination to build projects like this one at the very highest level of Welsh Government. Swansea Council should support this application and help contribute to targets set by the Welsh Government.

It is important to reduce Swansea'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.

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Building on the momentum of the proposed Swansea Bay Tidal Lagoon, it is felt that this is a timely and fantastic opportunity for Swansea and its residents to be at the forefront, and indeed world leaders in a better way of thinking about renewable energy. The project will support local industries, support other community projects (£100K per year), provide employment and attract new talent to the workforce of Swansea, all of which I see as significant benefits on top of the obvious environmental benefits that such a renewable energy project will bring.

According to the City and Council for Swansea website there are around 104,000 homes in Swansea, and this community cooperative aims to be able to provide enough power for 10% of those.

Gower Power Co-operative offers the most exciting vision that I have come across for a long time, evidenced by its recent awards from Centrica and the Green Dragon's Den at Hay Festival. It offers Swansea and Gower a real opportunity to develop a pilot for a new way of securing local ownership of food, energy and investments whilst promoting local biodiversity.

Concerns regarding the visual appearance of the fencing have been addressed by Gower Power who assure me that an imaginative and attractive planting scheme will be put in place to soften the appearance of the security fence round the perimeter of the site.

Concerns about the maintenance plans are also being addressed by the developers, who are expecting the maintenance plan to be agreed as part of the planning conditions. It has been suggested that the site should be seeded with seed gathered by local community volunteers to create a biodiversity enhancement in the form of pollinator-friendly wild-flower mix which will require minimal cutting, making the site into a wildlife haven. This idea has been welcomed.

The involvement of Gower Power Community Cooperative in this project gives people the opportunity to invest in their home area, so the income generated remains local to the benefit of Swansea rather than multi-national companies.

I am aware the proposal is in the AONB. Gower could be amongst 12 other AONBs across the UK to embrace the need to do something about climate change and energy security.

### **The owner of the field's responses -**

The owner of the field in question has provided rebuttal comments to the concerns raised regarding the watercourse and related issues which is covered solely under application 2012/0905 for the variation of condition 1 of Planning Permission 2007/1236 dated the 11th October 2007, to allow tipping operations to continue for an extended period of 3 years.

Fossil fuels such as oil and gas are rapidly running out in this country. We will then be at the mercy of the likes of Russia and Norway for gas and the Middle East for oil who will then be in a position to demand any price as world supplies are also rapidly decreasing. In this country we need to be self-sufficient in terms of food production and energy generation to be protected from inflation and guarantee a secure supply.



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Using renewable sources such as solar, wind and tidal will go a long way to achieve this while also tackling climate change; unlike fossil fuels.

At Pencefnarda Farm, we are doing all we can to reduce our carbon footprint. We have recently installed a biomass boiler which is carbon neutral to replace gas for all our heating requirements (it heats the farmhouse/office barn/workshop tool shed and provides hot water for the dairy and milking parlour). We also intend to install solar panels on one of the farm buildings to provide green electricity for the farm and farmhouse (we will not receive electricity from the proposed solar array as this will supply green electricity to the local grid). We have also started to recover rainwater from the roofs of the farm buildings as a sustainable source of water.

### **Glamorgan Gwent Archeological Trust –**

It was originally requested by the Trust that a geophysical survey was undertaken. Following the submission of this they provided the following comments –

The survey, undertaken by Wessex Archaeology Geoservices (Report dated July 2014, ref: 105320.01). The fieldwork and report meet current professional standards and have provided sufficient information to allow an informed decision to be made regarding the archaeological resource in the area.

In our letter, we noted the range of known evidence of archaeological activity in the vicinity of the proposed solar array, particularly the potential route of a Roman road associated with the fort at Loughor. The results show that whilst some activity is recorded, particularly the former field boundaries, the possible archaeological features have weak values and are small in size. Having studied the results, it is our conclusion that these features are modern in origin. Consequently, as the survey has given sufficient information, it is our opinion that no further archaeological work is necessary for the proposed development.

### **Gorseinon Town Council – object to the application**

Members received a summary of the above application from the Clerk and plans were displayed. The Committee allowed a submission and objections from a delegation of 20 local residents. Whilst supporting the concept of renewable energy they felt the chosen site was inappropriate because of the impact upon the adjoining properties in Pencefnarda Road, the prominent visual appearance of the panels which could not be screened from the nearby properties, and the inadequate highway infrastructure in the immediate area. Residents were therefore opposed to the scheme, despite hearing comments from Mr Ant Flanagan on behalf of the applicants. The Committee deferred consideration of the scheme in order to view the site from residents properties, before making a decision.

Subsequently, the following response was received –

Members had deferred the original application from 2<sup>nd</sup> July meeting in order to view the application on site. They received a summary of the above application from the Clerk and plans were displayed. The sub Committee viewed the site from rear gardens of residential properties along Pencefnarda Road, Penyrheol, and listened to the comments of the property owners whose houses adjoined the site.

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Whilst supporting the concept of renewable energy, they felt the chosen site was inappropriate because of the impact upon the adjoining properties in Pencefnarda Road, the prominent visual appearance of the panels which would not be screened from nearby properties for at least 10 years, and the inadequate highway infrastructure in the immediate area. Residents were therefore opposed to the scheme, despite hearing comments from the two agents present on behalf of the applicants.

Following the site meeting, Councillors reconvened to discuss the application and resolved unanimously to OBJECT to the application for the following reasons;

1. The application site lies within the highly sensitive environmental 'green wedge', adjoining the Loughor estuary prominent from both sides of this internationally important estuary. Whilst the application site itself is of poor agricultural value, the open countryside around the site and down to the estuary is of high environmental quality and nature conservation interest. The application site is therefore considered inappropriate for the proposed use, due to its location in close proximity to residential properties in Pencefnarda Road in particular.
2. The proposed additional landscaping of site boundaries will take many years before they will be adequately screened from residential properties adjoining.
3. The residential amenity of adjoining residential properties, will be adversely affected by the proposed development.
4. The highway infrastructure in Pencefnarda Road is considered inadequate to cope with the additional heavy vehicles that would use the bus route during the construction period.
5. It is considered this scale of solar panel array could be located on existing brownfield sites, large industrial unit roofing or less visually prominent semi-rural locations.

### **Council's Ecology Officer –**

The site has been subject to an ecological survey with an additional survey for great crested newts. The majority of the field has been assessed as being of relatively poor ecological value. No evidence of great crested newt use of the site was found. Therefore they should not form a constraint on development. The surveyor identified a number of boundary trees which have features suitable for bat roosts; these should be retained. The hedges and ditches on the site are also of ecological value and should also be retained. The surveyor has noted that the site is suitable for reptiles and a further study will be completed. Please could we add a condition to any permission we give requiring the developer to submit a reptile mitigation statement for our approval should reptiles be found using the site, this should be agreed prior to development starting. The standard birds informative is attached.

