

PLANNING COMMITTEE – 14<sup>TH</sup> JULY 2015

ITEM 1

APPLICATION NO.

2015/1097

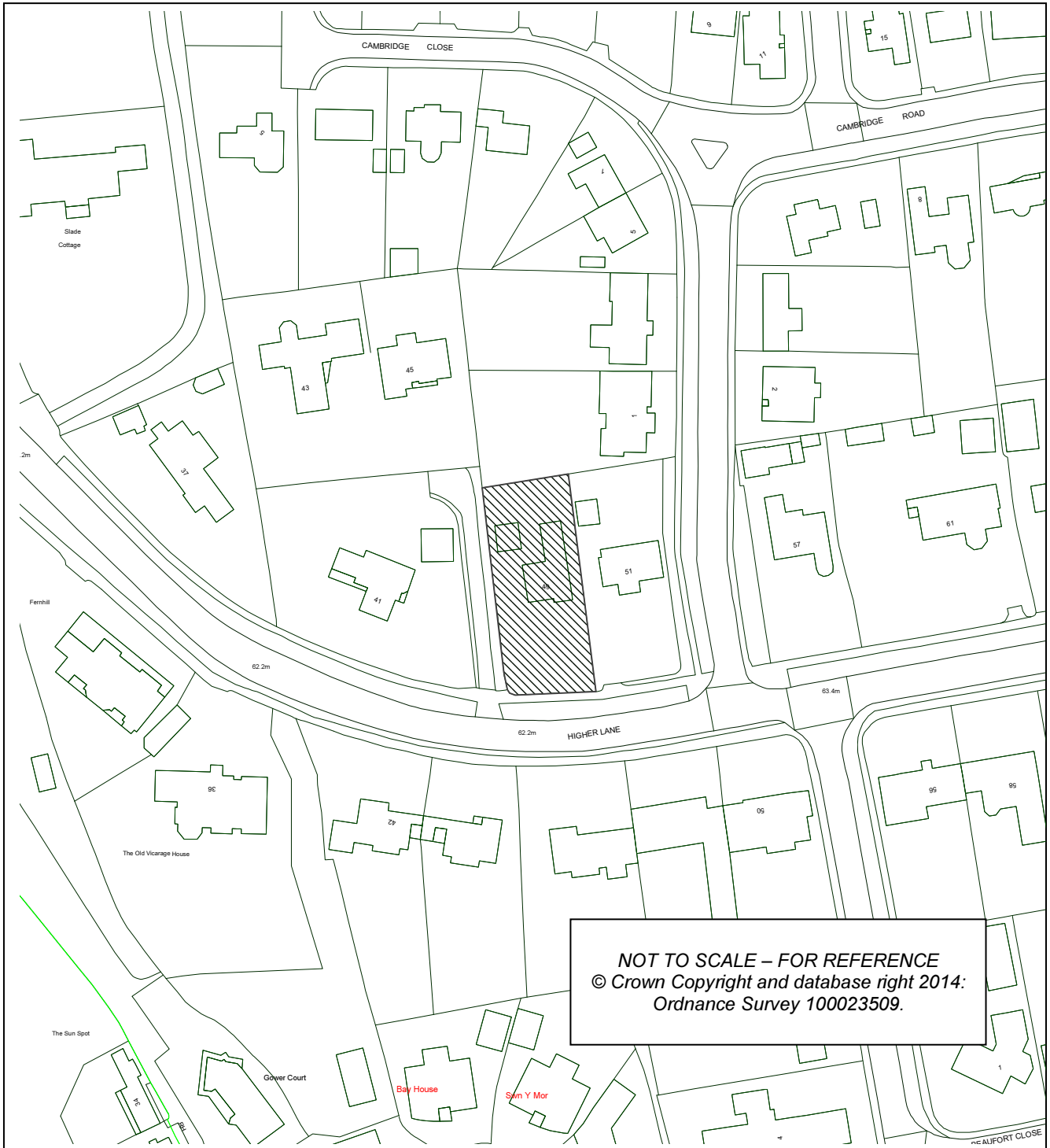
WARD:

Oystermouth

**Location:** 49 Higher Lane Langland Swansea SA3 4NT

**Proposal:** Retention and completion of front patio and fence

**Applicant:** Mr & Mrs R Phillips



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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 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>
2005/1404	Single storey rear extension Decision: Grant Advertisement Consent (C) Decision Date: 24/08/2005
2014/1184	Retention and completion of front patio Decision: Refuse Decision Date: 03/11/2014
2013/1793	Single storey front extension, single storey side extension, part two storey, part single storey rear extension with balcony and detached garage. Decision: Grant Permission Conditional Decision Date: 03/02/2014
2013/1242	Single storey front extension, single storey side extension, part two storey, part single storey rear extension with balcony and detached garage Decision: Grant Permission Conditional Decision Date: 18/10/2013

#### **CONSULTATIONS**

Three neighbouring properties were individually consulted. FOUR LETTERS OF OBJECTION, along with a PETITION OF OBJECTION containing 100 signatures have been received in response. Two of the objection letters have been received from the occupiers of the neighbouring property (51 Higher Lane), the other two from separate individuals from other nearby properties (Nos 32 and 64 Higher Lane). The petition does not actually state the reasons for objecting to the current proposal.

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### OBJECTIONS

The objections raised by the occupiers of **51 Higher Lane** are below:

- This is now the third time myself and neighbours have had to respond to plans for this patio. They have not changed since the committee considered them in Oct 2014. Indeed, if they had been passed with the condition imposed by planners you would have exactly the same plans before you. The dimensions of the patio have not changed but a fence replaces the hedge; the fence is lower than the planted hedge, which again is failing to thrive in a shallow trough in exposed conditions. It would seem inconsistent and incredulous that the planners and committee could therefore support these plans.
- With regard to specific planning policy, a fence measuring nearly 3m high would cause a significant loss of visual amenity and be overbearing when viewed from our property. With reference to the following policies:

Design Guide for Householder Development (June 2008)

The fence would be overbearing and overshadow our property and unacceptably detract from the quality of life of the occupants of 51 Higher Lane. (C1, C2, C3).

Policy EV-1 – Design

- i. Be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density.
- 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

UCP HC-7 Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of:

(iii) Affect on neighbouring properties with particular reference to physical impact, over shadowing/loss of light and privacy.#

- The inspector dismissed the appeal on the above policies and states that 'fencing of the necessary height would make the development submitted substantially different from that comprised in the application'
- The erection of a timber board fence on top of the patio would have a detrimental effect on the visual amenities of our property in terms of visual impact and be overbearing. It is unclear whether this would solve the privacy issue (see Appendix 3).
- It would be our view that the patio requires reduction in height with an adequate screen, which results in privacy for both neighbours and does not lead to a structure that would cause loss of amenity.
- In terms of consistency and adherence to sound planning policy as quoted by the inspector, the planning committee should once again reject the application.

### Comments on appeal (same objectors):

- An experienced architect does not 'forget' to include a structure measuring 8m x 6m x1.3m from original plans and as admitted was a calculated ploy to bypass planning procedure. Step 3 Para XX of Design Guide for Householder Development (June 2008) strongly advises consultation with neighbours.

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- There has been no such consultation or offers of dialogue, indeed it is ourselves who have offered dialogue and compromise but have had no reply to our correspondence and phone calls (appendix 2 – email to ASA Architects 3rd Nov, 2014)
- We note the appraisal document submitted to the Area 2 Development Control Committee dated 21st Oct 2014 recommending approval of amended plans. These plans were submitted one week prior to the committee with little time for comment. The document has fundamental errors within
  - The amended plans and subsequent structure do not correspond. All heights are quoted as a minimum at the house end of the patio, in reality the maximum height at the Higher Lane end is now 1.3m and if a screening fence of 1.8m is attached to the structure, it leads to a fence of over 3m. This will be “overbearing” from our property (appendix 3 - graphic of appearance of screen). The plans, quoted heights and built structure require direct inspection, as there is variance not accurately set out in the appraisal document. e.g. the original height is set out at 1.4 again an error it was 1.6m, the patio is 0.5m below the planar, it is 0.2m.
  - There are no attempts to show the relief and slope involved from our property, which again dictate that a large screening structure is needed.
  - The officer quotes a reduction in height of 50% which on reading is an impressive reduction but on close inspection of the plans the reduction is at best 0.3m from a maximum height of 1.6m. This error was pointed out to the Councillors 5 mins before the meeting by an amended agenda item. This is a fundamental flaw and one that puts the conclusion of the appraisal in doubt.
  - The appraisal document is not robust with multiple errors and quoted figures do not correspond to structure built. This calls into disrepute its conclusion and “on balance” the conclusion should be rejected. The councillors who visited the site had the same opinion.
- Our property stands well back from the main road and at present enjoys a high degree of privacy which to maintain this will require an unneighbourly screen which is contrary to UDP HC-7  
Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of:
  - (iii) Affect on neighbouring properties with particular reference to physical impact, over shadowing/loss of light and privacy, and
- In conclusion and with reference to our original objection letter dated 1st Sept, 2014, it is clear that the amended patio would have a detrimental effect on our amenities by reason of overlooking and loss of privacy.
- With regard to your Design Guide for Householder Development, Policy EV1-Design, EV-2 Sitting and TAN-12 on design, the appeal should fail on sound planning policy. A site visit to both properties is essential.
- It would be our view that the structure requires further reduction in height and width with adequate screening between the two properties that allows maintenance of privacy and no loss of amenity.

### **Comments on previous application (same objectors):**

- The patio is built adjacent to our boundary fence and directly overlooks our front entertaining rooms, private patio and gardens. In order to mitigate the structure a screen of over 3.4 metres would have to be constructed, out of keeping with the appearances at present

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- Respect the building line - the structure and built extension extend the building line by 6m, this would create a precedence for all properties in Higher Lane
- Overbearing - The structure is 8m x 6m with a height of 1.4m and occupies the majority of the front garden and is overbearing
- Overshadowing - To mitigate the structure a wooden fence of 3.4m would need to be constructed and this would result in significant overshadowing of our property and result in failure of the 45 deg. test from our front entertaining rooms.
- Overlooking - occupants of the neighbouring property would look directly into our front garden, patio and entertaining rooms.
- It is clear that the patio would have a detrimental effect on our amenities by reason of overlooking and loss of privacy. The erection of a timber board fence on top of the patio (3.4meters in overall height) would have a detrimental effect on the visual amenities of our property and area in general. This would also create an unacceptable degree of overshadowing and loss of light to our garden area.
- I would urge you to refuse the application as submitted on sound planning policies and advice contained above. If you were still unclear we would welcome a site visit to assess the full impact on our property.
- It would be our view that any structure requires reduction in height and width with adequate screening by a fence/hedge between the two properties that allows maintenance of privacy and no loss of amenity.

The objections raised by the occupiers of **64 Higher Lane** are below:

- I have once again reviewed the plans submitted with respect to the patio at no. 49 Higher Lane. My understanding is that the plans have not changed from those considered and rejected in October 2014; the appeal against this decision was also dismissed in May 2015.
- I therefore find it astonishing that a further application without any amendment to height is being considered. Once again I object to these plans and please also find bellow the objection I submitted for the original 2014 application (2014/1184). My concerns raised about what could be termed a 'viewing platform' are still valid today.

### **Comments on previous application (same objectors):**

- The structure now put in place, without planning permission, is not only well in advance of the building line along the street but is one of considerable dimensions and prominence. The structure clearly overlooks and overshadows neighbouring properties to an astonishing degree but will also have an adverse visual impact right along the street, as would the construction of any timber-board fence of the height required to mitigate the effect. This further addition to an already enlarged building will be overbearing and completely out of character with its local context in terms of scale and height.
- My understanding is that retrospective planning permission is a process suitable to be applied in a case where a minor departure from the original planning permission has occurred, probably unintentionally. It would appear inappropriate in a case where a major departure of a fundamental nature from the original planning permission has taken place, one which cannot be construed as a minor error but could, perhaps, be seen more accurately as the attempted presentation of a fait accompli.

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- Granting of permission in this case for what could be termed a 'viewing platform' would give out an unfortunate message locally and make any future applications of this nature difficult to refuse.

The objections raised by the occupiers of **32 Higher Lane** are below:

- I understand that this planning application is again being considered by the local authority. I must admit to being somewhat perplexed as I thought it had been rejected on appeal as the amendments made prior to the appeal were inconsequential and did not impact to any meaningful degree on an original proposal which in terms of height and scale of the patio area would have been wholly inappropriate for the location and would have been wholly out of keeping with other properties on Higher Lane.
- My understanding is that the only amendment now being proposed is in reality little more than the reinstatement of a wall that was rejected as part of the original application. It is in the light of the above that I am surprised that this matter is being reconsidered. As the project is in reality little changed (little being a very generous term to use to describe what I understand to be the changes between the original and the revised applications) it seems to me that there can be no realistic reason as to why this revised application ought to be accepted.
- In these circumstances both the original and revised applications are subject to the same objections in terms of impact on the building line in Higher Lane, its overbearing nature, the overlooking of neighbours and scale of development. In reality nothing has changed.

### LETTER FROM APPLICANTS

The applicants have also submitted a letter in support of their application, in response to some of the letters of objection. The comments contained within this letter are repeated below.

I wish to make some comments with respect to the history of this situation and the points raised in some of the recently posted letters of objection. From the outset of this situation, I have attempted to remain impartial from the debate and allow the planners to make their decision based on facts and appropriate planning guidance. However, at this stage I feel I need to clarify my views as many other people seem to want to get involved.

Firstly, we have been concerned about possible prejudice and influence in the process being brought by Dr Roberts. Last year, during a telephone conversation with my wife to attempt to resolve this situation, Dr Roberts made the comment, "my brother-in-law is Chief Planning Officer at the Welsh Assembly". This astonishing remark could only have been made for one purpose, to create the impression of influence in the planning process. It was at this point that dialogue between us broke down. It is now somewhat surprising to understand that a large number of people have signed a petition objecting to the application. It is remarkable that Dr Roberts has gone to the trouble of contacting these people who for the majority cannot possibly be considered as "interested parties" in this application, it is my understanding that there are even signatures from as far away as England.

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This is particularly concerning as the planning inspector in the original appeal pointed out in his report (Section 10) with regard to other local residents that the patio would have “no unacceptable effect on their privacy”, he also added “I consider that its appearance would be satisfactory when complete, and it would be sufficiently far from other properties for there to be no unacceptable effect on their privacy”. Comments from others regarding this application also fail to take into account that many properties in Higher Lane and Beaufort Avenue have been altered, added to and improved in accordance with local planning regulations and this case should be treated no differently. Therefore this application should involve no other interested parties other than Dr Roberts. I see this as another way in which Dr Roberts is attempting to force his way into achieving his goals and influence the planning process.

Regarding his appeal to the application (sic), I fully understand Dr Roberts’s point of view and his wish not to suffer a loss in privacy. It is clear that prior to the building of the patio, privacy was established by a substantial hedge which for many years provided screening to a sitting area which was at a higher level than the proposed patio in the application. The matter of establishing privacy also works from both properties; indeed Dr Roberts’s property has a sitting area at a similar level. Comments made about a fence leading to overshadowing and loss of quality of life are completely inconsistent with the fact that the previous hedge was in place without causing such effects. Considering the former hedge, there are grounds to argue amenities such as visual impact and loss of light are actually improved with this application. Surely a sensible approach here to re-establish privacy with a suitable screen, if there is concern this cannot be achieved through establishing a new hedge due to potential issues about growing conditions, then it can be achieved by “other means such as fencing”. A point made in his report on the appeal to the original application by the planning inspector.

This whole process is clearly taking a considerable time for the local planning officers, particularly bearing in mind that the original application without the fence screen was approved. The planning inspector indicated that such a screen would require a further application and that is the basis of our application. I would ask that this is considered favourably and we avoid entering into another appeals process which could only be considered to be an inappropriate use of public time and money.

### **APPRAISAL**

This application is called to Committee for determination at the request of Councillor Anthony Colburn, in order to assess overlooking and overbearing impacts. Cllr Colburn has also requested a site visit.

### **Planning History**

Planning permission was previously given for extensions to the property (2013/1793 refers) and this work has been completed externally, including a front extension on the eastern side of the property. Prior to the construction of this front extension, there was a path and patio situated to the front of the property, which allowed access around the front and to the side of the house, as well as a sitting area to the front. What was proposed by application reference number 2014/1184 was the addition of a new patio area to the front of the front extension, to once again allow a sitting-out area.

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Full planning permission was originally sought for the retention and completion of a raised patio area to the front of No.49 Higher Lane, Langland (2014/1184 refers). This application was refused by Committee on 3<sup>rd</sup> November 2014, for the following reason:

- “1. The front patio, by reason of its elevated ground level and close proximity to the common boundary with 51 Higher Lane, will give rise to users of the patio overlooking this neighbouring property, resulting in a loss of privacy to the neighbouring occupiers, contrary to Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan and the Council's Design Guide for Householder Development.”

