

CITY AND COUNTY OF SWANSEA

MINUTES OF THE PLANNING COMMITTEE

HELD AT COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA. ON
TUESDAY, 17 FEBRUARY 2015 AT 2.00 PM

PRESENT: Councillor P Lloyd (Chair) presided

Councillor(s)	Councillor(s)	Councillor(s)
J C Bayliss	A M Cook	I M Richard
A C S Colburn	M H Jones	D W W Thomas
D W Cole	C L Philpott	

Also Present (Local Ward Members)

Councillors CE Lloyd, RD Lewis, PB Smith & GD Walker

10 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors ET Kirchner, AS Lewis and TM White.

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

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared:-

Councillor ACS Colburn – Personal - Planning Application No.2014/0885(Item 5) – I have spoken to all parties involved in the application – made statement on application and left prior to decision.

Councillor DW Cole – Personal - Planning Application No.2014/1618(Item 6) – I know the applicants father.

Councillor DWW Thomas - Planning Application No.2014/1946(Item 8) – The objector is well known to me.

12 **MINUTES.**

RESOLVED that the minutes of the Planning Committee held on 20 January 2015 be approved as a correct record subject to Councillor JC Bayliss vote in favour of the Officers recommendation and against the reasons for refusal on Item 19 – 2014/0761 being recorded.

13 **ITEMS FOR DEFERRAL / WITHDRAWAL.**

RESOLVED the following item be deferred for a site visit for the reason outlined below:

(Item 5) Planning Application No.2014/0885 - 2 x second floor rear extensions to form 3 additional bedrooms, rear raised terrace, external staircase and alterations to the existing flue at Ocean Living 734 Mumbles Road Mumbles Swansea.

Reason

To assess the impact upon neighbours.

(Note – Prior to deferral Mr Jenkins (objector) and Mr Thorburn (applicant) addressed the meeting.)

14 **DETERMINATION OF PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990.**

The Head of Economic Regeneration and Planning submitted a series of Planning Applications.

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

RESOLVED that:

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

#(Item 1) Planning Application No.2014/1729 - Construction of drive through retail coffee house (Class A3) at Land South of Fabian Way, Swansea.

Mrs Flipping (objector) and Mr D Gill (agent) addressed the committee.

Councillor CE Lloyd (Local Ward Member) addressed the committee on the application.

A visual presentation was given.

A site visit to the location had been undertaken by Members of the Committee prior to the meeting.

Amend the Heads of Terms of the Section 106 to read as follows:

Payment of a financial contribution of £33,750 towards the Fabian Way Corridor Study measures and to mitigate indiscriminate parking issues along Bevans Row 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

Amend Condition 4 as follows:

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 the eastern boundary of the site and 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 five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

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

#(Item 2) Planning Application No.2014/1729 - Demolition of former hospital buildings with exception of main frontage building and construction of 10 dwellings and conversion of main frontage building for 4 apartments with associated access road, lighting, boundary treatments and landscaping at Clydach Hospital Quarr Road Clydach Swansea.

Mrs Grille (objector) and Mr Roberts (applicant) addressed the committee. Visuals were displayed as part of Mr Roberts address.

Councillors PB Smith and GD Walker (Local Ward Members) addressed the committee on the application.

A site visit to the location had been undertaken by Members of the Committee prior to the meeting.

Report updated as follows:

Amend wording of line 1 of condition 4 by deleting 'No development shall be commenced..' and replace with 'No dwelling hereby approved shall be occupied...'

Amend condition 5 to read:

No development (except demolition) 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.

Further comments from Dwr Cymru / Welsh Water offering no objection subject to conditions.

#(Item 4) Planning Application No. 2014/0720 - Change of use from market (Class A1) to offices, storage, distribution and maintenance yard (Class Sui Generis), single storey modular extension, gate house, external alterations, 2.4 metre boundary fence and associated works including demolition of single storey buildings to north east elevation - variation or removal of conditions 2, 5, 6, 7, 8, 10, 12 and 13 of planning permission 2013/0851 granted on 23rd December 2013 to allow the commencement of works and occupation prior to submitting the information required by the above conditions at Clydach Market, Players Industrial Estate, Clydach, Swansea

(Item 7) Planning Application No. 2014/1824 - Removal of conditions 11, 12 and 13 relating to Code 3 of planning permission 2013/0491 granted 29th January 2014 at Land adjacent to Hill Top Oxwich, Swansea

(Item 8) Planning Application No. 2014/1946 - Application under Section 73 to vary conditions 2 (phasing), 5 (submission of reserved matters), 6 (commencement) and 24 (ecological CMS) and the removal of conditions 31 (Code 3) and 32 (BREEAM) of outline planning permission 2010/1451 granted 20th December 2011 relating to the comprehensive redevelopment of land at Mumbles Head and Foreshore at Mumbles pier, foreshore and coastal strip Mumbles Road Mumbles Swansea.

Mrs Probert (objector) and Mr John (agent) addressed the committee.

Report updated as follows: -

Late correspondence has been received from the following.

Peter Black A.M. – who has been contacted by a constituent stating that the plans have not been available to be seen.

Mumbles Community Council objects to the above application to vary conditions 2, 5, 6, 24 and the removal of condition 31.