With regards to the issue concerning boundary trees, these should be retained. Could we add a condition requiring that if any work needs to be done they should be surveyed for bats by a suitably qualified ecologist and the report should be submitted to us for our comment prior to any work starting. The second point concerned reptiles; they are likely to be present on the site and I have discussed this with the developer's ecologist.

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Could we also add a condition requiring the developers to submit a reptile mitigation plan for our approval prior to any development starting. Finally could we add a condition requiring an amphibian management strategy to be submitted for our approval.

### **Council's Pollution Control section –**

I would initially look to condition the construction phase of the proposed development. However they cover the bulk of the information that I would require in their Construction Method Statement. With this in mind I would like to condition the following regarding the construction phase: -

- Prior to the commencement of the development, the applicant shall submit, in writing, the Site Specific Environmental Management Plan to the Local Planning Authority.

With regard to 'glint and glare' from the proposed development, I have no objections to make regarding the matter as long as the information within their Supporting Environmental Document and their Construction Method Statement are adhered to.

### **Council's Japanese Knotweed Officer –**

One area noted on the northern edge of concrete access track in brambles near barn.

The following condition is therefore requested.

A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

Reason - In the interests of the ecology and amenity of the area

In order for the condition to be discharged, the developer must devise an appropriate and suitable method statement, acceptable to the relevant Officer for the control of the plant.

### **Wales Co-operative Centre – supports the application**

As Chief Executive of the Wales Co-operative Centre, I would like to give my support for the solar farm planning application at Pencefnarda Farm (Ref 2014/0761).

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 and international force for good. 100 million people around the world are employed by co-operatives, whilst one billion are members.

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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 £1.54 billion.

The intended local ownership of the Pencefnarda Solar Array development, through a community share scheme is crucially important as it will ensure that local residents and businesses benefit directly from the project revenue. The Wales Co-operative Centre welcomes the proposed community share offer.

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.

Looking to a future co-operative economy in Wales, the report published earlier this year by the 'Welsh Co-operative and Mutuals Commission' concluded that

'....conventional approaches to economic growth and development are not sufficient alone to achieve the improvements in the social and economic wellbeing of people in Wales. Co-operatives offer significant economic, social and environmental benefits compared with ordinary businesses'

The proposal to invest profits generated from the Pencefnarda Solar Array, at Pencefnarda Farm, in projects to combat social inequality in the local area is in line with the Commission's conclusion. Co-operatives offer wide-ranging opportunities to local people to engage in self-help activities and exercise their democratic control. People and their communities can do this by actively participating in decision-making and the governance of a co-operative.

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

### **Gower Society** – object to the application

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

3. We are greatly concerned that an application on this scale has been made so close to habitation and within the EV23 Green Wedge designated land.
4. Our Society has been attempting over the last few years to gain political support at WA level for the extension of the current Gower AONB into this part of The Lordship of Gower. Such schemes can only damage the possibility of this being achieved.
5. Despite a very clever persuasive presentation the fact remains that such a scheme would not be possible without subsidy and that not everyone supports such green developments. The deliberately rather one sided opinion poll is designed to favour the development and no one can deny that this scheme will impact upon the landscape and the local community that is in such close visual proximity.

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6. The current scheme at Cefn Betingau near to Morryston Hospital should serve as a wakeup call about the industrialisation of our agricultural landscape and open countryside in this northern area of the Lordship of Gower.
7. My Society has the opinion that such schemes should be reserved for genuine brown field sites that do not impinge upon the rural landscape and on the roofs of existing industrial buildings.
8. We understand that a number of unacceptable activities have been carried out upon this site and this should be taken into account when you consider the application.

We strongly object to this application and would be obliged if you would take these points into consideration when assessing this application.

Subsequently, following this a further letter clarifying some of the issues raised was sent in from the Society –

The owner of the property (not the applicant) has taken issue with point 6 in our letter of objection dated 29<sup>th</sup> June 2014, contending ‘there are no unacceptable activities on the planning application site or on our farm’. With reference to our letter, we write to confirm (as indeed it is so worded) that we do not contend there are unacceptable activities but that we understand that such activities have been carried out.

We do not have first hand knowledge of activities and have heard by way of hearsay. Hence, we stated it was our understanding and it related to past activities, which we believed were tipping and recycling.

We do not know whether or not it is true, and we informed you of our understanding so that you can consider conducting such research or inquiries as you may deem appropriate.

### **Council’s Head of Transportation and Engineering –**

This proposal is for the construction of a solar farm at Pencefnarda Farm in Gorseinon. A transport statement has been submitted with the application outlining the traffic movements associated with the proposal.

Traffic impact will occur during the construction phase. HGV movements have the most impact in such schemes and the applicant has provided information on the number of expected movements. The construction phase is shown to last approximately 14 weeks and the busiest period for HGV movement is shown at weeks 3 - 4, where up to 9 deliveries per day are expected. Other periods show an expected range of deliveries of between 2 to 4 HGV deliveries per day. The predicted busiest period is not considered to be excessive and is unlikely to have any detrimental impact on highways in the area. In total, there are expected to be 74 HGV movements associated with the construction phase none of which will involve any abnormal loads. Additional movements will take place but these will not involve HGV traffic.

The farm access, which is from Pencefnarda Road, is established and historically has accommodated HGV movements. It is normal practice to restrict HGV movements where possible when consenting such development proposals and this could be achieved through requiring a Traffic Management Plan or separate condition.

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Visibility is slightly restricted for car and small van use due to the adjacent hedge, but is suitable for HGV traffic as drivers of such vehicles are sitting closer to the front of the vehicle. As additional non HGV traffic will be using the access during the construction phase, this visibility needs improving.

On balance, I do not consider that the scheme will generate such a high volume of traffic movements so as to require a refusal of consent on highway safety grounds and therefore recommend no highway objection subject to the following;

1. 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.
2. 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.
3. Prior to the commencement of works, the visibility at the access junction shall be improved to provide visibility splays of 2.4m x 45m in accordance with details to be submitted and agreed.

### **Natural Resources Wales –**

Natural Resources Wales (NRW) does not object to the above application, providing appropriately worded conditions requiring the implementation of revised mitigation measures are attached to any planning permission your authority is minded to grant.

### Ecology & Protected Species

NRW welcome the submission of the document entitled; 'Pencefnarda Farm Solar Array: Ecological Appraisal', dated March 2014, by Land Use Consultants (LUC) Limited.

NRW note that the Extended Phase 1 Survey was carried out on 17 February 2014, which is outside the optimum survey period. The site of the proposed solar array is described as an agricultural field, which is subject to low levels of management/grazing and has resulted in tussocky vegetation. The other features identified within the site are a large area of standing water in the centre of the site and a number of wet ditches around the edge of the site.

We note from Section 4 of the appraisal that many of the trees around the site perimeter were noted as being of sufficient size and condition to support roosting bats. Therefore, we advise that these are retained. The report goes on to state that the entirety of the field provides suitable habitat for reptile species and that following a precautionary approach, further surveys will be completed before construction commences. NRW supports this proposal and recommends that the results of the survey are submitted to your Authority's Planning Ecologist for review and agreement, prior to any work commencing on site. Any mitigation measures, identified by the survey, should be agreed with the Planning Ecologist.