A subsequent appeal against this decision was dismissed by letter dated 30<sup>th</sup> April 2015. The Inspector in this case determined that the main issue in the appeal was “*the effect of the proposed development on neighbours' living conditions, with particular regard to their privacy*”. The Inspector also noted that the existing hedge “... *by itself could not be relied upon to provide an effective screen in the long term*”, and that the patio proposed to be retained, “... *without effective screening ...*” would result in “... *a serious adverse effect on neighbours' privacy, and consequent harm to their living conditions*”.

The Inspector then discussed a more permanent means of screening, which could be controlled by conditions, but determined that he had “... *no such proposal before (him) to consider, and fencing of the necessary height would make the development submitted substantially different from that comprised in the application*”. His decision letter implied that such a proposal would need to be the subject of a further application for planning permission to allow the neighbours, who had expressed concerns about the visual impact of such fencing, the opportunity to comment on the details of any such proposal. Furthermore, he advised that he was unable to comment on whether a 1.8m fence would be acceptable, as that would be a matter for the Local Planning Authority to consider in the first instance.

### **Current application**

The submitted drawings in this current application show the proposed (partially constructed) finished patio level raised from the drive level/concrete foundation by 1.1m at the front (0.92m above the ground level along the boundary with No 51). It is also proposed that steps are to be constructed to the front of the patio, to allow access directly to the patio from the drive area, although these have not yet been built. It should be noted that the finished patio level is reduced by 0.3m from that originally proposed in application reference number 2014/1184.

The applicants have incorporated a raised planting bed along the eastern site boundary for the length of the patio area, which is 0.7m wide (i.e. so that the patio is set off the boundary by that distance). This planter rises above the top of the patio to a height of approximately 0.4m along the boundary, and its top is approximately 0.5m below the top of the existing close-boarded fencing running along the boundary between Nos 49 and 51 Higher Lane.

It is acknowledged that the supplementary planting which was originally undertaken in the planter along the common boundary between Nos 49 and 51 Higher Lane failed. However, the applicants have re-planted in the planting bed, and this new landscaping was present during a recent site visit.



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Councillors will note that the previous application (Ref 2014/1184) was refused solely on the grounds that it would give rise to users of the patio overlooking No 51 Higher Lane. This issue was also the main point of discussion during the Inspector's decision notice.

In order to address the previous reasons for refusal, it is proposed to construct a 1.8m high close boarded fence along the boundary with No.51 (to the side of the planter) for a distance of 6m (4.75m from the front of the newly constructed front extension). This new fence, along with the reduction in the finished floor level of the proposed patio, is considered to reduce the levels of overlooking onto No 51 Higher Lane to such an extent that no issues of direct overlooking would arise.

However, it is acknowledged that the erection of such a fence along this common boundary with No 51 creates other issues which need to be considered.

It is noted that the proposed fence would be some 2.72m above the garden level of No 51 (at the highest point). However, the new fence would be located behind the existing fence (owned by No 51) and so would only be partially visible. The existing vegetation planted within the garden of No 51 in front of their existing fence would also soften its impact.

It is also noted that the front garden area of No 51 appears to be well used as a sitting out area by its occupiers. However, the fence is to be sited along a planted border which lies alongside one side of the property's vehicular driveway. The main sitting out area is to the other side of the driveway. Given that the fence does not present overshadowing or overbearance problems to the main usable part of the neighbouring garden, its impact on this neighbouring front garden is not considered to be great enough as to warrant the refusal of the application on such grounds.

It is acknowledged that the proposed fence is a minimum of 6m from the nearest front corner of No 51 and as such it is not considered that the proposed fence would give rise to any overshadowing or overbearing problems when viewed from this neighbouring dwelling's windows. Similarly, it is not considered that the proposed fence will give rise to a loss of light to the windows serving No 51. It should be noted that the windows of No 51 would not look directly onto the new fence.

The general design and appearance of the proposed fence is also considered to be acceptable, particularly as it will not be readily visible from the street scene and is only 6m long.

Objectors refer to matters of overlooking which are addressed above, but also to the overshadowing and overbearing physical impacts of the patio area (and associated fence – which are discussed above) along with its visual impact, its impact on the streetscene in terms of the building line, and the setting of a precedent for other similar types of proposals. The other issues raised by the objectors are not material planning considerations and hence are not discussed below. Whilst these issues did not form the reason for the refusal of the previous application (nor were they considered to be problematic by the Appeal Inspector), they are nevertheless discussed below.

It is considered that the size and siting of the proposed patio area is such that it would not result in any overbearing physical impact or overshadowing of neighbouring properties.

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In reaching this view, consideration has been given to the patio being at a lower level than the host dwelling and lower than the recently constructed front extension, and is simply a raised platform with patio slabs to be placed upon it. It cannot be seen from the front garden of No 51 and hence is not capable of having an overbearing or overshadowing impact on this neighbouring property.

The proposed patio is set behind the substantial front brick boundary wall and hedging surrounding the property at No.49 Higher Lane, and would not generally be visible in the streetscene so that its impact in this respect would be minimal. The introduction of a length of close-boarded fencing near to the front face of the house (i.e. set well back from the nearby highway), would also not result in an unacceptable visual impact in the wider streetscene.

With regard to the building line, the neighbouring properties on Higher Lane do not generally respect a building line - No.51 to the east is set back behind the pre-existing building line of No.49, and No.41 to the west is orientated at an angle to the application property as it follows the curvature of Higher Lane – so that no distinct building line is established. However, whilst it is acknowledged that the recently constructed front extension already projects forward of the original front building line of the host dwelling, it is not considered that the addition of the patio area to the front exacerbates the situation to such an extent that warrants the refusal of the current application. In this respect it should be noted that the proposal only constitutes an elevated paved level area and associated fence to the front of the house and not a further extension of the property.

On the question of precedent, it must be remembered that each application is considered on its own individual merits and against prevailing development plan policies, so that the granting of planning permission for the current proposal would not set a precedent for allowing similar proposals elsewhere, if they did not comply with those adopted development plan policies.

On balance, therefore, it is considered that the amended scheme, subject to the provision and maintenance of the proposed fence along the boundary between 49 and 51 Higher Lane, would not give rise to an adverse overlooking impact upon neighbouring occupiers which would warrant a refusal of planning permission in this instance. Furthermore it is not considered that the proposed scheme would create an unacceptable overbearing physical or overshadowing impact upon those occupiers. Furthermore, it is not considered that the erection of screening of 1.8m above the level of the patio would represent a discordant feature that, in itself, would be unacceptable in planning terms.

In conclusion, and having regard to all material considerations including the Human Rights Act, the proposal is considered to represent an acceptable form of development which complies with the criteria of Policies 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).

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### RECOMMENDATION

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 863C-L(90) 201 - Block plan, 863C-L(99) 201 - Existing ground floor plan, 863C-L(99) 202 - Existing front and rear elevations, 863C-L(99) 203 - Existing side elevations, 863C-L(99) 204 - Proposed ground floor plan, received 21st May 2015. 863C-L(99) 205 - Proposed front and rear elevations, 863C-L(99) 206 - Proposed side elevations, received 4th June 2015.  
Reason: To define the extent of the permission granted.
- 3 Prior to the front patio hereby approved being brought into beneficial use, the new section of close-boarded fence illustrated on the drawings hereby approved shall be constructed in strict accordance with these approved details and shall be retained as such at all times thereafter.  
Reason: In the interests of visual and residential 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 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 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
  - 3 **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.
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ITEM 2 (CONT'D)

APPLICATION NO.

2014/1837

### BACKGROUND INFORMATION

#### POLICIES

Policy	Policy Description
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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 R11	Proposals for the provision of renewable energy resources, including ancillary infrastructure and buildings, will be permitted provided:
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(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)

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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 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 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)	

### SITE HISTORY

None

### RESPONSE TO CONSULTATIONS

The application was advertised on site and in the press as a Departure from the Unitary Development Plan. No representations have been received to date.

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

1. We have grave concerns about the location of this solar power station within the land currently designated as EV23 Green Wedge. The contents of EV23 and the Amplification on page 37 of the UDP would lead us to assume that this proposal would not be allowed. However we accept that it is less damaging than being in the AONB but that is covered in turn by much stronger legislation.
2. By any stretch of imagination this is a large industrial complex covering in all about 9 hectares of agricultural land within land set aside as a buffer zone.
3. The site is adjacent to both the housing site in Waunarwydd to the North and Cwmllywd Wood Nature Reserve to the South. It will impact on these properties and the nature reserve.

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4. We are minded to point out that Green Wedges are for the very purposes that the name implies i.e. to separate urban areas. If this application is allowed the implications of future 'copycat' applications in the area must not be ignored. We are greatly concerned about the concentration of such industrialisation that is happening to the North of the M4 in Mawr. It is essential that an overall policy for such applications is prepared for the LDP in order to produce consistent planning responses.
5. Without any question this development will be conspicuous from many areas as indicated by the applicants own plans.
6. The impact upon the ecology of the area will be significant and we query the quality of the environmental study, particularly that on birds.
7. In our opinion these solar panels could have been placed almost invisibly on the roofs of the large industrial complexes like Alcoa to the North of this site and many of the vast areas of retail park roofs such as Llansamlet, Swansea Vale, Cwmbwrla and Fforestfach.

**Glamorgan Gwent Archaeological Trust** – We identified a possible archaeological issue for this planning application.

A Heritage statement prepared by SLR Consulting Ltd (report ref: 404.0027.000002), identified a number of historic environment features within the application associated with the post-medieval agricultural landscape in this area; including field boundaries, industrial features and ridge and furrow. The heritage statement noted the importance of these features and that they should be preserved in situ by the development, though this will not be possible for the ridge and furrow as these are in an area where it is proposed panels will be erected.

As these features are significant to the historic environments of Cockett Valley a record should be made of them prior to their alteration and in some cases loss. As such we recommend that a condition be attached to any consent granted requiring the applicant to commission a photographic survey of the historic features identified in the SLR report.

**Natural Resources Wales** - We would offer no objection to the above application, providing appropriately worded conditions are attached to any planning permission your authority is minded to grant.

### 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, indicated the site to be outside of the flood zones.

We note that the site is approximately 9.14 hectares in size and as a solar farm it can be classed as less vulnerable development according to TAN 15.

### Surface Water Disposal

We note that SUDS and soakaways are listed as the methods of surface water disposal in the application forms whilst the Planning Statement mentions the use of swales on the southern boundary of the site.

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We would advise that any swales are installed at the start of the construction phase in order to protect the nearby Gors Fawr Brook from any construction related run-off from entering the watercourse. The swales would also need to be created and established (i.e. vegetated), before any construction work begins on site, in order to provide the best protection for the brook.

We would be supportive of this approach, along with the provision and implementation of a site specific Surface Water Management Plan, which should provide details as to where and how any water that is generated/collected on site during the various phases of the development will go and will be managed, particularly during the construction phase.

This is important as the Gors Fawr brook (which is a tributary of the Afon Llan, a waterbody classified as of “Moderate” ecological status under the Water Framework Directive), is located close to the boundary of the site.

Ultimately the drainage system design and future maintenance is a matter for your Authority’s engineers. Therefore would advise that they are consulted. We would also recommended that any surface water drainage system must be designed to ensure no increased run-off from the site during and post development in all events up to the 1:100 year storm with an allowance for climate change.

We acknowledge that the panels will allow rainwater to runoff and infiltrate into the ground. However, this run off will concentrate infiltration to a smaller area and depending upon the topography of the site this may led to the creation of rivets or small channels which could speed up the flow to the runoff down the slope. Therefore consideration for this possibility, along with suitable measures to prevent and/or minimise this from occurring should be implemented as part of any proposal, should your Authority be minded to grant planning permission.

### Ecology and Protected Species

We welcome the submission of the document entitled “Proposed Solar Farm – Cockett Valley, Swansea: Extended Phase 1 Ecological Report (Ref:404.05027.00002)”, dated November 2014 by SLR.

The application site is located within the Duvant Brickworks Site of Importance for Nature Conservation (SINC). Although, this is a non-statutory designation, it does include habitats and features of ecological interest. Therefore, we advise that you discuss the proposal with your Authority’s Planning Ecologist.

We note that a site walkover was undertaken on the 4<sup>th</sup> June 2014, with an initial Phase 1 survey on 14<sup>th</sup> July 2014 and follow up tree and badger surveys on the 8<sup>th</sup> August 2014. The report states that the fields within the application boundary can be classified as semi-improved grasslands with species typical of acid soils. Parcels of scrub land are also present across the site, which is subject to varying levels of grazing.

The report confirms that there are no built structures within the site, although a group of trees (G1) and six individual trees (ref. Number; 7,9,10,12,15 and 19) were identified as having features which could support roosting bats. Section5.2.1 of the report states that these trees will be retained and will not be subject to any indirect impacts. We support this proposal, but advise that should these trees require any future maintenance then a further assessment would be required, prior to any work taking place.



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We support the Habitat Management and Creation proposals laid down in Sections 6.1.1 to 6.2.5 of the document entitled “Proposed Solar Farm – Cockett Valley, Swansea: Extended Phase 1 Ecological Report (Ref:404.05027.00002)”, dated November 2014 by SLR.

We also advise that any “wildflower mix” should wherever possible, be of local provenance. We support a structured mowing or grazing regime in order to manage the sward height during the operation phase of the proposal, but wish to highlight the importance of the removal of cuttings from the site (in order to prevent smoothing and/or enrichment), should grazing not be an option. We also advise that measures for bracken control should be considered within the Habitat Management, if it is found that grazing and /or mowing do not prevent the further encroachment of bracken. We are also supportive of the proposal to plant approximately 360m of new hedgerows, although it is unclear if this will be accompanied by fencing. If grazing is to form a part of the management of this site, then there should be suitable fencing in place to protect the new planting. In addition, any hedging plants which fail should be replaced.

We recommend that the proposals laid down in Section s6.1.1 to 6.2.5 are discussed and agreed with your Authority’s Planning Ecologist and should be implemented through suitable Landscape and Habitat Management Plan and delivered by an enforceable planning condition should your Authority be minded to grant planning permission.

### Landscape

We consider that the proposal is not likely to have a significant landscape or visual effect on the LANDMAP outstanding historic aspect area (SWNSHL726 Gower Subboscos Agricultural) or on the Gower AONB, which lies approximately 2.75km away.

We note that a new length of hedgerow planting is proposed along the northern edge of the site and are supportive of this mitigation measure to strengthen the field boundary. The management of the grassland, hedgerows and trees on the site should be subject to a suitable Management Plan and implemented via an enforceable planning condition, should you be minded to grant planning permission.

The historic landscape aspect area is identified as outstanding by LANDMAP, mainly because of the historic field pattern, boundary treatment and historic monuments. The proposal is not considered likely to have more than local effects on the historic landscape. The field pattern and boundary features would remain intact. There would be an adverse effect on the character of the landscape locally, considered of moderate significance in the LVIA. We consider the effect on the character of the site to be significant, however in the context of the historic landscape aspect area, this is localised.

Visual effects are identified as of minor in the LVIA, with the exception of viewpoints C and D where effects on viewers are considered of moderate significance. The LVIA states that the AONB falls outside the ZTV. No photographs have been produced to demonstrate whether the development would be visible from the AONB (e.g. from Fairwood Common, approximately 4km away). However, we consider it unlikely that there would be significant effects on the AONB from this distance.

The visual effects from areas of Access land (e.g. to the east of Waunarlyydd) and near Penllergaer do not appear to have been considered in the LVIA, but are unlikely to increase the effect on the historic landscape to significant.

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### Pollution Prevention

Should your Authority be minded to grant planning permission, we advise that a site specific Pollution Prevention Plan 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 and 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).
- identification of any buried services, such as foul sewers, so that they are protected.
- details of emergency contacts, for example Natural Resources Wales (NRW) hotline 0800 807 060.

Pollution prevention guidance is available from the Environment Agency's website.

### Waste Management

We note that an "Outline Site Waste Management Plan can be found within Appendix B of the Planning Statement document (submitted with the application), dated November 2014, by SLR (ref:404.5027.0002). Given the nature and location of this development, we would recommend that a site waste management plan (SWMP) for the project is produced. Guidance for SWMPs are available from the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)).

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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 as a result of construction must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site, 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).

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.

**Dwr Cymru Welsh Water** – No objection

**The Coal Authority** - The Coal Authority has raised no objection to the proposed development, subject to the imposition of a standard potential hazards informative and concludes that a Coal Mining Risk Assessment is not required.

**Council's Drainage Section** - We have reviewed the application and while we have no objection to the proposals we would recommend that the Site Layout – Figure 1 is amended to show a SUDs swale on the northern edge to intercept any additional surface water run-off that is created given the proximity to residential properties.

**Council's Pollution Control Division** - No comments on the application.

**Council's Planning Ecologist** - The site has been subject to an extended phase 1 ecological survey, this has provided sufficient information to assess the impact of the development of the proposals on the ecology of the site. The site falls within the Dunvant Brickworks SINC. There will be some negative impact on the ecology of the site although if the mitigation and management recommendations described in section 6 of the Extended Phase 1 Survey dated November 2014 are followed there will be an overall ecological enhancement of the site. The recommendations listed in section 6 of the survey should be made a condition of any permission we give.