These conditions were imposed in order that this mixed redevelopment of the seafront area associated with Mumbles Pier would proceed within a time period considered reasonable for similar developments. Namely three years from the environmental assessment and other conditions and five years for the development to commence. The developer has had three years to comply with the conditions associated with the grant of outline planning but failed to do so leaving it until the day before these conditions were breached before submitting the above application. The original planning application was highly contentious and at the time fiercely debated within Mumbles; with the community split roughly 50/50 for and against the development. Mumbles Community Council voted to object to the application. Many of those in favour of the development looked forward to the prospect of the new hotel and pier complex. Nothing has happened in the last three years; other than the developers agents have been attempting to sell the pier site in the UK and internationally. Not as a hotel complex but a block of 58 luxury flats. In one promotion quoting that the site has a private beach whereas, regardless of

ownership, it is our understanding that all the beach surrounding the site have unrestricted public access.

The site was subject to a SPG (Mumbles Pier and foreshores, development framework, April 2009) and as a result included in the UDP as a special tourist destination, which is patently will not be if it is developed as an enclave of luxury flats. Mumbles Community Council has not been notified of any changes or withdrawal of that vision or destination status during the LDP consultation process; and therefore it is assumed that this has yet developed site would be transferred into the deposit LDP with the same designation.

In paragraph 2.0: Vision of the development framework, is states: 'Such a unique development location can serve to promote a range of activities within Mumbles which will further enhance its role within Swansea Bay.

The ambition for the site is to: -

Rejuvenate an established and historical attraction, create and enhance and unique cultural / leisure destination for the benefit of both tourist and locals, become a key contributor to the local and regional economy, assist in achieving the goals set out in the Swansea Trust Strategy'. In the interests of maintaining the foreshore and pier complex as a tourist destination within Swansea Bay, Mumbles Community Council objects to the application for the variation of the above conditions.

Two further late letters of objection. The key points may be summarised as follows: -

1. The Evening Post recently said Ameco had applied for planning permission to bring the foreshore seawall and boardwalk elements of the scheme seaward. Moving the seawall and boardwalk should require a new planning application as it is in a new location, and look even more prominent being out from the rock face, and a different plan. Once again does Mumbles need 58 luxury apartments on such an iconic site?
2. The iconic landmark should not be disfigured to repair the pier.
3. The developer, in seeking to vary the conditions from 'prior to submission' to 'prior to commencement' is asking for permission to remove the very safeguards the conditions were put in place for.
4. Previous objections to 2010/1451 should be considered.
5. Views of Mumbles headland will be obscured by the development destroying natural beauty.
6. Pier should be compulsory purchased.
7. Lifting the restrictions would lead to long-term economic degeneration for Swansea.

Application APPROVED subject to the conditions within the report and subject to the applicants entering into a Deed of Variation to the **Section 106 Obligation** under the outline planning permission Ref:2010/1451 to incorporate the existing Section 106 provisions into the new permission or alternatively a new Section 106 would being entered into required the re-imposition of the existing provisions as laid out under Ref:2010/1451, which are: -

The completion of the pier refurbishment, Local bus service enhancements (bus service contribution of £30,000 & bus shelter contribution of £16,000). A social benefit (bricks and mortar) clause, An agreed affordable housing allocation of £150,000 to be paid on construction of the Phase 2 residential development (Headland).

(2) the undermentioned planning applications **BE REFUSED** for the reasons indicated in the report and/or below:

#(Item 3) Planning Application No. 2013/1254 - Construction of up to 53 residential units including public open space, public car parking (13 spaces), pedestrian access to Water Street, new vehicular access from Station Road and secondary emergency vehicle access onto High Street (outline) at Former Clayton Works Site, Station Road, Pontarddulais, Swansea.

Mr Hooper (agent) addressed the committee.

Report updated as follows: -

Page 63, paragraph 5 – correction of typing error (corrections underlined):
The predicted traffic generation for the 53 units amounts to 9 movements in and 21 movements out during the am (0800 to 0900) peak, making 30 in total.

There will be predicted 19 movements in and 11 movements out during the pm (1700 to 1800) peak.

#(Item 6) Planning Application No.2014/1618 - Conversion of barn into residential dwelling, increase in ridge height, single storey side extension and external alterations at Coglans Forge, Fairy Hill, Reynoldston, Gower, Swansea.

Councillor RD Lewis (Local Ward Member) addressed the committee on the application.

A visual presentation was given.

15 **PLANNING APPLICATION NO. 2013/1745 - DETACHED (RURAL ENTERPRISE) DWELLING IN ASSOCIATION WITH SAW MILL (OUTLINE) AT CILIBION SAW MILLS, CILIBION, GOWER.**

The Head of Economic Regeneration and Planning submitted a report which outlined legal issues around the Section 106 agreement agreed by the Development Management & Control Committee held on 19 June following a referral from Area 2 Development Control Committee on 3 June 2014 and proposed a course of action to address the matter.

RESOLVED that: -

The application is approved as a Departure from the provisions of the Development Plan subject to: -

(i) The applicant entering into a Section 106 Planning Obligation to tie the dwelling to the saw mill enterprise;

(ii) The proposed Condition 8 should be replaced with the following Occupancy Condition:

Condition [8]

The occupancy of the dwelling shall be restricted to those:

- a. solely or mainly working or last working at Cilibion Sawmill or on a rural enterprise in the locality where there is/was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those;*
- b. who would be eligible for consideration for affordable housing under the local authority's housing policies: or if it can be demonstrated that there are no persons eligible for occupation under either (a) and (b);*
- c. widows, widowers or civil partners of the above and any resident dependants.*

Reason: Permission is not granted for new development in this area other than that which is genuinely required for rural enterprise or provides affordable housing.

(iii) The removal of proposed Condition 9; and

(iv) The remaining Conditions set out in the report to the DMCC on 19th June 2014 attached as Appendix B, (subject to any necessary minor rewording).

The meeting ended at 3.55 pm

CHAIR