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We also note from this report that although there are no records of Great Crested Newts (GCN) within the study area, the site does provide suitable habitats in terms of the standing water at the centre of the site and the ditches along the periphery of the field. As a result further surveys for this species are to be undertaken, which we comment on below.

### Protected Species (Great Crested Newts)

NRW note that following the recommendation made in the Ecological Appraisal, an additional survey was carried out entitled; 'Pencefnarda Farm, Gorseinon: Survey for Great Crested Newts' dated May 2014, by Acer Ecology.

We note that survey visits were undertaken between the 10 April 2014 and 7 May 2014. However, the report states that at the time of the first visit on the 10 April 2014, the area of standing water at the centre of the field had been drained by digging ditches and excavating existing ditches. The area now comprised of mud and waterlogged grassy patches, with no more than 5cm depth of water. The area was subject to some survey effort, but no amphibians were noted. Given the recommendations made in the earlier appraisal, NRW are extremely disappointed that this action was taken and that the advised survey work could not be carried out to further inform the application.

Nevertheless, we note that drainage ditches around the field margins were subject to further survey effort. Section 3 of the report identified small numbers of palmate newts and frog tadpoles were present in a number of the ditches. Therefore, given that the ditches are cleaned sporadically, NRW recommend that an appropriate amphibian management strategy is agreed with your Authority's Planning Ecologist, prior to work commencing on site. Should your Authority be minded to grant planning permission.

NRW recommend that these proposals are discussed and agreed with your Authority's Planning Ecologist and should be implemented as suitably enforceable planning conditions, if your Authority is minded to grant planning permission.

### Landscape

We welcome the submission of a Landscape and Visual Assessment, within Section 6 of the document entitled; 'Pencefnarda Uchaf Solar Farm array: Supporting Evidence Document', dated 22 May 2014, by Locogen Ltd. We also note that the assessment itself; was carried out by Douglas Harman, CMLI, who is a chartered landscape architect.

We note that a 5 km study area was chosen and that this contained one Historic Park and Garden (HPG), two Special Landscape Areas (SLAs) – both within Carmarthenshire and two areas classified as Green Wedge.

The report also states that seven representative viewpoint locations have been selected, although it is not clear if these were agreed with your Authority. Of the seven viewpoints selected, the report concludes that only one location is regarded as having a moderate-major visual effect. This is described as being a short term effect and one that could be mitigated by the planting of trees and re-enforcement of hedgerows along the southern boundary.

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Section 6.9 of the LVIA assessment concludes that the proposal will not result in any significant landscape effects on the LANDMAP aspects areas or designed landscapes within the study area. It also asserts that no significant cumulative effects with other solar developments are predicted.

Should your Authority be satisfied that the information provided is sufficient for you to assess the proposal, then we advise that appropriate mitigation measures are also implemented. The mitigation measures proposed in the report and the drawing entitled; 'Site Layout Plan: Drawing No. PCN001', dated 14/05/14 by Locogen Ltd, could form the basis of any mitigation. We leave to the discretion of your Authority the wording of any condition to secure appropriate mitigation, should you be minded to grant planning permission.

### Surface Water Drainage

The proposal is for the installation of a ground mounted solar array and associated infrastructure over a 7.5 hectares site and can therefore be classed as less vulnerable development according to TAN15.

The Environment Statement (ES) submitted as part of the planning application only lists surface water quality as a potential impact of the development and little consideration has been given to the impact upon surface water flows as a result of the proposal. The ES does state that operational field drains would be maintained to minimise the potential for waterlogged land; however no further information is given with regards to surface water runoff from the site within the report.

Although we acknowledge that the panels will allow rainwater to runoff and infiltrate into the ground, we would advise that this runoff will concentrate infiltration to a smaller area and depending upon the topography of the site this may lead to the creation of rivets or small channels which could speed up the flow of the runoff down the slope.

Drawing number PCN003 v1 indicates a swale is to be located on the western boundary of the site, but reference is only made to this as part of the construction method statement. It is unclear if the swale will be a permanent structure to manage surface water from the site.

We also recommend that consideration is given to the impact of the development upon surface water runoff, if the swale is only a temporary feature for the construction period. Section 8 of TAN15 advocates the use of Sustainable Urban Drainage Systems (SUDS) in the management of surface water from a site.

Therefore, we advise that further information is submitted with regards to this prior to the commencement of works on the site and agreed with your Authority's Drainage Engineer and NRW, should you be minded to grant planning permission. We also recommend the following condition.

Condition: No development approved by this permission shall take place until details of the implementation, maintenance and management of a sustainable drainage system (SUDS) for surface water drainage has been submitted to and approved in writing by the Local Planning Authority.



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Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to this system, unless otherwise agreed in writing by the local planning authority.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

### Pollution Prevention

NRW note the document entitled; 'Construction Method Statement & Pollution Prevention Measures: Pencefnarda Uchaf Solar Array (Version 1.0)', dated 9 May 2014, by Locogen Ltd.

Should your Authority be minded to grant planning permission, we advise that additional details and site specific information needs to be provided.

As your Authority will be aware there can be no deterioration of water bodies under the Water Framework Directive. It is therefore vital that all appropriate pollution control measures are adopted on site to ensure that the integrity of controlled waters (surface and ground) is assured.

As best practice, we would advise the developer to produce a site specific construction management / pollution prevention plan with particular reference given to the protection of the surrounding land & water environments. If planning permission is granted, we would ask that the following conditions are included.

Condition: No development approved by this permission shall be commenced until a pollution prevention management plan detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

Reason: Prevent pollution of controlled waters and the wider environment.

As a minimum we would recommend that the plan include the following points.

- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
  - How each of those watercourses and pathways will be protected from site run off during construction.
  - How the water quality of the watercourses will be monitored and recorded.
  - How surface water runoff from the site during construction will be managed/discharged.
- Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- storage facilities for all fuels, oils and chemicals.
  - construction compounds, car parks, offices, etc.
  - details of the nature, type and quantity of materials to be imported on to the site.
  - measures for dealing with any contaminated material (demolition waste or excavated waste).

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- identification of any buried services, such as foul sewers, so that they are protected.
- details of emergency contacts, for example Natural Resources Wales hotline 0800 807 060.

Pollution prevention guidance is available from the Environment Agency's website <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

### Waste Management

Given the nature and location of this development, we would recommend that a site waste management plan (SWMP) for the project is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. Guidance for SWMPs are available from the DEFRA website (.).

We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission.

The following condition is suggested, but could be amended as you see fit.

Condition: No development approved by this permission shall be commenced until a Site Waste Management Plan has been produced and submitted in writing for approval by the Local Planning Authority.

Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

Any waste materials that are generated on site (either as a result of construction or demolition) must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site (i.e. production of aggregates), a relevant waste permit/exemption must be registered with NRW. More information on relevant waste exemptions can be found on our website:

In addition to the above, we would ask that the attached planning advice note is provided to the applicant/developer. This provides further information and advice on matters such as SUDs, pollution prevention and waste management.