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**Highways Observations** - This proposal is for a solar farm on land at Cockett Valley. The site is accessed from Waunarlyydd Road and details submitted with the application indicate that the construction phase is estimated to last for 3 months. Traffic movements during this phase are predicted to be up to 34 daily movements by light vehicles (staff by car etc.) and 8 - 10 daily HGV movements. Overall, the predicted movements are not considered to be of a high volume.

The indicated route for traffic accessing the site is J47, Fforestfach cross, Cockett, Cwmbach Road and finally Waunarlyydd Road leading to the site access. Following completion of the construction phase, traffic movements will be minimal and relate to occasional maintenance visits only.

I recommend no highway objection, subject to the submission of a Construction Traffic Management Plan prior to commencement of any work at the site. All works shall be completed in accordance with the approved management plan.

### APPRAISAL

#### Description

Full planning permission is sought for the installation of a solar photovoltaic (PV) array on land at Cockett Valley off Waunarlyydd Road, Swansea.. The array would comprise approximately 14,790 individual panels and associated works and structures over a site area of approximately 9 hectares and will have a total installed capacity of 4MW. Ancillary development would include a small number of inverters and a transformer station placed amongst the solar panels, a small substation building, security fencing up to 2.4 m in height and associated security features (including CCTV cameras), and a temporary construction compound.

#### Site Location and Use

The application site sits in the Cockett Valley, which lies to the immediate south of the settlement of Waunarlyydd. The site lies within the Cockett Valley Green Wedge. The valley is U- shaped in character with the north and south ridges of the valley largely screening the application site from wider public views. No water courses cross the application site, although the Gors Fawr Brook runs within 15 metres of its southern boundary. The brook runs in an east to west direction, feeding into the Afon Llan river approximately 3 km downstream.

The topography of the application site is undulating in character ranging from a maximum elevation of 100m, which occurs in the north central part of the site, to a low point of 70m, which occurs to the south eastern corner of the site. This low point occurs at the foot of the Cockett Valley near to the aforementioned brook.

The application site comprises a series of fields currently subject to varying levels of grazing, although no formal or structured management regime is currently in place. Field boundaries are typically marked by low earth and stone banks, some of which support defunct hedgerows with occasional semi-mature trees. Other field boundaries remain more open in character with tall ruderal vegetation defining the features from the surrounding grassland.

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The grassland swards are semi-improved with a species assemblage typical of acidic soils. Specific habitat features within the site are described in the Extended Phase 1 Ecological Survey Report, which accompanies this planning application.

The site suffers from unauthorised motorcycle/quad bike use, and there is evidence of fly tipped waste throughout. Numerous informal footpaths and vehicles track markings cross the site, none of which are designated as public rights of way.

Immediately to the north of the application site the predominantly residential settlements of Waunarwydd and Gowerton merge to form an elongated belt of development that sits parallel to the Swansea to Llanelli railway line. Some of the housing in Waunarwydd sits directly to the north and north-west of the application site. On the northern side of the railway line there are a series of industrial estates. The north-western edge of Swansea is approximately 1km to the south of the application site on the opposite side of the aforementioned ridge feature. Cockett village lies approximately 1.5 km to the east of the application site again marking the outer extent of the Swansea's urban area.

Access to the site will be gained off Waunarwydd Road and the existing farm access track leading from Waunarwydd Road will be upgraded and used for all construction and maintenance traffic.

The wider surrounding area is predominantly rural in character and lies within the Clyne Valley/Cockett Valley Green Wedge. The layout of the site has taken this infrastructure constraint into consideration.

The site is located entirely within the Duvant Brickworks SINC, which extends to 124.09 ha in total. This SINC contains a mosaic of habitats, with the largest SINC area (57.19 ha) being assigned to 'Woodland containing an Assemblage of Ancient Woodland Indicator species', with additional habitats including 'Structurally diverse and species-rich scrub', lowland meadow, species rich purple moor-grass and rush pasture, and species-rich bracken communities. The Duvant Brickworks SINC has associated faunal interest, with species such as small pearl-bordered fritillary (*Boloria selene*), brown banded carder bee (*Bombus humilis*), willow tit (*Poecile montana*) and song thrush (*Turdus philomelos*)

The nearest residential properties to the site include properties in Barnabus Close which are within 30m of the nearest solar panel array and within 13m of the edge of the site. The other properties in Caergynydd Road would be within 80m of the northern boundary of the site.

### Screening Opinion

In February 2014, prior to the submission of the application, the local planning authority was approached for a Screening Opinion for a 10M capacity solar farm at the site over 22ha. Following the submission and having regard to the provisions of the Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 1999 the Local Planning Authority determined that an Environmental Impact Assessment (EIA) was required for this proposed development. The current application differs from the screening opinion submission in that the site area has been reduced and as such this has resulted in the generation capacity of the scheme being lower than envisaged at the screening stage (4MW and 9ha).

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The Authority has undertaken a further screening opinion on the submitted scheme and it has been determined that an EIA is not required for the proposal.

### Supporting Documents

The planning application is accompanied by a number of supporting documents.

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application including several photomontages of views of the site from a number of locations in the surrounding area, both nearby and from distance. Overall it concludes that the characteristics of the landscape mean that the proposed development would have a moderate localised effect and the effects on Landscape Character would be minimal when taking into account the scale of the proposed development relative to the wider context of the landscape.

There are few notable recreational receptors identified within the study area other than the Gower Way; which based on the ZTV study is only likely to have views from distinct sections.

The application site is located entirely within the Dunvant Brickworks Site of Interest for Nature Conservation (SINC), which extends to 124.09 ha in total. This SINC contains a mosaic of habitats, with the majority of SINC area (57.19 ha) being assigned to 'Woodland containing an Assemblage of Ancient Woodland Indicator species', with additional habitats including 'structurally diverse and species-rich scrub', lowland meadow, species-rich purple moor-grass and rush pasture, and species-rich bracken communities, although there is little evidence of these habitats within the application site. An Extended Phase I Habitat Survey and Protected Species Survey Report has been submitted which assesses the ecological value of the site, recording any protected or otherwise important habitats and any evidence for notable or protected species within and adjacent to the survey area and provides recommendations on mitigation and enhancement where appropriate.

An outline Construction Traffic Management Plan has been submitted which sets out details of the anticipated construction programme, anticipated activity and site parking and manoeuvring arrangements and the proposed access route. Construction works will involve the delivery of equipment and material to and from the site, an indicative timetable for which is:

Site preparation/mobilisation - 2 weeks,  
Construction - 8 weeks,  
Commissioning - 2 weeks.

During the construction phases it is anticipated there will be up to 34 daily two-way light vehicle movements associated with construction works and supervisors. HGVs will be used to deliver all equipment and materials to and from the application site. The potential number of HGVs in any one day will vary between the phases. It is expected that deliveries of materials to the site during the construction phase will be limited to 8-10 two-way movements per day, based on a 5 day working week.

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A Glint and Glare Assessment has been included in the Planning Statement and covers the potential effects on potential visual receptors within the vicinity of the site. It states that any possible glint and glare arising from the proposed development would occur from the south only owing to the orientation of the solar panels. Receptors in this area comprise the Craig-y-bwldan farmstead only. However, owing to the location of the farmstead within a valley running south / north views into the site would be restricted. The non-reflective nature of the proposed panels together with their static nature and the restricted nature of views means that there will be no significant nuisance impact on nearby properties or recreational users of the area.

A Coal Mining Risk Assessment has been submitted. This establishes that the application site has been subjected to previous underground coal mining. However, the seams that have been extracted beneath the site are at depths which will not impact the proposed development which will have limited or shallow foundations, with only shallow piling used on the site. The Coal Authority has considered the report and is satisfied that the application site is, or can be made, safe and stable for the proposed development.

Surface water will be managed through a number of swales located across the southern section of the site.

### Issues

The main issues for consideration are the impacts of the proposed solar farm on the visual amenity of the area, upon residential amenity, highway safety, ecology & habitats with regard to policies EV1, EV2, EV21, EV23, EV30 and R11 of the City & County of Swansea Unitary Development Plan 2008. There are no overriding issues with regard to the Human Rights Act.

Policy EV1 is a general design policy and states that new development shall accord with the objectives of good design, including, inter alia:

- (i) Be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;
- (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;
- (xi) Having regard to the desirability of preserving the setting of any listed building.

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

- (i) The social, economic or environmental benefits of the scheme in meeting local, and national energy targets outweigh any adverse impacts;
- (ii) The scale, form, design, appearance and cumulative impacts of proposals can be satisfactorily incorporated into the landscape, seascape or built environment and would not significantly adversely affect the visual amenity, local environment or recreational/tourist use of these areas;

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- (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.

Policy EV2 states that the siting of new development should give preference to the use of previously developed land over greenfield sites and must have regard to the physical character and topography of the site and its surroundings. Policy EV21 refers to criteria for non-residential development in the countryside being permitted where it can be demonstrated that (v) it is essential for communications, telecommunications or renewable energy generation.

Policy EV23 refers to developments within Green Wedges and states that within these areas 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. EV30 states that 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. Policy EV35 relates specifically to considerations of surface water run-off.

### Amount, Scale and Layout

The proposed development comprises the construction of photovoltaic (PV) solar panels in a series of arrays running west-east across the application site. The panels will be angled so as to maximise the capture of solar energy, facing south, with the top edge up to a maximum of 2.5m above ground. The rows will be placed approximately 5-7m apart.

The solar panels will be bolt anchored to a metal frame (table) mounted on steel posts drive or screwed into the ground, to a depth of 1-2m depending on the ground conditions. No substantial areas of concrete construction will be required, with the possible exception of foundations for the inverter and transformer station to be located in the north eastern corner of the site. The panels will be connected by cable via inverters to a small on-site substation, that will subsequently connect with the electricity grid.

The application site will be secured using a 2.4m stock-proof fence (deer fence) that will protect the equipment from theft, vandalism or damage. To the north of the site annotated as Area 1 and Area 2 on the Additional Landscape Mitigation Detail plan, the amount of panels has been reduced to pull back from the site edge and a woodland copse will be planted to further mitigate against any potential visual impact from surrounding areas and to provide an additional screening band for the nearest residential properties in Barnabus Close.



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The ground surface below the PV panels will remain vegetated. Any bare areas of ground left after construction works will be planted with a species rich mix of grass seed in order to improve the biodiversity of the application site.

The operational life of the solar farm will be approximately 25 years.

### Construction Phase & Access

The anticipated construction period for the proposed solar farm will be approximately three months and will consist of the following operations, listed here in the approximate order of implementation:

- Upgrading of the existing site access onto Waunarlwydd Road and erection of construction routeing signage;
- Installation of sustainable drainage system (SuDS), comprising swales along the southern boundary of the application site;
- preparation of the construction compound;
- laying of construction phase access tracks;
- digging of cable trenches;
- erection of fence and gates to define the site boundaries;
- delivery of panels, frames, inverters and substation, concrete for building foundations if required;
- installation of frames and panels;
- cable laying;
- commissioning of the panels and installation of inverter and substation enclosures and connection to grid; and
- reinstatement works primarily to the construction compound..

SuDS will be installed in the form of shallow swales along the southern (downward) boundary of the application site. The SuDS will be designed to accommodate surplus run off which may arise in the future, although it should be noted that there would be no material increase in surface water runoff, when compared to existing (pre-development) conditions and no specific measures need to be taken.

The swales will be installed at the start of the construction phase to protect the nearby Gors-Fawr Brook from any construction related run-off entering the watercourse. During construction works hedgerows and ditches will be avoided. A new hedgerow will be planted along the northern boundary of the application site to provide further screening of the proposed apparatus, with particular reference to views from the north. Details are described in the Landscape and Visual Impact Statement and shown on the additional Landscape mitigation details plan.

During the construction phase there is anticipated to be up to 34 daily two-way light vehicle movements associated with construction workers and supervisors.

SuDS will be installed in the form of shallow swales along key sections of the application site prior to construction works commencing. The SuDS will be designed to accommodate surplus run off which may arise in the future (although it should be noted that there would be no material increase in surface water runoff, when compared to existing pre-development conditions).

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During construction works hedgerows and ditches will be avoided and hedgerows will be allowed to reach a height of 2.5m to increase their screening function. New hedgerows will be planted within parts of the site to provide further screening of the proposed apparatus.

HGV's will be used to deliver all equipment and materials to and from the site. The potential number of HGVs in any one day will vary between the phases of the construction works. It is anticipated that deliveries of materials to the site during the construction phase will be between 8-10 two-way movements per day.

Deliveries to the site will be programmed by agreement with the suppliers and / or hauliers to minimise the risk of queuing on site and conflicts on the approach road. A formal 'just in time' delivery protocol would be provided to minimise the requirements for on-site storage; and a banksman will be employed to co-ordinate arrival and departure where necessary.

All contractors, hauliers and suppliers will be informed of the approved Construction Traffic Management Plan and required to conform to the relevant restrictions, mitigation actions and contractor obligations contained therein.

### Decommissioning

When the panels reach the end of their lifetime (approximately 25 years), the solar farm would be decommissioned, all equipment would be dismantled and removed from the site and the site restored to its previous use.

### Visual Amenity

Turing to visual amenity, the site lies within the Cockett Valley Green Wedge which was designated to prevent coalescing of villages and retaining the openness and character of the area. It is considered that as this proposal is for a specific time period i.e. 25 years and that the land could be reinstated after this time, the requirements of this Policy will be met in the long term.

In terms of the impact of the scheme upon the character and appearance of the open countryside, the LVIA has investigated a number of viewpoints to analyse the existing baseline conditions and assess the likelihood for potential visual effects caused by the proposed development. These are considered in turn.

The viewpoint analysis shows that the nature of visual effects varies across the study area; this is principally due to the topography, with views generally being channelled east to west up the Cockett Valley. Views from the south are restricted by the ridge on the opposite side of the valley which is c.70m higher than the level of the application site. Views of the proposed development from the north would be restricted by the existing hedgerow and trees that follow the boundary of the application site, these being supplemented by additional planting as per the landscape mitigation scheme.

The potential visual impacts have been described in the viewpoint analyses provided in the previous sub-section; these focus on local residents and users of recreational facilities including footpaths, bridleways and long distance routes as these are likely to be the most 'sensitive' receptors in terms of visual effects.

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Viewpoints A, B, C and D represent views from the immediate vicinity of the application site focusing on these receptors, with Viewpoint A demonstrating that housing immediately to the north of the application site would have very restricted views of the proposed development, particularly when taking into account the additional screening that would be provided by proposed planting; as such only minor visual effects were recorded at this location.

Viewpoint B is also taken in close proximity to the application site and again illustrates the views from the adjacent properties; intervening vegetation also acts as a screen from this location with only negligible visual impacts being predicted. Viewpoint C represents what would be the clearest and most open view of the proposed development as it is taken from the opposite side of the Cockett Valley. A moderate visual impact is predicted from this location. This conclusion is principally derived from the fact that the access track at this point and none of the surrounding area is designated as a Public Right of Way at this point.

Viewpoint D is taken from the edge of the application site, representing both adjacent properties and users of the footpath at the end of the Bridleway. Access to the application site would be fenced off at this point. In this regard it would not be seen as an important local route. Views from the adjacent properties are more restricted than that shown on the viewpoint photograph with upper floor views looking over the proposed development rather than it blocking out their view. Taking this into account, only moderate visual impacts are predicted at this location despite its close proximity. Overall visual impacts on local residents and users of nearby footpaths and roads are unlikely to experience any significant effects. A hedgerow would be planted along this boundary which in the medium to long term would reduce the magnitude of impact from this viewpoint, reducing the significance of effects in the medium to long term.

Viewpoints E, F, G, H and I all represent more distant views, again focusing on local residents whilst also picking up on key recreational features such as the Gower Way. Viewpoint E represents the northerly extent from which the proposed development is theoretically visible; however as described in relation to Viewpoint A peripheral screening coupled with additional planting along the northern boundary of the application site would screen views from this direction with negligible or no visual impacts occurring. Viewpoints F and G are both taken from residential areas to the east of the application site and the proposed development would theoretically be visible but it would only represent a very small scale change to the view; it has also been factored in that the industrial fringes of Swansea feature heavily in views when moving around these areas, so it is unlikely that a smaller scale distant change within the view will be notable; as a result negligible and minor visual impacts have been recorded for viewpoints F and G respectively. Viewpoint H represents one of the most southerly views of the proposed development and has principally been included to represent local residents; albeit from upper floors or the road / adjacent areas as garden vegetation will most likely limit views from ground floors. At this location a gateway allows views out over the wider landscape with the application site being down slope (and mostly hidden by) intervening vegetation it is therefore unlikely to be the focus of the view, as such only minor visual impacts are assessed at this location. While Viewpoint I is representative of residential receptors, the principal reason for its inclusion is that it represents one of the few views of the application site from the Gower Way.

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Fieldwork identified that views are very restricted from the section of the Gower Way which heads north from the northern edge of Dunvant to the point it crosses the B4296; while the ZTV indicates that inter-visibility is possible from this area it does not take into account the presence of the mature woodland which covers these lower slopes. Further to the north of this location the Gower Way enters Gowerton / the western edge of Waunarwydd, again limiting views of the wider landscape; on crossing the railway and heading further north to Gorseinon distant views are again theoretically possible but intervening built form means that no views of the proposed development are likely. When taking this into account the only section of the Gower Way likely to be impacted upon is that represented by Viewpoint I; overall impacts to recreational receptors using this long distance route would not be significant, with only localised minor effects.