Should your Authority be minded to grant planning permission NRW recommend that appropriately worded conditions are attached to any planning permission you are minded to grant.

### **Amended Plans and Information**

Following the receipt of amended plans and information, the applicant was re-publicised by means of displaying fresh site notices within the vicinity of the site.

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### **Objections to the application –**

19 letters of OBJECTION have been received in relation to the amended information, the comments of which are highlighted below –

This is a residential/countryside location which should not have any more industrial use than is already in place at this farm.

There is already a waste disposal facility on this site which burns rubbish leaving awful smells in the area.

The road to and from the farm is unsuitable for the heavy traffic already.

The field in question is ruined and unsuitable again due to poor management of the site.

There is no direct benefit of this solar energy to the people in the street or even the area of Gorseinon.

The development will have a negative visual impact, being not very low profile and not screened by any vegetation from some angles ie from the south.

The proposals for new native trees and hedgerows planting will take years to grow. As the trees have now lost their foliage, this is immaterial.

This application will have a massive impact upon the local environment. Due to its location, visual impact will be horrendous. I believe 14,700 solar panels filling your windows will be very detrimental to our health and well-being.

The negative impacts on wildlife will be detrimental to all wildlife that lives in this field.

It can't really be seen how any screening of the array could be afforded by trees, as neighbours are looking down onto this field.

After viewing the amended plans for the solar farm the original objections still stand. The Green Wedge was put in place to protect our landscape and countryside from overdevelopment and should be protected. As shown by the rapidly increasing number of these projects in the area there are more suitable locations available for this type of development.

The proposed £4 million industrial development is definitely not small-scale farm diversification in the protected green wedge field at Pencefnarda Uchaf Farm and the farm has already diversified into several other businesses.

Following a site visit to Pencefnarda Road last week, Viewpoint 1 in the adjacent field to the site does not give a true reflection of the view that local residents have from their properties which is on higher ground with a different viewing angle. The new proposed screening is still totally inadequate particularly during periods of de-foliage such as now. The developer should state the approximate dimensions of the planted trees in their screening photograph and how many years it will take to establish this situation as it will definitely not be 'short term' and it will be impossible to screen from some viewpoints.

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Why doesn't the developer take a photograph from a local property near Viewpoint 1 to reflect the view that local residents would have and then digitally put the solar panels in this photograph to give everyone a better understanding of the impact on the surrounding landscape? This has been done with other planning applications locally and would assist the decision-making process.

Can the Council please state whether the energy output figures provided by the applicant have been verified by an independent third party as there appears to be significant variations in the outputs claimed by different solar array developers. What supporting evidence has been submitted to confirm the actual number of properties that will be supported by application 2014/0761? Is the 3.6MW the optimum capacity or an average as there are genuine concerns about the actual annual output of the proposed development.

The planting of native species 60-80 cm in height along these boundaries will take many years to mature to a height that will provide an effective screen particularly when viewed from the first floor windows of the residential properties fronting Pencefnarda Road. Moreover, the topography of the site is such that the introduction of up to 14,400 solar panels cannot adequately be screened by hedge planting in these locations and consequently the rural character of the area will be seriously compromised by this development to the detriment of this attractive countryside location and contrary to the adopted Unitary Development Plan Policies for the area.

The changes to the screening are minimal and will make no difference from the viewpoint of local residents. The supporting documentation still only states 'short term' with no explanation of how many years it will take for this to establish and there is no indication of the dimensions of the trees. The developer should provide an image of the viewpoint with the solar panels included to assess its effect on the surrounding landscape.

There are still concerns regarding the watercourse issue as raised previously and it is considered essential that all drainage issues are resolved before any planning decision is made.

It is also concerning that no consideration has been given towards surface water flows as a result of this proposal. Due to the nature of the panels, rainwater runoff will be concentrated onto a smaller area. This will lead to a reduction in the volume of water that can be infiltrated and an increase in the volume/velocity that runs off. This will further exacerbate the flooding risks.

The topography of the site is also on higher ground ranging from 40m AOD to 50m AOD with a prominent exposed ridge so this would negatively impact on the surrounding area especially so close to the Loughor Estuary SSSI.

The new LDP proposal includes a large potential housing development just to the south of the site (see attached PY013, PY014 & PY020) so does this make the protection of the southern boundary of the green wedge even more important moving forward?

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The screening amendments in documents PCN003(v3) and PCN014B(v3) respectively are minimal and do not resolve this highly sensitive issue for local residents. Viewpoint 1 is taken directly behind my property in an adjacent field to the site and as highlighted previously does not give a fully representative view from our perspective in terms of ground level or viewing angle. The photomontage with the proposed screening trees established simply appears to be a single identical tree pasted eight times across the viewpoint? The developer has not stated which one of the various proposed planted trees listed this is or given any dimensions as to their height or width at this time in comparison with the two mature oak trees that already exist. The date of the photograph has still not been disclosed but it is obviously a 'best case scenario' at a time of full foliage to maximise the screening for the benefit of the developer.

The continuing use of 'short term' in the documentation in relation to the lack of screening is unacceptably vague and meaningless unless it is formally quantified. The developer has a responsibility to clearly state with supporting evidence how many years it will realistically take to achieve this screening outcome. Locogen's official representative did state verbally to local Councillors at the Gorseinon Community Council Planning Committee site visit on 8th July 2014 that it would take at least 10 years but many residents feel that this is still optimistic and the representative also publicly accepted that screening from some angles would never be achieved.

The fact that the developer has updated their documents to correct a number of highlighted errors is welcomed although no explanations have been given and they have also removed their controversial internal statement in the Supporting Environmental Document regarding their commitment to environmental surveys (p.87). However, the updated Supporting Environmental Document dated 18th November 2014 still states that no other solar developments exist within 5km when there are two current developments that should have been evaluated for cumulative effect, i.e. 2014/0739 and 2014/1620. The document also still fails to evaluate the inter-visibility between the site and the heavily congested A484 on Loughor Bridge and does not evaluate the glint and glare impact to the West of the site when they have publicly disclosed that this exists both in the local press and on social media respectively. Additional concerns still remain in relation to the surface water run-off and drainage given the topography of the surrounding area and there are still no details provided on the grid connection that will be across external land outside the control of the developer.

Many of the objectors have stated that their objections in relation to the original proposals still stand.

### **Support to the application –**

4 letters of SUPPORT have been received in relation to the amended information, the comments of which are highlighted below –

A neighbour has stated that they have no objection to the proposal of the installation of solar panels at the proposed site even though it would be in full view of the neighbour's home; we all use electricity and should be endorsing renewable energy.

The development has minimal visual impact, being very low profile and screened by vegetation from many angles. It also allows the land to be used for grazing at the same time as producing green energy.

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The proposals for new native trees and hedgerows planting will also lead to an overall benefit for the local ecology. Additionally it will offset over 46,000 tonnes of CO<sub>2</sub> over its lifetime.

Furthermore, I support Gower Power Community Cooperative's involvement in the project. If planning permission is granted there will be the opportunity to create one of the UK's biggest community owned solar co-operatives.

Gower Power will use the money generated by the solar panels to fund an award winning social programme that will facilitate local ownership of food, energy and exchange (a local currency).

This development has the potential to set a new benchmark for community owned renewable energy whilst also generating income that will benefit the local community and deliver positive social outcomes. It is exactly the kind of development Swansea Council should be encouraging.

It is believed that the development is essential - we need many more proposals like this for a more sustainable Swansea and for a better future for Wales. The proposal is particularly suitable because it allows for the multiple use of the land for grazing livestock and for clean energy generation. This development has the potential to set a new benchmark for community owned renewable energy whilst also generating income that will benefit the local community and deliver positive social outcomes. It is exactly the kind of development Swansea Council should be encouraging.

### **Supporting Statement by Owner of the Field –**

To comment on a planning application you must use actual planning reasons. Solar energy production for farms is an accepted farm diversification (see attachment Lord Curry on Renewable energy). We do not burn rubbish, we do not bring rubbish onto this farm, only inert waste. You cannot burn soil and hardcore, we do not carry overloaded skips or lose the contents on the highway. The field in question is classed as grade 5. Agricultural Land Classification states that this is very poor quality agricultural land with very severe limitations, which restrict use to permanent pasture or rough grazing. There is a huge direct benefit to the local community from the solar array as the scheme will provide enough electricity for over a 1000 local households and through its lifetime reduce CO<sub>2</sub> emissions by approximately 46,000 tonnes. Local communities need to support these initiatives countrywide and not bury their heads in the sand hoping the CO<sub>2</sub> problem will go away.

### **Glamorgan Gwent Archeological Trust –**

You will recall from our earlier responses to the proposals that we considered there to be potential for archaeological features within the site; subsequently, an archaeological geophysical survey was undertaken by Wessex Archaeology Geoservices (Report dated July 2014, ref: 105320.01). The fieldwork and report met current professional standards and provided sufficient information to allow an informed decision to be made regarding the archaeological resource in the area. The results showed that whilst some activity was recorded, particularly the former field boundaries, the possible archaeological features have weak values and are small in size.

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It was our conclusion that the features are modern in origin and as the survey had given sufficient information, it was our opinion that no further archaeological work is necessary for the proposed development. There has been no change to our understanding of the archaeological resource in the area since then, and the amendments do not have an archaeological restraint in any way and therefore our opinion remains the same as our last response that no further archaeological mitigation will be necessary and we have no objection to the determination of the application.

### **Council's Ecology Officer –**

The hedging mix looks ok with a good mix of mainly native species. The planting will enhance the existing hedges and add to the wildlife value of the site.

### **NRW –**

We do not wish to comment on the amended plans, but would refer you to our previous statements on landscape, as laid down in our original response (ref: SH/2014/116841/01), dated 4 September 2014.

However, we would advise that should your Authority be minded to grant planning permission, any landscape mitigation measures should be delivered via a Management Plan of an appropriate duration and through an enforceable planning condition.

### **Council's Pollution Control section – No further comments to raise**

### **Gorseinon Town Council – object**

Members viewed all the visuals submitted to describe the amended application, but considered that the original objections given to the initial application should remain. The enhanced landscaping of the hedge boundary in no way affected the fundamental objections initially registered, that this highly visible site which was part of an internationally sensitive estuary location was unsuitable for the siting of a solar array farm. The Council wished the original objections submitted in July 2014 to still stand.

### **Amended Plans and Information (Second set)**

A second set of amended plans have been received with regards to alterations to the proposed screening of the site. Following the receipt of this information, another set of site notices were displayed within the vicinity of the site.

At the time of writing this report only one objection had been received. Any further letters of objection or support received between the writing of this report and the Committee will be reported to Committee Members.

### **Objection to the application -**

It is believed that the amended proposed screening is still totally inadequate and that the Additional Cross Sections document (163947) would only assist the planning decision if it was based on a viewer location from the perspective of local residents.

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Local properties are situated several metres higher than the selected viewer location in the farm field adjacent to the development site so this document is not relevant in terms of assessing the screening impact on local residents. We feel there should be close scrutiny of this document as for example the development site clearly rises from South to North but no ground elevation is shown in the plane of cross section for the solar panels. The topography of the site and panoramic viewing angles for local residents also mean that a simple straight line cross section view across the site does not give a realistic impression. The creation of new hedgerows and tree lines in addition to the proposed gap filling of existing hedgerows also raises the EV23 policy issue of 'retaining the openness of green wedges'.

The Additional Site Layout Plan Aerial Photo (163946) has two green shaded areas highlighting 'existing trees'. This is highly unusual as the actual trees would be clearly visible on an aerial photograph so no shading is required. We respectfully request that a site visit is undertaken in these two areas as we feel that the shading is misleading. The actual extent of the trees to the South West of the site is significantly less than the green shading suggests. It is still unclear from this document where the export cable leaves the site and the grid connection route across external land outside of the control of the Applicant should be confirmed. We note that the quarry is now included in the land ownership boundary but the important issue of drainage has still not been resolved as there are currently two totally different drainage plans across the site in two simultaneously active applications to the Planning Department (refer application 2012/0905).

It is very disappointing that 'short term' in relation to the important screening issue has still not been quantified in terms of years despite repeated requests. We also reiterate our request that the Applicant produces Viewpoint photomontages with visualisations of the solar panels in place, ideally during periods of de-foliage, as per other similar applications locally and nationally to assist the assessment of the visual impact of the site and its screening over several different time periods.

It is important to state again that local residents who object to this application support green renewable energy developments in principle and we note that the City and County of Swansea has already approved numerous ground-based solar arrays in the local area. However we believe that this specific estuarine green wedge land which now has proposed housing developments close to its southern boundary (refer draft City & County of Swansea LDP and 2014/1954 respectively) must continue to be protected as it is totally inappropriate in planning terms for application 2014/0761 for reasons outlined in this and previous correspondence.

### **Council's Landscape Officer –**

I concur that the impact from viewpoint 1 in the LVIA prior to mitigation would be Moderate – major (significant) and subsequent to landscape planting and establishment as Moderate (not significant). This change is conditional on maintaining those new planted hedges at a minimum required height yet to be specified / conditioned and the retention of those existing trees on site, particularly around the Substation and by any future transmission requirements from the substation off site to the 'grid'.



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I note that Western Power has maintained the woodland beneath the overhead high voltage cables with the required clearances to the 'catenaries' (cables). As and when they will need to change those cables they may well need to clear fell those trees within the wayleave. If that is before the new hedge / screen planting is established to the required minimum height, the impact to adjacent receptor sites may remain significant. I also note that there is no agreement that if this potential site tree clearance scenario occurs that the trees / hedges beneath the lines would be allowed to regrow. As the statutory undertaker has the responsibility to maintain the apparatus I cannot see how we can condition replanting if and when the wayleave is cleared of trees to replace the apparatus.