As revealed within the baseline other designated landscapes within the study area, such as the Gower AONB, Special Areas of Conservation and RAMSAR sites would remain physically unchanged by the proposed development, with the ZTV illustrating that visual connectivity is very unlikely. As such receptors at these locations are very unlikely to be affected by the proposed development.

### Residential Amenity

Turning now to residential amenity, in general the site is well screened from the surrounding villages and residential properties due to intervening vegetation and landform. There are residential properties close to the north western corner boundary of the site, and the solar farm will be legible from private views from these properties at a distance of approximately 30m. The LVIA considers the visual impact of the proposed development from the surrounding residential properties and concludes that whilst it will be visible from these properties, existing screening provided by hedgerows and proposed planting will mitigate these impacts. The impact of the proposed development on a localised level is therefore not considered to be of such significance that would warrant a refusal in this instance. Furthermore the retention and addition of hedgerows and woodland copses within the site is considered to minimise the extent of the perceived change to the site when viewed from both private and public vantage points. The planting of additional vegetation would serve to enhance the landscape character which would also provide greater value for wildlife

In terms of the potential for glint and glare, particularly from private amenity spaces in properties in the wider surrounding area, a glint and glare assessment has been submitted and it has been concluded that this would not result in any undue impact upon the nearest residential properties.

With regards to potential noise and disturbance, again there are significant distances involved in terms of the application site and neighbouring residential properties. Whilst it is accepted that there would be a certain level of noise and disturbance during construction, particularly from deliveries and site works, given that the construction period is anticipated to be completed within three months and is not a continuous construction process, these impacts would be temporary. It is therefore considered that the proposed development would not create significant levels of noise and dust and any noise/dust created during operation would be short in duration. It should also be noted that no adverse comments have been received from neighbours in response to this application.

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### Public Right Of Way

There are no public rights of way across the application site.

### Hedgerow Planting and Management

The proposed hedgerows would use a variety of typical species including Hawthorn, Blackthorn, Field maple and Hazel; these would be planted into a 500mm wide cultivated trench as a double staggered row at 300mm intervals. The plant would be introduced as bare rooted and would be 60-80cm tall. Whilst it is acknowledged this planting will need several seasons of growth to establish what would be recognised as a hedge, the taller, bushier form will provide a degree of structure and height from an early stage.

It is not expected that any significant hedgerow maintenance would be required in the first 5 years, as the trees and shrubs will need time to establish. In the longer term the sensitive management of hedgerows would be compatible with the safeguarding of wildlife.

The seed mix for re-establishing grassland would be chosen to reflect the type of vegetation seen locally within woodland edges and along hedgerows. A wildflower seed mix would be sown, with the exact mix (to include a minimum of 20% wildflower species) would be agreed via consultation with the Council's Ecologist and via the imposition of a planning condition.

The woodland copses would comprise of a range of native species including Oak, Silver Birch and Mountain Ash with holly and Field maple being included. These would be introduced using slightly larger feathered stock with their branches providing a more instant effect. The species will be planted in groups of 5-12 number at 1 – 1.15m intervals between the groups.

All planting stock would be sourced locally whenever possible and planted between the end of November and the start of March. All newly planted copses and hedgerow would be protected using transparent rabbit spirals or shrub shelters, supported by 450mm stout bamboo canes.

To maximise the potential screen value of the landscape features it is proposed that the easterly section of hedgerow is planted on earth bunding created using arisings generated by the formation of the new access track. The bunding will be seeded with a mixture of grasses and native flora. The vegetation structure in the area will be developed and the proposed hedgerows south of the field access route being used to connect up proposed woodland copses within the site and to existing mature vegetation on the periphery of the site. The earth bunding would be constructed under dry conditions and placed with minimal compaction in order to provide suitable conditions for the hedgerow to grow. Some grading of the surface may be required to create a seed bed and the area of tree planting may require some cross ripping to reliance surface contraction to the root zone.

### Access and Highway Safety

The Head of Transportation and Engineering raises no highway objection subject to the submission of a Construction Traffic Management Plan prior to commencement of any work at the site.

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It is noted that the site is accessed from Waunarlyydd Road and details submitted with the application indicate that the construction phase is estimated to last for 3 months. Traffic movements during this phase are predicted to be up to 34 daily movements by light vehicles (staff by car etc.) and 8 - 10 daily HGV movements. Overall, the predicted movements are not considered to be of a high volume. The indicated route for traffic accessing the site is J47, Fforestfach Cross, Cockett, Cwmbach Road and finally Waunarlyydd Road leading to the site access. Following completion of the construction phase, traffic movements will be minimal and relate to occasional maintenance visits only. The aforementioned condition requiring the applicant to provide a construction management plan is recommended.

### Other Issues

The ecological assessment found evidence of a protected species within the study area. A more detailed study was undertaken of this species and mitigation measures are included in this scheme. Notwithstanding this it is proposed to include an informative advising the developer to contact NRW to confirm if a 'licence to disturb' application is required. The Council's Planning Ecologist has advised there will be some negative impact on the ecology of the site although if the mitigation and management recommendations described in section 6 of the Extended Phase 1 Survey dated November 2014 are followed there will be an overall ecological enhancement of the site. He also comments that the recommendations listed in section 6 of the survey should be appended to any planning permission to ensure the mitigation recommendations proposed in the survey report are followed and implemented.

The Council's Drainage Officer recommends that a SUDS swale is located on the northern edge of the site to intercept any additional surface water run-off that is created given the proximity to residential properties. An appropriate condition is therefore recommended.

The Coal Authority raises no objections to the proposal following consideration of the Coal Mining Risk Assessment. The Glamorgan Gwent Archaeological Trust have reviewed the Heritage Assessment and have requested a condition regarding a historical photographic record is undertaken prior to development. Natural Resources Wales have requested conditions regarding a Site Waste Management Plan and pollution prevention measures and these would be attached to any grant of consent.

### Response to consultations

Concerns have been raised that this is quasi-industrial development in the countryside and the site is not designated for such use by EV23, however, renewable energy development in the countryside is supported in TAN6 and UDP Policy EV21, subject to environmental safeguards.

Concerns have been raised about the impact upon visual amenity, the nature reserve, neighbouring properties and the ecology of the site, and these issues have been addressed in the main body of the report.

The Gower Society have also commented that the solar panels could have been placed on the roofs of other large industrial complexes, and whilst this may be the case, that is not the proposal that is currently under consideration and would not be a reason for refusal of this application.

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### Conclusion

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

In essence, the scheme assessment and decision outcome is essentially a balance between the national and international will for a future with renewable energy, supported by regional and local policy in principle, against the impact of such schemes on the landscape and environment in which they are sited. Correspondence from Welsh Government has indicated that based on data for 2013, an output of roughly 10% of capacity for all types of solar panel in Wales was produced. This contribution to renewable energy targets has to be assessed against the impact of such schemes.

On balance, this application 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 and the general locality from the site, and there would be no significantly adverse or detrimental impact on the ecology, habitats, highway safety or land drainage in the area. On balance therefore the scheme is considered acceptable and is in accordance with the criteria laid out in Policies EV1, EV2, EV21, EV23, EV30, EV35 and R11 of the City and County of Swansea Unitary Development Plan 2008. 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 The development shall be carried out in accordance with the following approved plans and documents: Site location plan received 28th November 2014, KV substation, client substation, met mast, cctv, site fence and maintenance, solar panel configuration, topography, zone of theoretical visibility, received 5th December 2015, amended landscape scheme plan received 4th March 2015, additional landscape mitigation plan received 15th May 2015, site layout plan received 1st July 2015.  
Reason: To define the extent of the permission granted.

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- 3 Development shall not begin until an appropriate photographic survey of the historic environment features on the site has been carried out in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.
- The resulting photographs should be deposited with the Historic Environment Record, curated by the Glamorgan Gwent Archaeological Trust (Heathfield House, Heathfield Swansea SA1 6EL. Tel: 01792 655208).
- Reason: As the historic environment features are of significance the specified records are required to mitigate the impact of the alterations.
- 4 Prior to the commencement of works on site, a Landscape and Habitat Management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the exact seed mix to re-establish the grassland and include the specific mix of wildflower species to be used. Once approved the scheme shall be implemented in accordance with the approved details for the lifetime of the development.
- Reason: In the interests of biodiversity and habitat management.
- 5 Prior to the commencement of works on site, a Construction Traffic Management plan shall be submitted to and approved in writing by the Local Planning Authority. Once, approved the scheme shall be implemented in accordance with the approved details.
- Reason: In the interests of highway safety.
- 6 Prior to the commencement of works on site, a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Once, approved the scheme shall be implemented in accordance with the approved details.
- 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.
- 7 Prior to the commencement of works on site, a site specific Surface Water Management Plan, which shall also include a SUDS swale in the northern edge of the site, shall be submitted to and approved in writing by the Local Planning Authority. The Plan should provide details as to where and how any water that is generated/collected on site during the various phases of the development will go and will be managed, particularly during the construction phase. Once, approved the scheme shall be implemented in accordance with the approved details. The swales will need to be created and established prior to the construction work on site commencing.
- Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.



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- 8 The mitigation and management recommendations described in section 6 of the Extended Phase 1 Survey received 5th December 2014 (REF: 404.05027.00002) should be implemented as stated.

Reason: In the interest of visual amenity and biodiversity

- 9 No later than 12 months from the first generation of electricity, the following schemes shall be submitted in writing for the written approval of the Local Planning Authority:

(i) A scheme detailing the removal of all surface elements of the photo voltaic solar farm and any foundations or anchor systems to a depth of 300mm below ground level;

(ii) A scheme detailing the restoration and aftercare, following consultation with such other parties as the Local Planning Authority considers appropriate.

(iii) A timetable for completion of the works

These schemes shall be implemented within 12 months from the date of the last electricity generated, should the site no longer be utilised for the permission hereby granted, and completed in accordance with the approved timetable for completion of the works.

Reason: In the interest of visual amenity and to ensure the land is restored in an acceptable manner

- 10 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. The surface water drainage system must be designed to ensure no increased run-off from the site during and post development in all events up to the 1:100 year storm with an allowance for climate change.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 11 No development approved by this permission shall take place until a Construction Environmental Management Plan (CEMP), which sets out all pollution prevention measures and environmental management requirements for the construction phase, has been submitted to and approved in writing by the Local Planning Authority. The plan shall make particular reference to the protection of surrounding land and water environments. 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: In the interests of biodiversity and to prevent pollution of controlled waters and the wider environment.

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### INFORMATIVES

- 1 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 2 Birds may be present. 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 birdIt is recommended that the proposed development work (and any pollarding work) is not undertaken during the bird breeding season (March-August inclusive). Should this not be possible further survey work for breeding birds should be undertaken and the results submitted to the Local Planning Authority.
- 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, EV2, EV21, EV23, EV30, EV35, R11
- 4 Care should be taken during development, and should anything be uncovered likely to be associated with mining, this should be reported to the Coal Authority.
- 5 The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

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Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

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

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority) .

6 Prior to the commencement of any work on site, the developer is advised to contact NRW to clarify if a 'licence to disturb' application is required due to the presence of protected species within the vicinity of the application site.

7 The Construction Environment Management Plan identified in Condition 12 shall include the following:

- 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.

The Plan shall make specific reference to ensure that the water quality of the ditch running into the SSSI (north to south) is protected from any significant effects through appropriate pollution prevention measures.

It should also include:

- 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;

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- 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
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ITEM 3

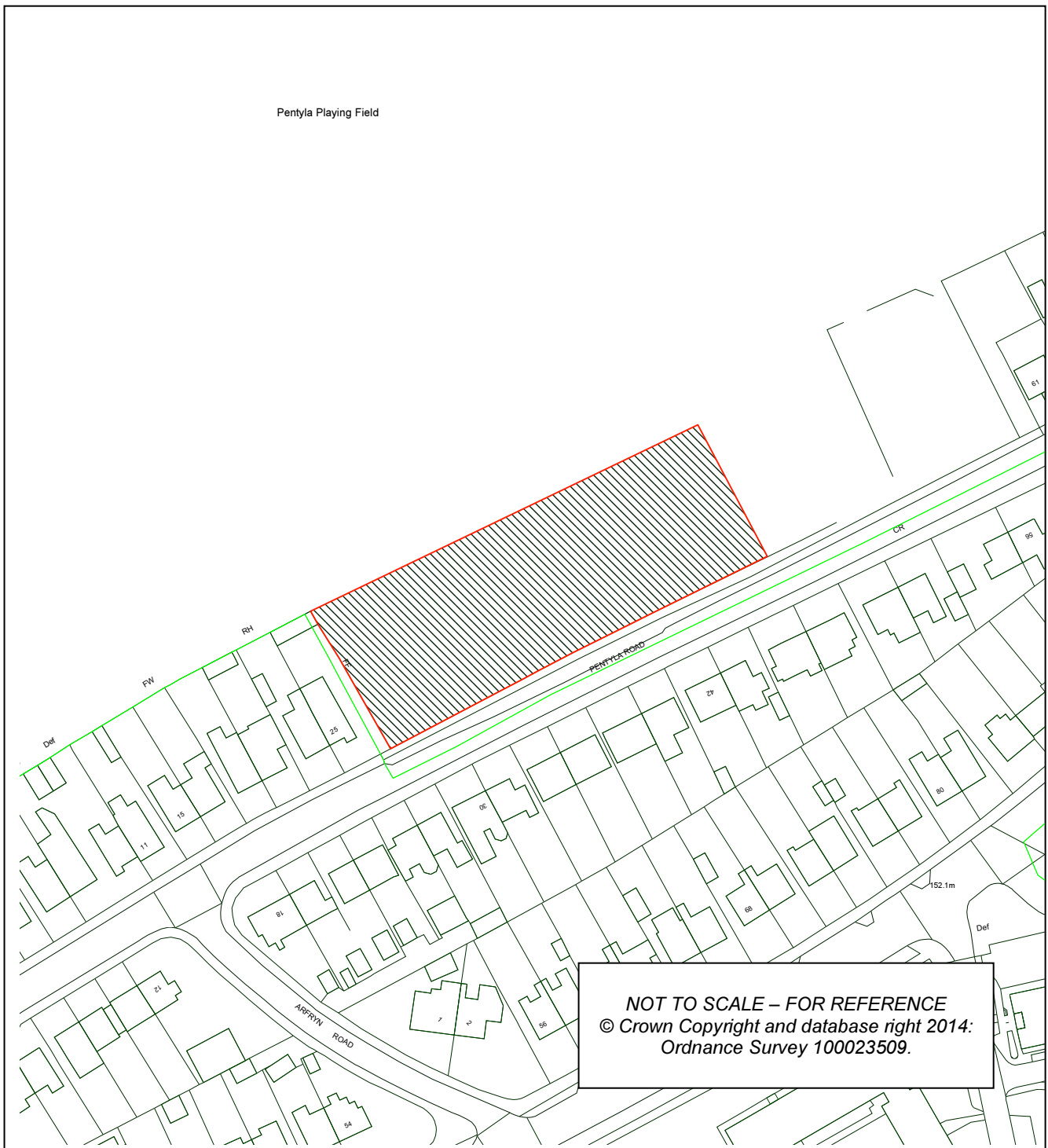
APPLICATION NO.

2015/0458

**Location:** Pentyla Playing Fields, Cockett, Swansea

**Proposal:** Construction of 8 semi-detached houses with associated off road parking (outline) (Council Development Regulation 3)

**Applicant:** Corporate Property



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ITEM 3 (CONT'D)

APPLICATION NO.

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### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
Policy HC23	Development proposals that involve the loss of land for community recreation purposes will only be permitted where they comply with a defined set of criteria. (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 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 EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy HC2	Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
A00/1087	RENEWAL OF TEMPORARY PLANNING PERMISSION REF: 97/1616 GRANTED ON 19TH MAY 1998 FOR THE SITING OF 1 NO. PORTACABIN FOR USE AS A CHANGING ROOM AND STORAGE OF FOOTBALL EQUIPMENT FOR A FURTHER PERIOD OF 2 YEARS Decision: *HGPCT - GRANT PERMISSION COND. (T) Decision Date: 10/10/2000
2006/2462	Residential development (outline) (Council Development Regulation 4) Decision: Refuse Decision Date: 23/12/2009

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ITEM 3 (CONT'D)

APPLICATION NO.