### APPRAISAL

This application is reported to Committee for decision and a site visit has been requested by Councillor Jan Curtice, due to concerns regarding the detrimental impact on neighbouring properties and also the impact on the wildlife.

Full planning permission is sought for the installation of a ground mounted solar array with capacity up to 3.6 megawatts. The proposal also includes ancillary infrastructure including fencing, security cameras, inverter kiosks, construction compound and laydown areas, cabling, substation building and screening including hedge and tree planting and a new hedge bank supporting hedge and tree planting at Pencefnarda Farm in Gorseinon. The site is located in the open countryside and also lies in the Green wedge.

The main issues for consideration are the impacts of the proposed solar park on the visual amenity of the area, upon residential amenity, highway safety, and upon ecology and habitats with regard to policies EV1, EV2, EV21, EV22, EV23 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

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- (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.

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.

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.

It is acknowledged that the proposed development falls under the provisions of paragraph 3(a) of Schedule 2 of the Regulations as the proposal exceeds the threshold level of 0.5ha and as such the development must be screened for the need for an Environmental Statement (ES).

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, subject to the submission of further detail at application stage it was considered that the potential impact from this development would not be significant on the surrounding area. In light of the above, it was considered that an ES is not required in this instance.

Amended information was received during the course of the application which related to amended site layout plans and additional plans, one showing the site layout detail on an aerial photo and a plan showing sections illustrating the proposed screening. The plans show amended screening in terms of the foliage proposed to act as mitigation screening for the site from the Pencefnarda Road perspective. Also in addition to this, the first viewpoint position title was changed from 'Field north of houses on Llannant Road' to 'Field north of houses on Pencefnarda Road' and some of the grid references were also altered slightly on some of the photographs illustrating the viewpoints.

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The Supporting Environmental Document was also updated to include the amended site layout plans and the change in position of viewpoint 1. Two re-consultation exercises were undertaken with regards the amended plans and information.

### Development Description

The proposals involve the siting of 14,400 individual solar panels covering 7.5ha in area. However, the panels will occupy only around 2.6 hectares of this area. They will be mounted on rows of frames, with a maximum height of 3m. It is proposed that the panel frames will be supported at a height of 0.9m from the ground to allow for sheep to graze underneath the panels.

The solar panels are connected together in strings which are then connected to inverters to convert electricity to grid quality AC power. 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.

Direct access to the solar array location and substation will be provided via an existing farm track which will provide permanent access to the substation for the purpose of construction, servicing and maintenance.

In order to provide suitable security, a 2.4m deer fence is proposed around the full perimeter of the development and supplemented with a number of security and monitoring systems, such as an infrared detection system and remote camera surveillance system. These systems will be mounted no higher than 4m above the ground.

There will be a requirement for a construction compound which essentially is a retained hardstanding area which is required for the delivery and assembly of the solar array and will comprise of a compacted area of hardcore measuring 600m<sup>2</sup>. During operation the area will be used for any maintenance works which may be required. It will also be required when the site is decommissioned at the end of the project lifetime.

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. It is considered necessary, however, to impose a condition on this permission requiring all details pertaining to the grid connection (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.

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The site of the proposed development is on Pencefnarda Farm, approximately 180m at its closest point to the northern edge of Gorseinon. Grovesend is located approximately 0.7 km to the north east, Llangennech 2.0 km to the north-west, Pontarddulais 2.7 km to the north-east, Gowerton 3.2 km to the south and Llwynhendy and Bryn 3.5 km to the west. The north-west fringes of Swansea are located to the south-east of the site, just beyond the 5 km study area.

Set within the fields behind Pencefnarda Road, the site comprises of an agricultural field of marshy grassland, with boundaries defined by hedgerows and scrub. The land gradually slopes from the south to the north. The site is immediately surrounded by fields with a farm track to the south-east of the site which will enable access into the field.

To the north, there are relatively long distance views across the settled lowland landscape and the associated lower reaches of the Loughor River, with rising ground beyond. To the south, views are short range, curtailed by nearby housing and associated gardens. To the west and east, views are generally short to medium range and curtailed by field boundaries, undulating ground and woodland blocks in the intervening landscape.

The following areas are the visual and sensory aspect areas that are considered to be within the theoretical visibility of the proposed development. These are:

- NW of Gorseinon
- Llanelli Hills
- Llangennech Slopes
- Llŵchwr Valley
- Swiss Valley and Morlais Valley
- Three Crosses
- Rhyd-y-pandy
- Llanrhidian Marsh
- Surrounding Cwm Dulais
- Pentwyn Mawr
- Afon Llŵchwr
- Penllergaer Forest
- Llanrhidian Sands
- Coastal Saltmarsh
- Llŵchwr Estuary
- National Wetland Centre
- Llanelli Levels
- Mynydd Carn Coch and surrounds
- Upper Lliw Valley
- Pontlliw
- Pontarddulais
- Llanelli
- Llangennech
- Gorseinon
- M4 Corridor Carmarthenshire

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Seven Viewpoints have been selected as locations 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 relevant areas. The viewpoints are listed below:

- Field N of houses on Pencefnarda Road
- Footpath N of Llannant Road
- Track south of Brynhyfryd
- Loughor Harbour
- A48 Swansea West
- Bronallt Road, Hendy
- Field SE of Wern-olau

Of the seven viewpoints assessed by the LVIA, only one of the locations (Field N of Pencefnarda Road) is a moderate-major (short term significance) visual effect predicted. This would be experienced by the residents of the properties running along Pencefnarda Road and Llannant Road (along the northern fringe of Gorseinon) and would be created as a result of the array and associated infrastructure being viewed in relatively close proximity. However, the proposed scheme provides mitigation in the form of new planting between the field containing the proposed solar panels in question and the residential properties, together with the creation of a new hedge-bank with planting on top. The LVIA suggests that the mitigation measures proposed will reduce the visual impact of the development from this viewpoint to an acceptable level (moderate/not significant). Full details of the proposed landscaping scheme will be addressed by means of a planning condition, although the principle of what is being proposed is considered acceptable.

The Council's Landscape Architect accepts this assessment to be accurate.

However, he has commented that part of an existing hedgerow which the LVIA partially relies upon (together with the proposed hedge-bank) as a method of screening the development from this viewpoint, lies beneath electricity cables. He has therefore advised that if these cables needed to be replaced in the future by Western Power, then there is a danger of some of the trees that form part of this existing hedge being removed. If this were to happen prior to the new hedge-bank being suitably established, then the visual impact of the development from this viewpoint may remain high.

The comments of the Landscape Architect are fully accepted. It is not clear whether Western Power have any proposals to carry out such works in the near future, although it is considered unlikely for such works to take place before the new hedge-bank has time to grow and establish to an extent that would screen the development to an acceptable level.

It is, however, accepted that the visual harm from this viewpoint will be at its greatest in the short term, but this will reduce over time as the proposed landscaping works become more mature. In addition it is noted that the residents would only experience views from the rear of their properties and intervening garden vegetation and existing field boundaries would also help to filter/screen the views.