2015/0458

2007/1572 Detached dwelling (outline)  
Decision: Refuse  
Decision Date: 06/08/2008

### RESPONSE TO CONSULTATIONS

The application was advertised on site. A 122 NAME PETITION OF OBJECTION and EIGHTY LETTERS OF OBJECTION have been received, which are summarised as follows:

1. The field is Swansea's best kept secret, used and loved by its residents and wider community.
2. This is the only natural patch we have left.
3. If this proposal is approved I can see it being the thin edge of the wedge for further future development of the field.
4. It is in constant use by the local community for healthy activities.
5. The wildlife issue – to remove the hedgerow would be an ecological disaster in a microscale.
6. The road network is already stretched and we must think of the construction site traffic required.
7. Greenspace is at a premium in our city and we must all act to protect what little remains.
8. What has changed since these plans were rejected only a few years ago?
9. Movement of traffic would increase noise and disturbance for the residents in Graiglwyd Road, Pentyla or Lon Coed Bran.
10. Pentyla Field represents the perfect venue for our sporting get-together due to its location and availability.
11. Due to the lack of maintenance on the Pentyla field our football team was forced to look elsewhere but it was difficult to find another venue.
12. I object to the proposal as this field is a great area which brings 20+ friends together every Sunday to play football. There are not too many pitches we can play because the council request a permit.
13. The additional houses make no improvements to the local community and in an area deemed underprivileged you would like to take away more of the free and accessible natural land.
14. They will obstruct the view from some houses on Graiglwyd Road.
15. It will affect the football training as it's the only flat area in the field.
16. Why spoil and destruct a natural priority habitat?
17. They are a much loved and cherished greenspace.
18. It will lead to increased traffic, congestion and parking as it is a narrow road and will not cope with any more traffic.
19. The beautiful views over and the green space at the end of our garden was a major reason for us moving to our location.
20. The area was originally common land and was later gifted to the City of Swansea and the council has a duty to provide stewardship of this facility.
21. There is little or no mention of the ancient hedge that lies directly where the houses are to be built. It is the last intact stretch of the Townhill Enclosures which features in local literature.
22. Townhill is already massively short of green space per 1000 residents.
23. It is our collective responsibility to ensure that this green space is kept safe for our children.

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24. There is a massive water main beneath and moving it will cause disruption to all residents.
25. All over the city there are so many derelict sites and dilapidated buildings which need to be brought back into use.
26. The need for properties in the area given that there are already several properties for sale in the immediate area.
27. The development will mean destroying at least 60m x 100 of the long mature historic hedge which is a crucial wildlife corridor and links habitat at the hillside wildlife corridor to Cockett Park.
28. I have used the fields for about 9 years and have always encountered a problem with parking.
29. The construction will devalue any house on Graiglywd Road.
30. I do not wish to be overlooked and my privacy invaded.
31. Green spaces are extremely important part of any community and acts as a focal point for people.
32. Create a park instead.
33. Instead of taking it away, organise sports mornings or afternoon which will improve the children skills.
34. The freedom of choice is what makes this playing field special.
35. This plan is for 8 big houses not for social/affordable housing.
36. Swansea's playing fields are becoming few and far between.
37. This is a candidate site and it is premature to submit an outline application until the LDP process has been completed.
38. Only 5% of the field will be affected but it is this 5% that is the most biologically diverse.
39. The hedgerow falls under the 1997 Hedgerow Regulation legislature and is protected.
40. House sparrows and tree sparrow are in sharp decline and starling and these can be found in the hedge in Pentyla.
41. We cannot park outside our homes when the students use the Townhill campus.
42. The area isn't suitable for a building site and housing.
43. The notion that merely creating another modern hedge elsewhere on the plot is nonsense as this hedge is an urban survivor of an earlier time and is a priceless part of the community history of the Hill.
44. Drainage.
45. This proposal goes against the vision in your corporate plan.
46. It's time to put a preservation order on this piece of land.
47. Sewers are already under pressure in Pentyla Road.

**Pollution Control** – No objection subject to the following conditions and informatives:

Condition:

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

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



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ITEM 3 (CONT'D)

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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 from site related activities [see Informatives].*

### Informatives:

#### 1 Construction Noise

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

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

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

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

#### 2 Smoke/ Burning of materials

No burning of any material to be undertaken on site.

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

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

#### 3 Dust Control:

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

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

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

#### 4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on site lighting.

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**Council's Ecologist** - The majority of the Pentyla playing field is amenity grassland which will have a relatively low ecological value, the most important feature on the site is the hedge along the southern side this should be retained if possible. I don't think an ecological survey is necessary. Please include the standard bird informative.

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

**Swansea Friends of the Earth** – Comments as follows:

Have you consulted the Ecologist or anyone else in Nature Conservation as concerns have been expressed? I note the Coal Authority has objected to this application. Has a Coal Mining report been commissioned and if so are the results available?

**The Coal Authority** –

Original observations - Objects as no Coal Mining Risk Assessment has been undertaken

Amended observations (following the receipt of the MRA) – The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

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

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

A condition should therefore require:

- \* The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;
- \* The undertaking of the scheme of intrusive site investigations;
- \* As part of the reserved matters application the submission of a report of findings arising from the intrusive site investigations;
- \* As part of the reserved matters application the submission of a scheme of remedial works for the shallow coal workings for approval; and

A condition should also require prior to the commencement of development:

- \* Implementation of those remedial works.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

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**Highways Observations** - The application is for outline consent for residential development with all matters reserved. The frontage of the site currently has no footways along it and in parts the carriageway is below 5.5m width so it will be a requirement that a condition be added to set back the frontage in accordance with details to be submitted for approval to the LPA and these footways and any associated carriageway works be undertaken under a section 278 agreement.

The site is within walking distance of the frequent bus services along Townhill Road and Graiglywd Road hence meets the accessibility criteria as laid down in our guidelines.

There are no highway objections to the proposal subject to:

1. The frontage of the site being set back to allow for a full 5.5m carriageway and 2m footway along the length of the site, and that area being made up in accordance with a scheme to be agreed with the Highway Authority and funded by the Developer under a section 278 agreement.
2. Suitable off street parking provision for each dwelling
3. The construction of vehicular crossings in accordance with Highway Authority Standards and Specification.
4. The front boundary wall being kept below 1m in the interests of visibility.

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

### APPLICANT'S SUPPORTING STATEMENT

The Application Site comprises 0.29 Hectares which is some 4.79% of the overall area of 6.05 hectares within which the site sits.

The overall area is used for informal recreation and does not supply any formal sports or recreation pitches or equipment.

The site is held within the Building Services and Corporate Property Division and not by Parks and Recreation. Clearly Building Services and Corporate Property do not have a budget for any maintenance or improvement on the site. Accordingly it is felt that the best way to secure funds for the maintenance and improvement of the site is to dispose of a very small proportion of the site, a little under 5% of the overall, in order to produce a capital receipt to help maintain and improve the remaining 95% that is the great bulk of the site will be unaffected by this proposals.

Clearly the maintenance and development of the vast bulk of the informal park is beneficial to the surrounding community, particularly when balanced against loss of a very small part of the site.

## APPRAISAL

The application seeks outline planning permission for the construction of 8 dwellings on a section of the Pentyla Playing Fields which fronts onto Pentyla Road in Townhill. The site has a frontage of approx. 86 metres with a depth of approx. 30 metres. All matters relating to layout, scale, landscaping, external appearance and means of access are to be reserved for future consideration, however an indicative layout plan has been submitted which shows how the site may be developed in the form of 4 pairs of semi-detached dwellings.

The site is relatively level and has an existing open aspect to the playing fields to the rear. The residential character of the area along Pentyla Road and the surrounding streets consists predominantly of two storey dwellings. The frontage of the site to Pentyla Road is currently enclosed with a boundary hedge, although the approval of the application would dictate that the hedge is likely to be removed to allow new access points to the proposed development.

### Relevant History

On 23<sup>rd</sup> December 2009, an outline application (ref 2006/2462) for the residential development of the site was refused for the following reason:

*'The proposal to develop part of the Pentyla Playing Fields for residential development would involve the loss of designated community recreational land, and has failed to demonstrate that community facilities can best be retained and enhanced through the development of a small part of the site, or that there is an excess of provision in the area, or that a wider community benefit would arise from the proposal and as such would fail to satisfy the criteria and prejudice the policy intentions of Policy HC23 of the Unitary Development Plan.'*

Since the refusal of the planning application, an Open Space Assessment has been carried out by the Council. In addition, the applicant has indicated that the sale of this land will be used to retain and enhance the remainder of the playing field facility.

### Main Issues

The main issues for consideration relate to whether the principle of the partial residential development of a section of the Pentyla Playing Fields is acceptable after taking into consideration the provisions of the Development Plan, the impact on the character and residential amenities of the area, the traffic impact and the ecological and historic value of the hedgerow along the site frontage. There are no additional issues arising from the provisions of the Human Rights Act.

### Planning Policy

Policy EV1 of the Unitary Development Plan seeks to establish the principles of development to ensure new development shall accord with a defined set of criteria of good design and be appropriate to its local context in terms of scale, layout etc. and not result in a significant detrimental impact on local amenity. Policy EV2 indicates that the siting of new development should give preference to the use of previously developed land over greenfield sites, and must have regard to the physical character and topography of the site and its surroundings by avoiding locations that would have a significant adverse impact on landscapes, open spaces and the general locality, including loss of visual amenity.

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Policy EV2 also requires developments to take into account retaining site features including landscapes, trees and hedgerows.

Within this policy context, and as only indicative details of the residential development of the site have been submitted at this stage, it is considered that the application site could potentially accommodate the two storey residential dwellings which would be in keeping with the immediate area. Subject to the appropriate layout, scale, landscaping and external appearance of the development it is considered that the proposal would reflect the character and appearance of the area in accordance with Policy EV1. The existing residential properties along Pentyla Road consist of frontage development, and whilst the layout details of the proposed residential development are not submitted at this stage, the development of the site could respect this pattern of development. Similarly, in the absence of firm layout and scale details, it is difficult to fully assess the impact on residential amenity. However, subject to a development of an appropriate scale and design within the indicative layout, it is considered that the residential development of the site could be accommodated whilst achieving satisfactory separation distances, maintaining residential amenity levels and preventing any significant harm through overbearing, overshadowing and overlooking in accord with Policy EV2. Policy HC2 (Urban Infill Housing) of the City and County of Swansea's Unitary Development Plan indicates that proposals for housing development within the urban area will be supported where the site has been previously developed or is not covered by conflicting plan policies or proposals.

Policy HC23 of the City and County of Swansea's Unitary Development Plan is of particular relevance to this proposal. This policy indicates that development proposals that involve the loss of land for community recreation purposes, whether in public or private ownership, will only be considered favourably where:

- (i) Facilities can best be retained and enhanced through the development of a small part of the site, or
- (ii) Alternative provision of equivalent community benefit is made available, or
- (iii) There is an excess of provision in the area, or
- (iv) A wider community benefit arises, or
- (iv) The existing and potential recreational or amenity or natural heritage or historic environment value of the land is maintained.

The amplification to this policy state, that it is important to retain and improve community recreation land to maintain access to open spaces, promote healthier lifestyles and tackle health inequalities. Policy HC23 applies to land within the open countryside and also the greenspace system which has a specific recreational function. Elsewhere within the defined urban area community recreation land is identified on the Proposals Map as is the case with the Pentyla Playing Fields.

### **OPEN SPACE ASSESSMENT**

A full open space audit of the County was completed in 2010 and it was identified that Townhill ward meets the Fields in Trust (FIT) provision of 2.4ha per 1000 population. It is slightly deficient however in Areas Of Natural Green Space (ANG's) as it has 1.9ha provision per 1000 population instead of the recommended 2ha per 1000 population.

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It is recognised that the loss of this area of the playing fields would further reduce the amount of FIT and ANG provision further in the area but the amount lost is minimal and would not greatly affect the overall provision to any significant and demonstrable extent. In addition, it is considered that the loss of this section of the playing fields would not prejudice the use of the remainder of the field for the leisure activities that are currently carried out or affect the existing access for the public into the playing fields.

At present the playing fields are not being maintained by the Council due to budgetary restraints and this has been remarked upon by one of the objectors. Whilst any loss of any FIT and ANG provision in the area is unfortunate, an amount of money from the revenue created from the sale of the land would be put to good use in improving the rest of the field for any current and future users thus safeguarding it for the future. The applicant has made a statement to this effect and it is recommended that a condition be imposed to ensure that this is carried out.

When assessed against the requirements of Policy HC23, the proposal to develop part of the site would involve the loss of land for community recreation purposes but it is considered that the proposals would, on balance, satisfy the overall criteria set out in Policy HC23 as the proposal ensures that “facilities can best be retained and enhanced through the development of a small part of the site”.

The proposal will not make available alternative provision of equivalent community benefit (HC23(ii)) nor is there an excess of provision on the area or that the proposal would provide (HC23(iii)). However the loss of the small section of land will have a wider community benefit (HC23(iv)) which allows the existing and potential recreational or amenity to be maintained (HC23(v)). The proposal would involve the loss of the existing hedgerow on the site at present, but it is considered that a scheme for the site could involve keeping sections of the hedgerow if the new accesses are punched through it. This would then be considered to maintain the natural heritage or historic environment value of the land.

Many objections have been raised concerning the loss of this hedgerow which is reported to be an ancient hedgerow that formed part of the Townhill Enclosures and was formed as part of the 'Townhill and Burrows Enclosure Act' in 1762. Whilst it is recognised that the hedgerow has been in situ for many years, the hedgerow is not an ancient, species-rich hedgerow and comprises a near-monospecific line of young Hawthorns, which would have been planted in more recent times. Moreover, to qualify as an 'Important Hedgerow' under the Hedgerow Regulations 1997, seven qualifying woody species would be required, and only one qualifying woody species (i.e. Hawthorn) is present in the hedgerow. It is considered therefore that the hedgerow is not protected under the Hedgerows Regulations 1997 and the Council's Ecologist has recognised that this is the case. He has recommended that an Ecological survey of the site is not required and has recommended that a standard bird informative is imposed. He has commented that the hedge should be retained if possible but has not objected to its loss. As previously discussed, this could not be successfully achieved in full but sections of it could potentially be retained as part of a sensitively designed scheme.

Policy EV30 indicates that developers will be required to retain existing hedgerows wherever practicable and to include appropriate means of enclosure, and planting in all new developments.

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To ensure overall compliance with this Policy, a condition is recommended that requires any future developer to include the retention of as much of the existing hedge as possible as part of a landscaping scheme and also planting additional hedgerow within the development to increase the ecology of the site.

Comments have been made that the site is crossed by a main sewer. However, Dwr Cymru Welsh Water has raised no objection to the proposal subject to standard conditions and informatives. They have advised that the site is close to a mains line but this would appear to run under the very south of the site. They have recommended that the applicant be advised of this and that they are contacted prior to any development being undertaken. An informative to this effect is therefore recommended.

### **Highways & Safety**

The Head of Transportation and Engineering indicates that the frontage of the site currently has no footways along it, although the site is within walking distance of the frequent bus services along Townhill Road and Graiglwyd Road which would allow the site to be accessible. There are no highway objections to the proposal subject to the frontage of the site being set back to allow the construction of the footway, the provision of suitable off street parking provision for each dwelling and the construction of vehicular crossing points.

### **Response to Consultations**

The issues raised by the objectors have been addressed above in the main body of the report.

### **Conclusion**

Having regard to all material planning considerations, including the Human Rights Act, it is considered that the proposal to develop part of the site for residential development would not conflict with the overall requirements of Unitary Development Plan Policy HC23 to an unacceptable degree. It is considered that the loss of this small part of the overall playing fields would safeguard the rest of the fields for leisure uses and ensures that some leisure facilities can be retained and enhanced through the development of a small part of the site. On balance therefore it is considered that the proposals satisfy the criteria specified in Policy HC23 of the Unitary Development Plan, together with those within Policies EV1, EV2, EV30 and HC2 of the City and County of Swansea's Unitary Development Plan 2008 and approval is recommended.

## **RECOMMENDATION**

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

- 1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To ensure that the development is carried out in an orderly and satisfactory manner.

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- 2 Detailed plans and drawings with respect to the matters reserved in condition (01) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.  
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.
- 3 The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 4 The development shall be carried out in accordance with the following approved plans and documents: Site location plan received 13th March 2015.  
Reason: To define the extent of the permission granted.
- 5 No development shall take place until a scheme for the enhancement and maintenance of Pentyla Playing Fields, together with a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.  
Reason: To ensure the retention and improvement of community recreation land
- 6 No development shall commence until further intrusive site investigations have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. If the site investigations confirm the need for remedial works to treat the mine entries and areas of shallow mine workings, the remedial works identified must be undertaken prior to the commencement of the development.  
Reason: To ensure the safety and stability of the proposed development.
- 7 No development shall take place until a Construction Pollution Management Plan (CPMP) has been submitted to and approved in writing by the Local Planning Authority. The CPMP shall be implemented in accordance with the approved details and 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;

- Continued -



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

Reason: In the interests of general amenity

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

Reason: To protect the integrity of the Public Sewerage System.

- 9 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.

- 10 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.

- 11 Before the development hereby approved is occupied, a scheme for enclosing the boundaries of the site and the individual curtilages of all dwellings, including a scheme to retain as much of the existing hedgerow along the site frontage as practicable, shall be submitted to and approved in writing by the Local Planning Authority. No individual dwelling shall be occupied until the means of enclosure for that dwelling has been completed in accordance with the approved details.

Reason: In the interests of visual amenity and general 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, HC2, EV30, HC23

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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.

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

4 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.

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5 The development of the site with the water main located as shown on the attached plan will involve certain Dwr Cymru Welsh Water conditions which must be strictly adhered to. These are:-

1. No structure is to be sited within a minimum distance of 6 metres from the centre line of the pipe. The pipeline must therefore be located and marked up accurately at an early stage so that the Developer or others understand clearly the limits to which they are confined with respect to the Company's apparatus. Arrangements can be made for Company staff to trace and peg out such water mains on request of the Developer.
2. Adequate precautions are to be taken to ensure the protection of the water main during the course of site development.
3. If heavy earthmoving machinery is to be employed, then the routes to be used in moving plant around the site should be clearly indicated. Suitable ramps or other protection will need to be provided to protect the water main from heavy plant.
4. The water main is to be kept free from all temporary buildings, building material and spoil heaps etc.
5. The existing ground cover on the water main should not be increased or decreased.
6. All chambers, covers, marker posts etc. are to be preserved in their present position.
7. Access to the Company's apparatus must be maintained at all times for inspection and maintenance purposes and must not be restricted in any way as a result of the development.
8. No work is to be carried out before this Company has approved the final plans and sections.

These are general conditions only and where appropriate, will be applied in conjunction with specific terms and conditions provided with our quotation and other associated documentation relating to this development.

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

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.

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ITEM 3 (CONT'D)

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- 8 The developer is advised that the Welsh Government have introduced 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.
- 10 With regard to condition 5, the developer is advised that the Local Planning Authority will look for the written agreement to be in the form of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended).
-

**PLANNING COMMITTEE – 14<sup>TH</sup> JULY 2015**

**ITEM 4**

**APPLICATION NO.**

**2015/0701**

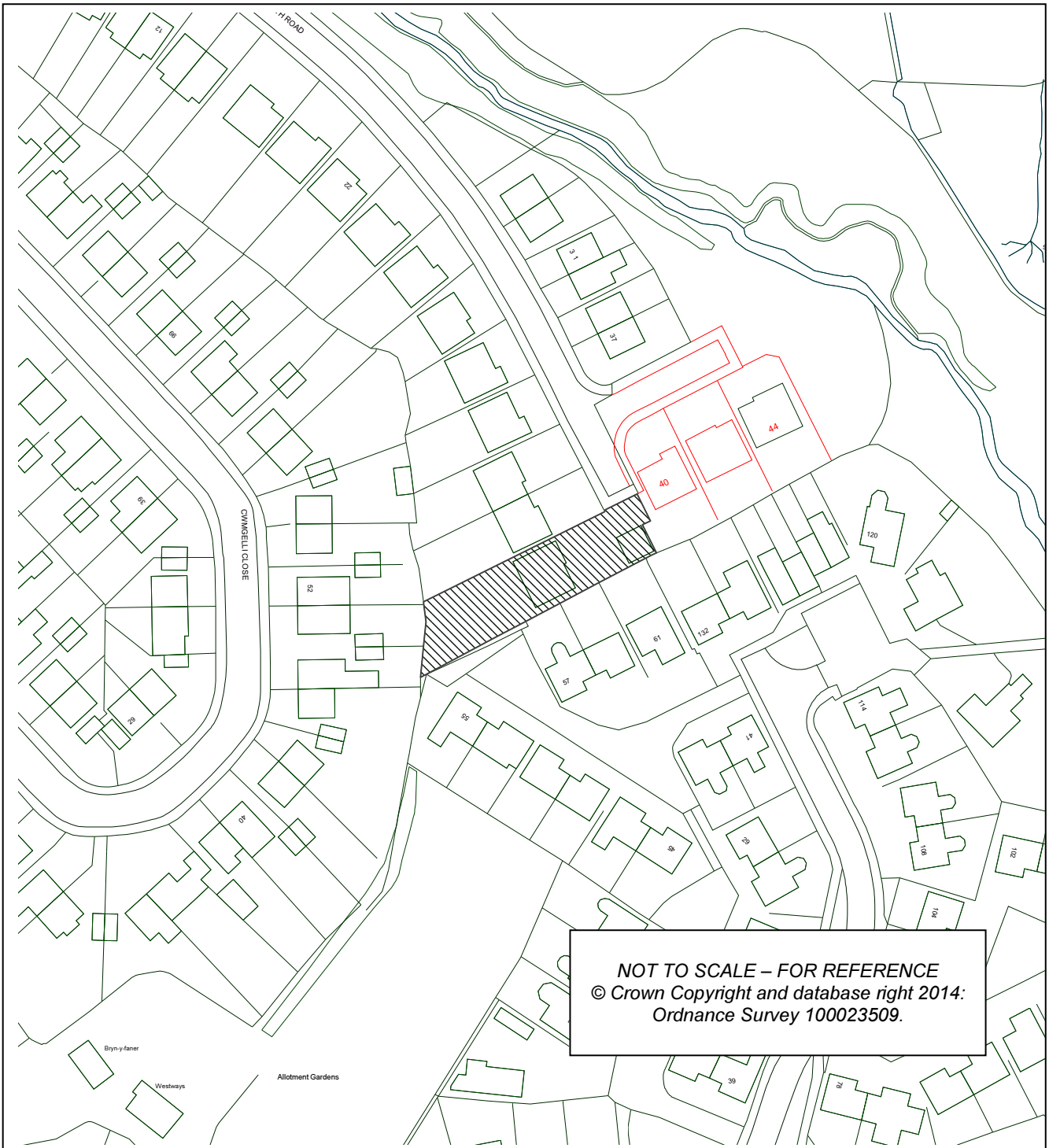
**WARD:**

**Mynyddbach**

**Location: Plot 22 Ladysmith Road Treboeth Swansea SA5 9DL**

**Proposal: Retention and alteration of detached dwelling house and garage on Plot 22.**

**Applicant: Mr Jonathan Hale**



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ITEM 4 (CONT'D)

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### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy HC2	Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2007/0230	Residential development comprising 31 dwelling houses with new access road and associated landscaping Decision: Refuse Decision Date: 15/01/2008 Appeal Allowed : 21/7/2008
2008/2003	Revised house types to plots 1 to 3 and 31 and deletion of plot 4 (amendment to planning permission 2007/0230 granted at appeal 21st July 2008) Decision: Grant Permission Conditional Decision Date: 12/03/2009
2010/0553	Three pairs of semi-detached dwellings to plots 5 to 10, access road and associated works (amendment to planning permission 2007/0230 granted at appeal 21st July 2008) Decision: Grant Permission Conditional Decision Date: 19/10/2010

## PLANNING COMMITTEE – 14<sup>TH</sup> JULY 2015

ITEM 4 (CONT'D)	APPLICATION NO.	2015/0701
2012/0580	Amended plot layout and amended house types on plots 18,19, 21 and 30 (approved plots 19 - 22) (amendment to planning permission 2007/0230 granted on appeal on 21st July 2008) Decision: Grant Permission Conditional Decision Date: 10/08/2012	
2013/1304	Retention of dwelling on plot 22 (approved plot 23) (Amendment to Planning Permission 2007/0230) Decision: Refuse Decision Date: 09/12/2013 Appeal Dismissed: 29/5/2014	
2014/0892	Retention and alteration of detached dwelling house on Plot 22 (amendment to planning permission 2007/0230 granted on appeal 21st July 2008) Decision: Refuse Decision Date: 28/08/2014 Appeal Dismissed: 12/1/2015	

### RESPONSE TO CONSULTATIONS

#### ORIGINAL SCHEME

The application was advertised by site notice and eleven individual properties were consulted. SIX LETTERS OF OBJECTION have been received, which are summarised as follows:

1. The sweeping views we had from our front bedroom window and living room have been replaced with the view of plot 22.
2. The rear bedroom of plot 22 has full view into our living room and we have to constantly tilt the blinds denying us any real natural sunlight.
3. They have been refused on 2 prior attempts to gain planning permission.
4. The drawing excluded the conservatory on 57 Gelli Aur and was one of the reasons the Appeal was dismissed because the property being overbearing.
5. I fail to understand how the roof alterations proposed satisfy the Welsh Inspectors conclusions.
6. How has this case has been allowed to continue with no action taken?
7. Taking the roof off plot 22 doesn't alter the 8m distance to my conservatory.
8. Closeness of proximity of the dwellings of plots 22 (is numbered 23 on approved plan 2007/0230) in relation to the residents properties at Gelli Aur.
9. Visually intrusive height, causing loss of natural light, loss of privacy, visual impact, and overbearing.
10. Incorrect positioning i.e. inappropriateness to local context and potential impact to properties in Gelli Aur.
11. The only way to reduce the impact would be to reduce height to a bungalow or move it to where it should have been built.
12. The difference from the last planning submission is insignificant.

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ITEM 4 (CONT'D)

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

Highways Observations - The garage as built is of inadequate size to allow for car parking in accordance with our adopted standards. Notwithstanding that there is adequate parking available on drive to support the residential dwelling.

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

1. Permitted development rights being removed with respect to the garage.
2. The parking areas as indicated being retained for parking purposes only in perpetuity.

**AMENDED SCHEME** (where the design of the whole dwelling has been amended to include a single storey element)

The application was advertised on site and eleven individual properties were again consulted. FIVE LETTERS OF OBJECTION have been received, which re-iterate previous comments made.

**Highways Observations** – No further comments

### APPRAISAL

Full planning permission is sought for the retention of and alterations to the dwelling constructed on plot 22 (approved plot 23) at the Hale Homes development on Ladysmith Road, Treboeth. The dwelling is completed and occupied but has not been built in accordance with the originally approved scheme (Ref.2007/0230) which was allowed on appeal in July 2008. The current scheme has been submitted to amend the house type on this plot in order to overcome the previous reasons for refusal and the Planning Inspector's reasons for the dismissal of the previous Appeals.

The application site has been subject to a number of further planning applications firstly, to retain the dwelling as built (2013/1304 refers) which was refused planning permission at Area 1 Planning Committee on 3rd December 2013 and dismissed at appeal on 29th May 2014 on the grounds of impact upon the residential amenities of neighbouring occupiers. A subsequent amended application (2014/0892 refers) which included the introduction of a partial hipped roof to the roof section nearest to the properties in Gelli Aur was also refused planning permission and subsequently dismissed at appeal in January 2015.

In this most recent appeal decision the Inspector held the view that the amended proposal by virtue of its siting, height and bulk would result in an oppressive and overbearing form of development that would have an unacceptable impact on the living conditions of the occupiers of Nos.57 and 59 Gelli Aur.

The current application was due to be considered by Planning Committee on 9<sup>th</sup> June 2015. However, the application was deferred to allow amended plans to be submitted. The scheme under consideration is now considered to be significantly different to the schemes previously submitted. The current proposal involves the removal of a 4m wide section of the first floor of the dwelling nearest to the common boundary with nos. 57 and 59 Gelli Aur, to facilitate the construction of a single storey section with accommodation in the roof space with an eaves height of approximately 2.7m and a maximum overall height of 7m.



## PLANNING COMMITTEE – 14<sup>TH</sup> JULY 2015

ITEM 4 (CONT'D)

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The two storey element of the dwelling is now approximately 5m away from the common boundaries with these properties and the overall ridge height would be reduced from 9.6m to 9m. The front gable feature on the dwelling will be handed and sited on the right side of the dwelling next to plot 19 (36 Ladysmith Road) instead of the left side.

The main issue to consider in this instance, therefore, relates to whether the amendments to the dwelling now proposed would sufficiently address the acknowledged harm to the residential amenities of neighbouring occupiers. In view of the amendments proposed to the roof of the dwelling, consideration must also be given to the impacts of the proposal on the character and appearance of the area as well as the consideration of any impact on parking and highway safety.

The relevant City and County of Swansea Unitary Development Plan (UDP) Policies are EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility) and HC2 (Urban Infill Housing). Moreover, the Supplementary Planning Guidance (SPG) 'Places to Live: Residential Design Guide' is also a material consideration to this application.

### **Visual Amenity**

With regard to the proposed changes to the roof design, currently the dwelling has a duo-pitched gable roof with a front gable that accommodates a window serving a bedroom within the roof void. The proposed amendment would materially alter the appearance of the dwelling by the removal of a 4m wide section of the first floor of the existing dwelling to facilitate the reduction to a single storey section with accommodation in the roof space. This section would have an eaves height of approximately 2.7m and a maximum overall height of 7m and would lie adjacent to the boundary with Nos. 57 and 59 Gelli Aur. In addition, the overall height of the dwelling is being reduced from 9.6m to 9m and the existing front gable roof feature would be handed and built adjacent to Plot 19 (no.36 Ladysmith Road).

The design of the dwelling would now reflect other similar designs with the overall development (e.g. plot 24 Scheme Design Type D) and is considered to be in keeping with the character and appearance of the street scene and would not appear overly prominent or as an incongruous feature.

In terms of the minor alterations to the fenestration and the provision of quoin details, these elements were considered to be acceptable in visual amenity terms when the planning applications were previously considered. The siting, scale and design of the garage as built has previously been regarded as acceptable and there has been no material change in circumstances in this instance.

In light of the above it is considered that the proposed alteration to the dwelling is acceptable and would not have a detrimental impact on the character and appearance of the area. As such the proposal is considered to be satisfactory in terms of its visual impact having regard to the provisions of Policies EV1, EV2 and HC2 of the City and County of Swansea's Unitary Development Plan 2008

**Residential Amenity**

The previous appeal Inspector (Planning Application Ref. 2014/0892) noted that the Council's adopted SPG 'Places to Live: Residential Design Guide' requires a minimum distance between dwellings of 15 metres in a back to side situation, whilst the dwelling as built has a separation distance of 12.2 metres to the rear of No. 59 Gelli Aur and 8 metres from the conservatory to the rear of No. 57. The Inspector acknowledged that whilst the SPG is generic and should be applied reasonably to the individual circumstances of the development, it provided a useful benchmark for considering the reduction in separation distance. In this case, the separation distance was considered by the Inspector to be unacceptable, as the height and bulk of the resultant building would appear oppressive and overbearing when viewed from the habitable rooms and rear garden of No. 57 and that due to the topography this impact would be greater when viewed from the same areas of No. 59. Whilst the Inspector acknowledged that the amended scheme represented an improvement, the scale of the elevation was still considered to dominate the outlook from habitable rooms and the rear garden areas of these dwellings.

The main issue to consider, therefore, is whether the reduction in the eaves and ridge height of the 4m section closest to the boundary with nos. 57 and 59 Gelli Aur and the overall reduction in height would sufficiently mitigate the impact of the development on residential amenities of these occupiers to an acceptable degree.

In this respect it should be recognised that the scale of the wall along the elevation facing No. 57 and 59 Gelli Aur that is now being proposed is greatly reduced. It is considered that the reduction in the mass of the dwelling at this point represents a considerable improvement upon the previous schemes in terms of amenity impact, and although the distances between the dwellings would not have changed, the two storey element would now be 16m from the neighbouring properties (11.8m from the rear conservatory at no. 57). The originally approved plan had the two storey dwelling sited 14m from the dwellings in Gelli Aur (9.8m from the rear conservatory at No. 57). It is considered that the resultant building would not now dominate the outlook from habitable rooms and the rear garden areas of Nos. 57 and 59 Gelli Aur to a degree that would warrant a recommendation of the refusal of the current proposal. It is considered therefore, that the revised scheme would not appear unacceptably overbearing when viewed from these properties.

In terms of overlooking of Nos. 61 and 132 Gelli Aur the original Planning Inspector (Planning Application Ref: 2013/1304) noted that whilst some overlooking would be possible, by virtue of the siting and orientation of No 22, he did not consider such an impact to be so significant so as to materially detract from the living conditions of the occupiers. Similarly he did not consider the levels of natural light or outlook to be materially affected and that all other properties in the area would be sited within a sufficient distance or at such an angle that no significant harm would be caused. Moreover, the original Inspector held the view that the re-siting of the garage on plot 22 some 3.2 metres from the approved siting and around 0.4 metres closer to the dwellings on Gelli Aur would not have any significant overbearing impacts by virtue of its single storey height and roof design. Having regard to the above it is not considered there are any material reasons to depart from the Inspector's views on these matters.

## PLANNING COMMITTEE – 14<sup>TH</sup> JULY 2015

ITEM 4 (CONT'D)

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### **Access and Highway Safety**

Access is derived off Ladysmith Road and adequate parking is being retained for the dwelling. The Head of Highways and Transportation has raised no objection to the proposal subject to the garage remaining for the parking vehicles in association with the dwelling. The development is therefore in accordance with UDP policies EV3 and HC2 in this respect.

### **Response to consultations**

The issues raised by the objectors in terms of visual and residential amenity have been addressed above in the main body of the report and the submission of the amended house type of the plot. It is also acknowledged that enforcement action has not been taken. The Authority is rightly awaiting the outcome of the current proposal before considering how best to proceed and, whilst this may be frustrating for the objectors, the Local Planning Authority is following the appropriate guidelines and procedures in this matter.