From the remaining 6 viewpoints, visual effects are predicted to be not significant. From two locations (Loughor Harbour viewpoint and Field SE of Wern-olau viewpoint) the development would be screened from views by intervening built development and/or the pattern of hedgerow and trees that surround the site.

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From the other locations where any open views are likely to be experienced, there would tend to be glimpses of the array and its associated infrastructure evident amongst nearby trees and hedges. In general however, the development would be viewed within a surrounding developed context of residential housing and nearby pylons and at a distance where the extent of changes would only affect a small horizontal and vertical extent of the view.

The visual impact of the ancillary works including the substation, CCTV, and lighting and security fencing together with the site compound are generally considered to be acceptable, and can be partially mitigated through the use of 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 is broadly compliant with the requirements of Policies EV1, EV2, EV21, EV22, EV23 and R11 of the City and County of Swansea Unitary Development Plan 2008.

### Green wedge

It is acknowledged that the site in question is located within the Gorseinon Green Wedge and as such Policy EV23 of the Unitary Development Plan is relevant in this instance. It is considered that the proposals will fall under part (vii) of this Policy, as it is considered to be appropriate development within the green wedge comprising of “other uses of land and forms of development that maintain the openness of the green wedge and do not conflict with the purpose of including land within it.” This view is reached, given that the development is essentially ground mounted and at its highest point will reach 3m which is much lower than the heights of most housing developments. Furthermore, whilst the proposal will be in place for a number of years, it will be inevitably removed from the site and the land will revert back to its former state as a field. This will be secured via an appropriately worded condition.

### Residential Amenity

Turning now to residential amenity, the site is immediately surrounded by fields and the neighbouring residential properties are located relatively significant distances away from the installation. It is noted in the section of this report which addresses the LVIA considerations that there will be some views of the development from certain neighbouring properties. However, there is no direct impact on local residents. 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.

### Glint and Glare

In terms of the potential for glint and glare, particularly from private amenity spaces in nearby 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.

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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 of the panels, the direction of reflections can be ascertained. The panels will be installed at around 22° and aligned facing 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 and to the north of the array. Given the Pencefnarda Road properties are located to the south of the site they will not experience any harmful reflections.

The proposed panels are of a dark colour and covered in specially coated glass, which means that their reflectivity level is significantly lower than much material utilised in buildings and many naturally occurring features in the wider landscape.

In terms of any impact on the surrounding Swansea Airport, it should be noted that 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 in 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

It is accepted that traffic impact will occur during the construction phase. HGV movements have the most impact in such schemes and the applicant has provided information on the number of expected movements.

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The construction phase is shown to last approximately 14 weeks and the busiest period for HGV movement is shown at weeks 3 - 4, where up to 9 deliveries per day are expected. Other periods show an expected range of deliveries of between 2 to 4 HGV deliveries per day. The predicted busiest period is not considered to be excessive and is unlikely to have any detrimental impact on highways in the area. In total, there are expected to be 74 HGV movements associated with the construction phase none of which will involve any abnormal loads. Additional movements will take place but these will not involve HGV traffic.

The farm access, which is from Pencefnarda Road, is established and historically has accommodated HGV movements. It is normal practice to restrict HGV movements where possible when consenting such development proposals and this could be achieved through requiring a Traffic Management Plan or separate condition. Visibility is slightly restricted for car and small van use due to the adjacent hedge, but is suitable for HGV traffic as drivers of such vehicles are sitting closer to the front of the vehicle. As additional non HGV traffic will be using the access during the construction phase, this visibility needs improving.

On balance, it is not considered that the scheme will generate such a high volume of traffic movements so as to require a refusal of consent on highway safety grounds and therefore no highway objection has been offered subject to the following;

1. 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.
2. 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.
3. Prior to the commencement of works, the visibility at the access junction shall be improved to provide visibility splays of 2.4m x 45m in accordance with details to be submitted and agreed.

### Pollution Prevention

NRW have advised that there can be no deterioration of water bodies under the Water Framework Directive. It is therefore vital that all appropriate pollution control measures are adopted on site to ensure that the integrity of controlled waters (surface and ground) is assured. As best practice, it is advised that the developer produce a site specific construction management/ pollution prevention plan with particular reference given to the protection of the surrounding land and water environments. An appropriately worded condition should be attached to ensure this.

The Council's Pollution Control Officer has stated that a condition should be attached stating that prior to commencement of development, the applicant shall submit in writing the Site Specific Environmental Management Plan to the Local Planning Authority.



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With regard to 'glint and glare' from the proposed development, the Officer has stated that there are no objections to make regarding the matter as long as the information within The Supporting Environmental Document and their Construction Method Statement are adhered to.

### Response to consultations

As detailed above, significant response has been received to the application, 69 letters of objection raising issues principally relating to:

Visual amenity  
Pollution control  
Ecology  
Glint/glare  
Highways  
Policy Issues  
Impact on Green wedge

The above listed topics are addressed in detail above. Further issues are addressed below:

One point in relation to precedent is consistently raised; however, all applications are treated and considered on their own individual merits.

Surface water drainage issues are covered by appropriate conditions recommended by NRW.

It is acknowledged that there are solar arrays previously approved in Swansea, however, they are not considered to have a cumulative impact in terms of warranting refusal of this scheme. It is noted that the two consented schemes referred to by the objector as being within a 5km radius of the site (and hence he claims should have been referred to in the applicant's LVIA), were not consented when this application was submitted. For the avoidance of doubt, there was only one consented solar array located within 5km of the site when the application was submitted – the scheme at the Llys Nini (RSPCA) site in Penllergaer. However, due to the small scale of that scheme, it is not considered that the current proposal when considered in conjunction with the Llys Nini scheme has an adverse cumulative impact.

The information submitted with the application is considered to be sufficient to enable a proper assessment of the application. Furthermore, Officer site visits have been undertaken to assess the visual impact of the development, both on site and from a Pencefnarda Road property (considered to be the most affected by local objectors). Some of the original information has been amended to include altered grid coordinates and a correction to the title of Viewpoint 1 which is considered to have addressed some of the issues raised.

The chosen viewpoints are considered sufficient in this instance in order to assess the development from the most affected viewpoint. The Viewpoint in which has been found to be the most affected according to the LVIA (Field North of Pencefnarda Road) has been visited by an Officer in order to gain a real perspective of this view.

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The screening as outlined in Plan: PCN022 is considered to be sufficient in this instance and furthermore, appropriate conditions will be attached to ensure the screening adequately screens the field from a majority of vistas from the Viewpoint concerned.

The comments made to the Evening Post regarding their article on the proposal are not considered to be an issue in this instance, as the Evening Post is a separate independent body to the Local Authority.

The concerns regarding the watercourse issues and subsequent drainage problems currently experienced at the site are not considered to materially affect the determination of this application, but instead relate to the 2012/0905 planning application, for the variation of condition 1 of Planning Permission 2007/1236 dated the 11th October 2007 to allow tipping operations to continue for an extended period of 3 years.