### **Conclusion**

In conclusion and having regard to all material considerations, including the Human Rights Act, it is considered that the proposal would represent an acceptable form of development which would not be detrimental to the visual amenities of the area and it is considered that the alterations to the design of the dwelling, as proposed would overcome the previous reasons for refusal and the concerns of both previous Planning Inspectors with regards to the impact upon the residential amenities of the neighbouring occupiers. It is considered therefore that the proposal complies with the requirements of Policies EV1 and HC2 of the City and County of Swansea's Unitary Development Plan 2008 and approval is recommended.

### **RECOMMENDATION**

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

- 1 The development shall be carried out in accordance with the following approved plans and documents: site plan, site location plan, 1401-05 as built garage plans, sections and elevations received 2nd April 2015, layout plans received 15th June 2015, amended elevations received 24th June 2015.  
Reason: To define the extent of the permission granted.
- 2 The garage shall be used for the garaging of vehicles and purposes incidental to that use in perpetuity and shall not be converted to or used as ancillary living accommodation.  
Reason: In the interests of highway safety.

### **INFORMATIVES**

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

**PLANNING COMMITTEE – 14<sup>TH</sup> JULY 2015**

ITEM 4 (CONT'D)

APPLICATION NO.

2015/0701

3 STANDING ADVICE - DEVELOPMENT LOW RISK AREA

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

Further information is also available on The Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

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

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

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PLANNING COMMITTEE – 14<sup>TH</sup> JULY 2015

ITEM 5

APPLICATION NO.

2015/0952

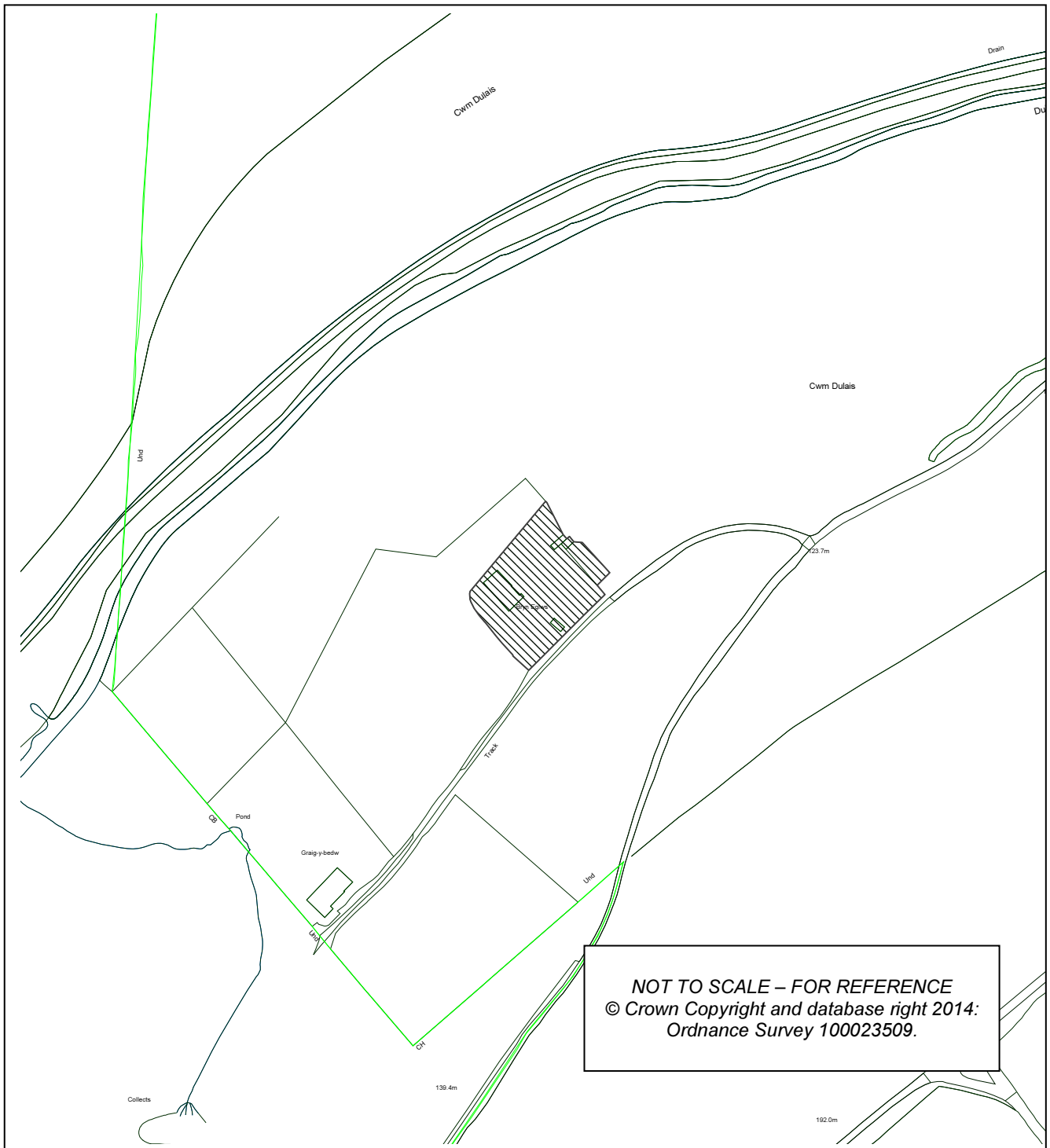
WARD:

Mawr

**Location:** Bryneglur Bryn Eglws Felindre Pontarddulais Swansea SA4 8NS

**Proposal:** Replacement dwelling

**Applicant:** Mr Owen Williams



## PLANNING COMMITTEE – 14<sup>TH</sup> JULY 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2015/0952

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy 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)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2014/1257	Replacement dwelling Decision: Refuse Decision Date: 11/12/2014 Appeal being considered
LV/84/0073/01	REPLACEMENT DWELLING HOUSE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 27/03/1984

#### **RESPONSE TO CONSULTATIONS**

The application was advertised on site as a departure to the provisions of the development plan. No responses have been received.

Other consultation responses:

#### **Highway Observations**

No comments received to date.

## PLANNING COMMITTEE – 14<sup>TH</sup> JULY 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2015/0952

### Health and Safety Executives

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

### Dwr Cymru Welsh Water

As the applicant intends utilising a septic tank facility we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

### Planning Ecologist

The building has been subject to a bat survey. No evidence of bat use was found. As a precaution it is recommended bat and bird informatives are included in any permission we give.

## **APPRAISAL**

This application seeks planning permission for a replacement dwelling at Bryn Eglur, Bryn Eglws, Felindre.

The application dwelling is an extended single storey bungalow sited in an isolated location in the countryside accessed off a rural track. The nearest dwelling, Graig-y-Bedw is located some 130m to the south west of the site. The application site is broadly rectangular in shape and forms a gently sloping plateau on the southern side of the valley. There are a number of trees in and around the site which screen the existing property from views from the access track to the south and wider views from the north and east. The western boundary of the site is generally open in nature and allows expansive views of the wider valley to the west.

Planning permission was refused last year for a replacement dwelling on the site (see Planning Ref: 2014/1257) for the following reason:

*The proposed development by virtue of its scale, character and dormer bungalow design does not reflect the dwelling it is to replace and would not be appropriate to its rural context. The proposal is considered to have a significant detrimental impact on the character and appearance of this rural area contrary to Policies EV1 and EV19 of the City and County of Swansea Unitary Development Plan (2008).*

In order to address this reason for refusal the applicant has significantly re-designed the dwelling to provide a more traditional two storey double fronted property.

It should be noted that the applicant has lodged an appeal with the Planning Inspectorate following the refusal of the 2014 application. A decision on the appeal has not yet been issued.

### **Main Issues**

The main issue for consideration is the impact of the development on the character and appearance of the area. As the dwelling is sited in an isolated rural location the proposal would not result in any significant residential amenity impacts. Moreover, whilst the formal observations of the Head of Highways and Transportation have not been received to date, on the basis of the Highways observations on the previous planning application where no objections were raised subject to the submission of a parking layout, it is not considered the proposal would raise any significant access, parking or highway safety issues, subject to a condition requiring details of a parking layout for three cars.

### **Policy Context**

The main UDP policy relevant to the consideration of this proposal is Policy EV19 (Replacement Dwelling). This policy states that replacement dwellings in the countryside will only be permitted where:

- (i) The residential use has not been abandoned;
- (ii) The proposed new dwelling is similar in terms of its siting, scale, design and character with the dwelling it is to replace; and
- (iii) The development complements the character of the surrounding area.

In relation to criterion (i), whilst the dwelling is in a poor state of repair and is currently unoccupied, the residential use on the site has not been abandoned having regard to the criteria set out in the amplification to the policy.

In relation to criterion ii and iii, UDP policies EV1 (Design) and EV2 (Siting and Location) are also relevant and seek to ensure that new development is appropriate, inter alia, to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, etc. The amplification to EV1 states that to protect the character of the County's countryside, particularly Gower AONB and the upland fringes around Mawr, proposed development in rural areas will need to preserve, and where possible enhance, the environment through its location, scale and design. Schemes can assimilate into the landscape and village settlement pattern by giving careful consideration to design, materials, particularly in relation to scale, proportion, texture and colour, which reflect local character and relate sympathetically to existing development and surrounding landscape. All developments are required to provide satisfactory access and parking provision in accordance with EV3.

Also of general relevance to the proposal is the supplementary planning guidance (SPG) Gower AONB Design Guide (2012). The SPG relates specifically to Gower AONB but provides useful guidance to the consideration of new development in a countryside context.

### **Visual Amenity**

The existing dwelling on the site comprises a small single storey dwelling that has been extended to a maximum footprint of some 14m x 8m with a ridge height of some 4.1 metres. The proposed dwelling is designed as a two storey dwelling based on the design of an extended traditional double fronted rural dwelling.



## PLANNING COMMITTEE – 14<sup>TH</sup> JULY 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2015/0952

The main body of the dwelling has a simple balanced façade with a single storey monopitch projection to the left hand side and a subservient two storey extension on the right hand side that is set down from the ridge line and set back front the main front elevation. A central storm porch faced in stone would provide a focal point for the front elevation. At the rear a two storey gable breaks up the width of the rear façade and larger areas of glazing are proposed to take advantage of the expansive views afforded from the site. The external materials for the dwelling comprise of rendered external walls, save for the porch, a slate roof and upvc windows and doors.

The siting of the proposed dwelling and its footprint would be similar to the existing dwelling, however, the scale of the property would not be similar within the meaning of criterion ii of EV19. In this respect the application has been advertised as a departure to the development plan.

The proposed dwelling would achieve a ridge height of 7.8m, some 3.7m higher than the existing bungalow. It would be more widely visible from the surrounding rural lanes and wider landscape views from the west and north west. The proposal would therefore have a greater visual impact than the existing building. It is recognised that the height of the existing building is very low by modern design standards, even for a single storey property, as such it is accepted that any replacement dwelling on this plot would likely have a greater visual impact than existing. For this reason, the design of the development must be carefully considered.

The broad aim of EV19 is to avoid the replacement of rural dwellings with inappropriate new development that detracts from the character of the countryside. In this instance the traditional design of the dwelling would ensure that despite the increased scale of the building, its size would not be excessive and its wider landscape impact would not be significant. The design of the dwelling would assimilate well within the surrounding rural context and the proposal would not therefore have a significant detrimental impact on the character and appearance of this countryside location. In light of the above the proposed development is considered to be an acceptable departure to the provisions of EV19.

It is noted there are a number of trees and hedges within and bordering the application site some of which have been removed. In order to provide additional screening to the development from wider views and to further assimilating the dwelling into the surrounding countryside it is recommended that a condition is placed on any planning permission requiring details of landscaping scheme which shall include additional tree planting along the south eastern and south western boundaries together with measures for the protection of existing trees on the site during construction.

### **Other Matters**

The existing building has been surveyed for bats. The surveyor found no evidence of bat use as such it is recommended bat and bird informatives are included with any planning permission.

The site is located within the consultation distance of a high pressure gas pipeline. The HSE offers no objection to the application on safety grounds as such the application does not raise any significant concerns in this respect.

## PLANNING COMMITTEE – 14<sup>TH</sup> JULY 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2015/0952

The site currently has non-mains drainage and it is proposed to install a septic tank to treat foul water. Dwr Cymru Welsh Water have advised that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. This can be included as an informative, should planning permission be granted.

Surface water is proposed to be discharged to a soakaway which is considered to be acceptable in principle. In view of the size of the site available to accommodate infiltration drainage it is not considered necessary to require further drainage information by condition. This matter can be dealt with through Building Regulations.

### Conclusion

The proposed development is considered to be acceptable in terms of its impacts on the character and appearance of the area and would constitute an acceptable departure to the provisions of UDP Policy EV19 of the City and County of Swansea Unitary Development Plan. It is not considered the provisions of the Human Rights Act would raise any further material planning considerations as such the application is recommended for approval.

### RECOMMENDATION

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 'Site Location Plan' received 5th May 2015. 'Proposed Elevations and Plans' received 1st June 2015. 'Block Plan' received 3rd June 2015.  
Reason: To define the extent of the permission granted.
- 3 No demolition or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping the site. The scheme shall include the provision of a minimum of four new native trees to be planted on the south eastern and south western boundaries. The scheme shall also include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.  
Reason: To ensure satisfactory landscaping at the site in the interests of visual amenity.

## PLANNING COMMITTEE – 14<sup>TH</sup> JULY 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2015/0952

- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure satisfactory landscaping at the site in the interests of visual amenity.
- 5 Before the development hereby approved is occupied the means of enclosing the boundaries of the site shall be completed in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity.
- 6 Notwithstanding the details indicated in the approved plans, the materials used for the external surfaces of the development shall be in accordance with details submitted to and approved in writing by the local planning authority before any superstructure works commence.

Reason: In the interests of visual amenity.
- 7 Prior to any superstructure works taking place details of a parking layout for the development which shall include the provision of three parking spaces shall be submitted to and approved in writing by the local planning authority. The parking layout shall be implemented in accordance with the approved details prior to the occupation of the dwelling and shall be retained as such in perpetuity.

Reason: To ensure satisfactory parking provision for the development in the interests of highway safety.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Classes A and B of Part 1 of Schedule 2 shall not apply.

Reason: To ensure the design and scale of the development is not adversely effected by uncontrolled extensions.

### 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, EV19.

## PLANNING COMMITTEE – 14<sup>TH</sup> JULY 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2015/0952

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

#### 4 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

- 5 As the applicant intends utilising a septic tank facility we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.
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PLANNING COMMITTEE – 14<sup>TH</sup> JULY 2015

ITEM 6

APPLICATION NO.

2015/0570

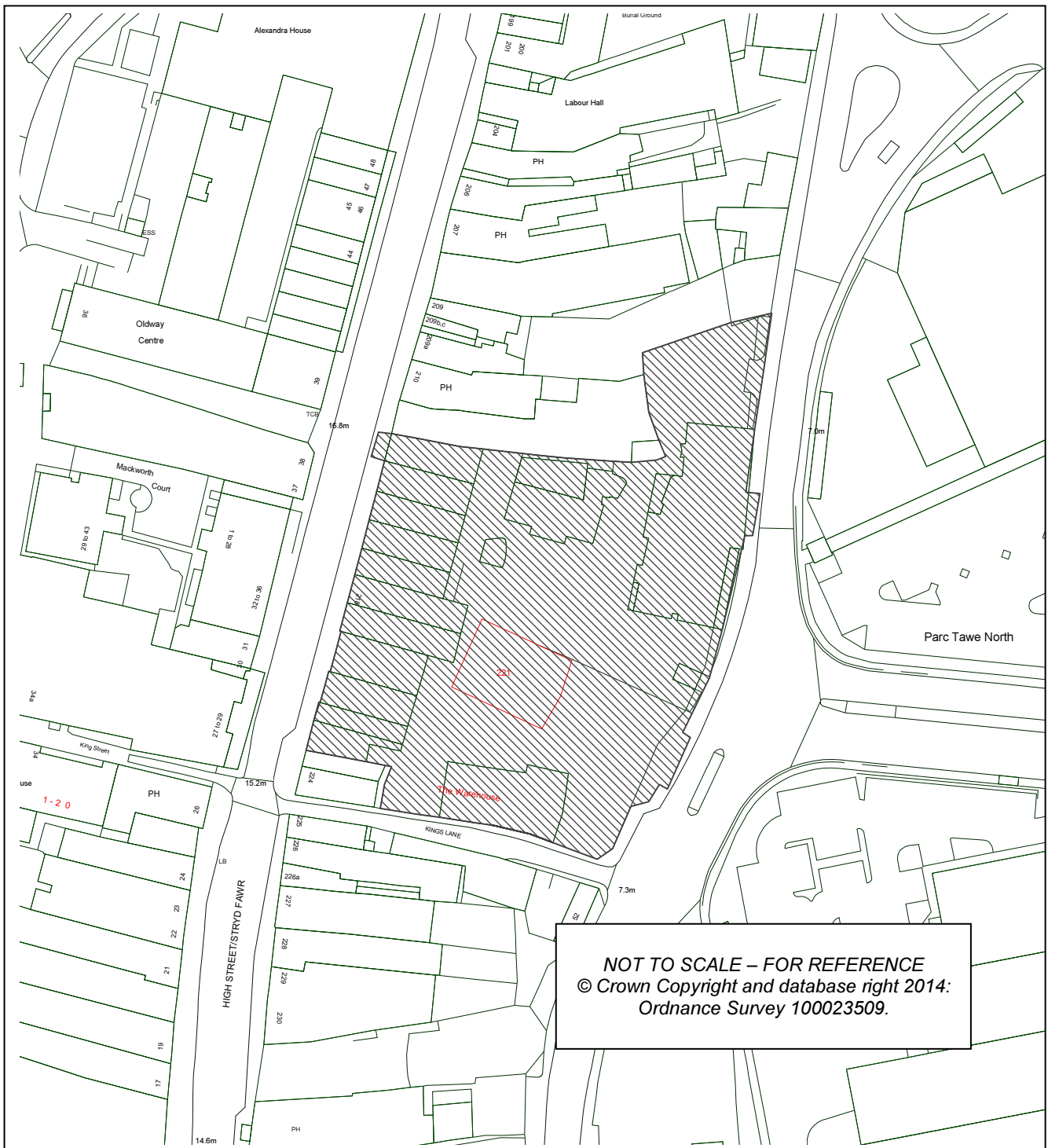
WARD:

Castle

**Location:** Urban Village development, 212-222 High Street, Swansea, SA1 1NN

**Proposal:** Urban Village Mixed Use Development. Variation of condition 9 of planning permission 2009/1851 granted 31 March, 2010 to vary the proportion of affordable housing to be provided in the development from 100% to reflect Council's policy (30%).