With regards to the comments received regarding the land in question becoming part of the Gower AONB. Whilst this may be possible in the future, the site is not currently part of the Gower AONB and is not considered to be located in land adjoining the AONB. Therefore, this cannot be a consideration in this instance given the current status of the land.

It is accepted that the LVIA does not contain any photographic material taken from neighbouring properties. However, an Officer has visited a neighbouring property in order to assess the development from there. The information contained within the supporting information (including the LVIA) is however considered to be sufficient to adequately allow the determination of this application.

With regards to the verification of the energy output figures submitted, the agent has specified the average output proposed and this is as such considered to be sufficient in this instance.

The Local Development Plan has not been adopted as yet and, therefore, the proposals contained within it cannot be taken into account at this time.

The most recent proposed site layout plan (PCN022) now contains more detail regarding the height and spacing of the trees and hedging to ensure a better understanding of the siting and heights of the proposed trees and hedging.

Issues relating to the proposed grid connection can be addressed via an appropriately worded condition.

The issues in relation to the right to a view and the affect on the values of properties are not considered material planning considerations and as such are not taken into account in this instance.

With regards to the concerns in relation to the supporting letters received, the comments are acknowledged in terms of the letter potentially being biased and not from people living within the surrounding area. However, procedurally these letters have to be taken into account

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

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### Conclusion

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 (subject to conditions) 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, EV23 and R11 of the City and County of Swansea Unitary Development Plan 2008 and accordingly approval is recommended.

### **RECOMMENDATION**

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of work on site.  
Reason: In the interests of the ecology and amenity of the area.
- 3 Prior to the commencement of development, facilities for the wheel cleansing of construction and delivery vehicles shall be provided on site in accordance with details submitted to and approved in writing by the Local Planning Authority. Wheel cleansing shall be carried out at all times in accordance with the approved details during the construction and removal/restoration phases of the development.  
Reason: In the interest of highway safety.
- 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: In the interest of highway safety.
- 5 Prior to the commencement of works, the visibility at the point of site egress onto the highway known as Pencefnarda Road shall be improved to provide visibility splays of 2.4m x 45m, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The improved visibility splays shall be retained thereafter.  
Reason: In the interest of highway safety.

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- 6 Prior to the commencement of development, details of all boundary trees, hedgerows and ditches to be retained within the site shall be submitted to and agreed in writing by the Local Planning Authority. The trees, hedgerows and ditches agreed as to be retained, shall be retained at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of ecology.
- 7 Prior to commencement of development, a reptile mitigation strategy (RMS) shall be submitted to and agreed in writing by the Local Planning Authority. The agreed RMS shall be implemented in full and any site management measures shall be implemented thereafter, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of ecology.
- 8 Prior to the commencement of the development, the applicant/developer shall submit and agree in writing a Site Specific Environmental Management Plan (SSEMP) with the Local Planning Authority. The approved SSEMP shall be implemented in full thereafter unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of pollution control.
- 9 Within two months of the use of the solar PV panels permanently ceasing, a scheme for their removal and the restoration of the land, including a timescale for the works, shall be submitted for the written approval of the Local Planning Authority. The removal and restoration scheme shall be implemented in accordance with the approved details.  
Reason: In the interest of visual amenity.
- 10 The design, location, period of use and orientation of any/all new lighting provision and details of all security fencing and CCTV installed as a consequence of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any lighting, fencing or CCTV is erected, and the scheme shall be implemented and retained in accordance with the approved details  
Reason: To ensure that the development hereby approved does not result in unacceptable levels of light pollution to the surrounding area.
- 11 Prior to the commencement of development, details of the proposed grid connection and details of the connection between the solar array and the sub-station, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first use of the development hereby approved.  
Reason: In the interests of visual amenity.

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- 12 No development approved by this permission shall take place until details of the implementation, maintenance and management of a sustainable drainage system (SUDS) for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to this system, unless otherwise agreed in writing by the local planning authority.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 13 No development approved by this permission shall be commenced until a Pollution Prevention Management Plan (PPMP) detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

As a minimum the PPMP should include:

- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- How each of those watercourses and pathways will be protected from site run off during construction.
- How the water quality of the watercourses will be monitored and recorded.
- How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- storage facilities for all fuels, oils and chemicals.
- construction compounds, car parks, offices, etc.
- details of the nature, type and quantity of materials to be imported on to the site.
- measures for dealing with any contaminated material (demolition waste or excavated waste).
- identification of any buried services, such as foul sewers, so that they are protected.
- details of emergency contacts, for example Natural Resources Wales hotline 0800 807 060.

Reason: Prevent pollution of controlled waters and the wider environment.

- 14 No development shall be commenced until a Site Waste Management Plan (SWMP) has been produced and submitted in writing for approval by the Local Planning Authority. The development shall thereafter be carried out in accordance with the recommendations contained within the approved SWMP.

Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

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- 15 If any works to the existing trees around the perimeter of the site need to be undertaken, they should be first be surveyed for bats by a suitably qualified ecologist and an associated bat survey report shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of ecology.

- 16 Prior to the commencement of development, an amphibian management strategy (AMS) shall be submitted to and agreed in writing by the Local Planning Authority. The agreed AMS shall be implemented in full and any site management measures shall be implemented thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecology.

- 17 Notwithstanding the details hereby approved, no development shall take place without the written approval of the Local Planning Authority of a scheme for the landscaping of the site and the land to the south of the site (identified as blue land on the application documents). The landscaping scheme shall include details of all existing landscaping features to be retained, together with those to be enhanced and new landscaping features. The approved landscaping scheme shall be carried out prior to the commencement of the development hereby approved.

The agreed landscaping scheme shall be managed in accordance with a Landscape Management Plan (LMP) to be submitted to and agreed in writing by the Local Planning Authority before works commence on site. The approved landscaping scheme shall be managed in full accordance with the agreed LMP for the entire time that the proposed development is in situ.

Reason: To ensure that the site is satisfactorily landscaped and the proposed landscaping scheme managed, having regard to its location and the nature of the proposed development, together with the need to reduce the visual impact of the proposed development.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (Policies EV1, EV2, EV21, EV22, EV23 and R11 of the Unitary Development Plan)

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

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

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

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- 3 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 4 Any waste materials that are generated on site (either as a result of construction or demolition) must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site (i.e. production of aggregates), a relevant waste permit/exemption must be registered with NRW. More information on relevant waste exemptions can be found on our website: [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk).
- 5 Please see Planning Advice Note sent by Natural Resources Wales sent under separate cover.
- 6 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).

### PLANS

PCN001-site location plan, PCN002 V1-site layout plan, PCN004-indicative site infrastructure, PCN005-indicative sub station building dated 24th May 2014. PCN003A-construction compound, PCN004V2-Solar Panel Elevations dated 3rd June 2014. PCN022 Amended Site Layout Plan and PCN021 Additional Plan Showing Land Ownership, PCN022(B) Additional Site Layout Plan on Aerial Photo, PCN023 Additional Cross Sections dated 29th December 2014

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