**Applicant:** Coastal Housing Group



## PLANNING COMMITTEE – 14<sup>TH</sup> JULY 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2015/0570

### **BACKGROUND INFORMATION**

#### **RELEVANT DEVELOPMENT PLAN POLICIES**

- 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)

#### **RELEVANT PLANNING HISTORY**

- 2009/1851 Mixed use redevelopment comprising:  
Construction of part 4 storey/part 5 storey block to High Street incorporating up to 9 no. ground floor retail (Class A1) and food and drink units (Class A3), first, second and fourth storey offices (Class B1) and third storey residential (Class C3) or alternative first and second storey residential (Class C3); Construction of 6 storey central residential block (Class C3); Construction of part single storey part 3 storey extension to northern elevation and single storey extension to western elevation and external alterations to Kings Lane warehouse and use of building for creative cluster activities or office use (primarily Class B1 and ancillary uses); 3 storeys of car parking to The Strand elevation incorporating creative cluster block with first and second floor venue (Class A3/D2) and creative cluster activities (primarily Class B1 and ancillary uses) or alternative office use (Class B1), with 4 storeys of creative cluster activities or office use above (primarily Class B1 and ancillary uses) or alternative residential use (Class C3); Construction of part 9 storeys part 10 storeys residential block above 3 storey car park; Single storey bike store/substation enclosure; Enclosed refuse store; Associated infrastructure works, means of enclosure and landscaping.  
Planning Permission 31 March, 2010
- 2014/0328 Construction of 5 storey block with roof accommodation (incorporating mezzanine/plant room within roof void), comprising lower ground floor restaurant/coffee shop (Class A3), with 5 storeys for creative cluster activities or office use (primarily Class B1 and ancillary uses), external alterations to existing Kings Lane warehouse and use of building for creative cluster activities or office use (primarily Class B1 and ancillary uses) over 3 floors with new bridge/walkway linking the northern elevation to High Street level, creation of lower level courtyard public open space and temporary extension of car parking area at The Strand level; associated infrastructure works, means of enclosure and landscaping.  
Planning Permission 24 June, 2014

## PLANNING COMMITTEE – 14<sup>TH</sup> JULY 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2015/0570

### RESPONSE TO CONSULTATIONS

The application was advertised on site. No public response received.

### APPRAISAL

This application is reported to Committee for decision as the proposal relates to a development which meets the Development Threshold – c i) *the provision of the number of dwelling houses to be provided is 20 or more.*

Planning permission was granted 31 March 2010 (Ref:2009/1851) for a comprehensive mixed use development including commercial, offices and residential referred to the Urban Village development. A large quantum of the development has been built and occupied (phase 1 comprising the High Street block, the residential apartment block fronting the Strand and the 3 deck car park), which is relevant to this application). A subsequent consent was granted in 2014 (2014/0328) for a re-plan of the site (phase 2), which is currently being constructed. Therefore not all of the development consented by the 2009 permission will be constructed, as a large percentage is being superseded by the 2014 consent.

#### Current Section 73 Application

This current application under Section 73 of the 1990 Planning Act seeks to vary condition 9 of the planning permission (Ref:2009/1851) which relates to the requirement for the provision of affordable housing within the development, which reads:

18. *The 76 apartments hereby contained within the 'Residential Block', as identified on drawing number P-AL(00) 002 Rev. A shall be used for affordable housing purposes as defined by TAN2: Planning and Affordable Housing.  
Reason: In the interests of affordable housing provision.*

The application seeks to vary the terms of the condition to enable a reduced proportion of affordable housing within the development. The condition, as it stands, requires all of the apartments to be provided for affordable housing and this may continue to be the case within the development. However, it is stated that due to the problems with the banking sector, the applicant is finding that the wording of the condition affects their ability to draw down private funding from lenders against the development to finance further investment opportunities. It is stated that in particular Lenders have become increasingly more specific in what they accept as security against loans. As a result, when a planning permission is specific in its earmarking of property as 'affordable housing', this automatically reduces the value of the property from Market value, subject to tenancies to existing use value, social housing.

In support of the application, floor plans have been submitted identifying a minimum of 30% affordable housing provision across the site. 20 units out of a total of 64 within Strand Court and 4 units out of 12 within Strand Mews, which provides 24 units which equates to 31.58%.

### **Policy Background**

The need for affordable housing is a material planning consideration and UDP Policy HC3 states that in areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational/ accessibility terms and where this is not ruled out by exceptional development costs. The Council's Planning Obligations Supplementary Planning Guidance (SPG) augments Policy HC3 and provides clarification on use, expectations and procedures. As part of the affordable housing chapter reference is made to the Local Housing Market Assessment which identifies a need for 851 new dwellings per annum to be built within the County of which 221 should be affordable units, resulting in an affordable housing target of 25 - 30% of all new dwellings.

The application therefore seeks to vary the condition to reflect the requirements of UDP Policy HC3 and the SPG relating to affordable housing. The Section 106 SPG indicates that given the housing need identified in the Local Housing Market Assessment, the Council will normally expect that 25 – 30% of all dwellings will be affordable housing. Whilst therefore a higher affordable housing provision is more desirable on the basis of the established need, within the context of the aforementioned policy requirements it is not considered that the requirement to provide this level of affordable housing is reasonable, particularly as it results in the loss of capital to invest in other social housing schemes.

The condition was imposed based on the nature of the proposed development which was applied for i.e. 76 affordable housing units provided by an RSL. Therefore, notwithstanding that the development has been constructed by a RSL, a residential development at this development would be expected to provide 25 – 30% of the units as affordable housing and therefore there is considered to be a justification to vary the terms of the condition accordingly.

### **Section 73 Procedures**

As a Section 73 application, the only matter which can be considered is the condition to which the application relates and the permission itself is not a matter for consideration. The LPA may decide that planning permission should be granted subject to conditions differing from those subject to the previous planning permission, and additionally, a Section 73 application allows the LPA to reconsider conditions other than those which are the subject of the application to modify. The original planning permission will however, continue to subsist.

A favourable determination of the application to amend the conditions results in the issue of what is in effect a new planning permission but does not cancel the old permission. In this instance, the permission has been substantially implemented, and the new planning permission should therefore refer to relevant extant conditions.

### **Conclusions**

Since the permission was granted, material considerations have not changed. The Urban Village site is allocated for housing under UDP Policy HC1 (77). As indicated when a Section 73 application is granted, the effect is to create a separate planning permission and consequently, it is proposed to re-impose the extant conditions from ref:2009/1851 (modified as set out below) for the avoidance of doubt.



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ITEM 6 (CONT'D)

APPLICATION NO.

2015/0570

In terms of mechanism, given the complexities relating to the delivery and retention of affordable housing it is recommended that, rather than vary the condition, the condition is removed from the planning permission and that the planning permission be subject to a Section 106 Obligation so that those units within the proposed development can be identified as forming the affordable housing units bound by the restriction. There are considered to be no additional issues arising from the provisions of the Human Rights Act and approval is therefore recommended on this basis.

### RECOMMENDATION

**APPROVE, subject to the removal of Condition 9 of planning permission Ref:2009/1851 and the completion of a Section 106 Planning Obligation in respect of the minimum provision of 30% affordable housing of the total residential development (i.e. 24 units) and to the following conditions:**

- 1 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 24 of Schedule 24 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.
- 2 The development shall be occupied in accordance with the provisions and aspirations of the travel plan approved under Condition 35 of planning permission Ref: 2009/1851.  
Reason: In the interests of sustainability and to prevent unacceptable highway congestion.
- 3 The development shall be occupied in accordance with the provisions of the car parking management scheme approved under Condition 36 of planning permission Ref: 2009/1851.  
Reason: To avoid overspill parking and safeguard the free flow of traffic on the highway.
- 4 The development shall be occupied in accordance with the provisions of the flood emergency plan approved under Condition 44 of planning permission Ref: 2009/1851 to ensure the safe management of a flood event affecting The Strand and Level 00 of the development.  
Reason: In order to alleviate the impact from potential flooding.

### 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: (UDP Policies HC1, HC3 & HC17)

PLANNING COMMITTEE – 14<sup>TH</sup> JULY 2015

ITEM 7

APPLICATION NO.

2015/0604

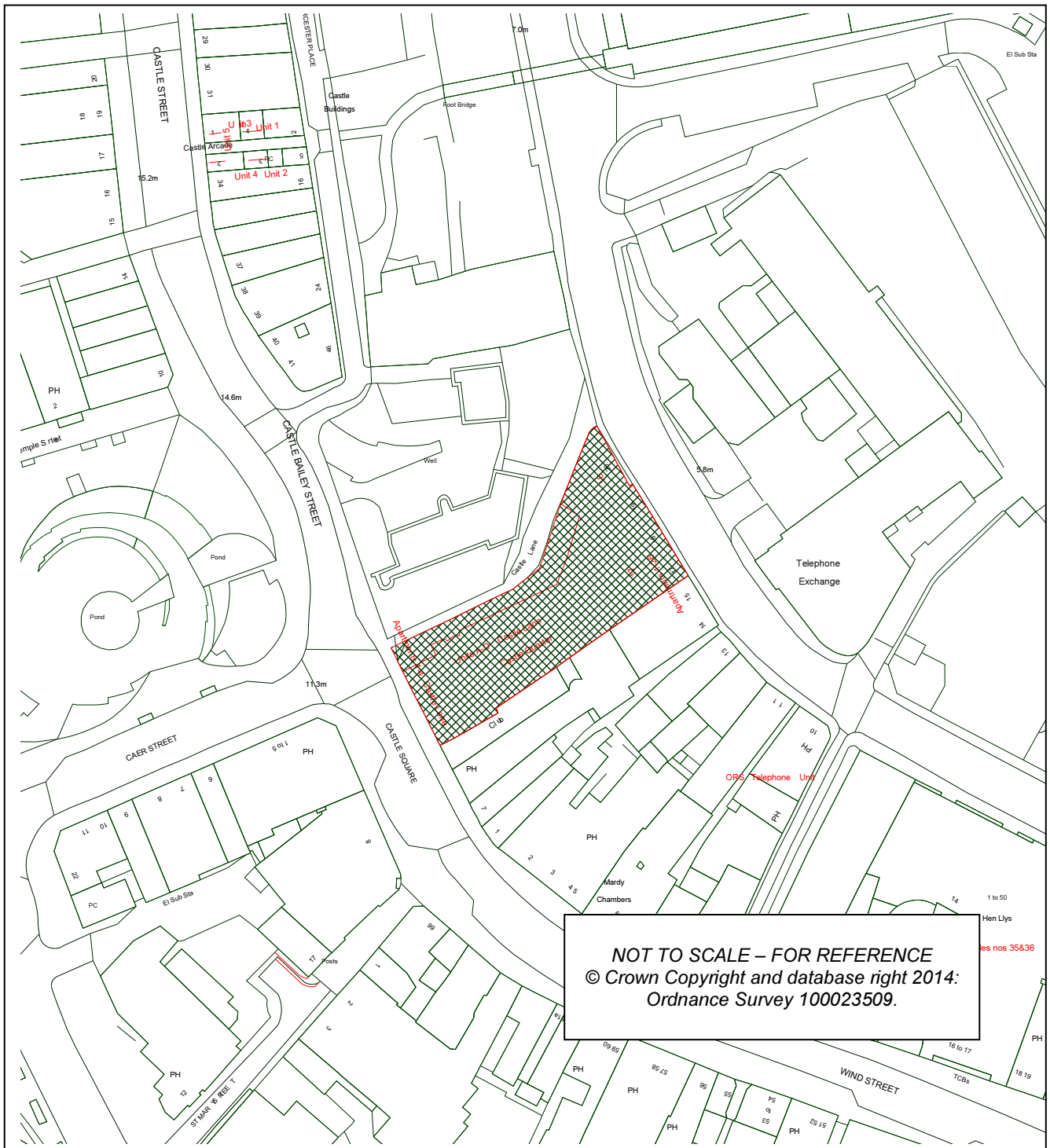
WARD:

Castle

**Location:** Land South of Castle Lane, Swansea, SA1 1DW

**Proposal:** Castle Lane Mixed Use Development - Variation of condition 11 of planning permission 2012/1283 granted 24th January, 2013 to vary the proportion of affordable housing to be provided in the development from 100% to reflect Council's policy (30%)

**Applicant:** Coastal Housing Group Ltd



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ITEM 7 (CONT'D)

APPLICATION NO.

2015/0604

### **BACKGROUND INFORMATION**

#### **RELEVANT DEVELOPMENT PLAN POLICIES**

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)

#### **RELEVANT PLANNING HISTORY**

2012/1283 Redevelopment of site for a mixed use comprising 30 residential dwellings, up to 1764 sq m of restaurant and cafe use (Class A3), a 42 sq m kiosk for retail or business use (Classes A1, A2, A3 or B1) within a building presenting 4 storeys to Castle Square and 4, 6 and 7 storeys to The strand along with associated plant room, means of access, car parking, residential and commercial servicing, external seating area and associated landscaping and infrastructure works  
Planning Permission 17 January, 2013

2014/1328 Variation of condition 8 of planning permission 2012/1283 granted 17th January 2013 to extend the hours of opening of the food and drink (Class A3) Unit 1 (Las Iguanas) for Sunday to Thursday between 08:00 and 00:30 and Friday and Saturday 08:00 to 01:30 and until 01:00 after New Year's Eve and every Sunday before a bank holiday  
Planning Permission 16 March, 2015

#### **RESPONSE TO CONSULTATIONS**

The application was advertised on site. No public response received.

#### **APPRAISAL**

This application is reported to Committee for decision as the proposal relates to a development which meets the Development Threshold – c i) *the provision of the number of dwelling houses to be provided is 20 or more.*

Planning permission was granted 24 January 2013 (Ref:2012/1283) for a comprehensive mixed use development including commercial and 30 residential units referred to the Castle Lane development and which is now substantially completed. This current application under Section 73 of the 1990 Planning Act specifically seeks to vary condition 11 of the planning permission (Ref:2012/1283) which relates to the requirement for the provision of affordable housing within the development, which reads:

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ITEM 7 (CONT'D)

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11. *Unless otherwise agreed in writing by the Local Planning Authority, the 26 apartments as identified shall be used for affordable housing purposes as defined by TAN2: Planning and Affordable Housing or any future guidance that replaces it.  
Reason: In the interests of affordable housing provision.*

The approved development comprises of 30 residential, 26 of which are intended to be affordable housing units (8 no. 1 bedroom and 18 no. 2 bedroom), with the remaining 4 units intended to be private open market housing. In determining the development, it was acknowledged that the provision of the 26 Affordable Housing units on the site would exceed the affordable housing target of 25 - 30% sought by the adopted Planning Obligations SPG in an area of high housing need. It was also confirmed that the proposed redevelopment of Castle Lane is one which the Council's Housing Service has secured Social Housing Grant funding to assist in the delivery of Affordable Housing on site.

In support of the application, floor plans have been submitted identifying a minimum of 30% affordable housing provision of the total development i.e. 9 units.

### **Policy Background**

The need for affordable housing is a material consideration and UDP Policy HC3 states that in areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational/ accessibility terms and where this is not ruled out by exceptional development costs. The Council's Planning Obligations Supplementary Planning Guidance (SPG) augments Policy HC3 and provides clarification on use, expectations and procedures. As part of the affordable housing chapter reference is made to the Local Housing Market Assessment which identifies a need for 851 new dwellings per annum to be built within the County of which 221 should be affordable units, resulting in an affordable housing target of 25 - 30% of all new dwellings.

The application therefore seeks to vary the condition to reflect the requirements of UDP Policy HC3 and the SPG relating to affordable housing. The Section 106 SPG indicates that given the housing need identified in the Local Housing Market Assessment, the Council will normally expect that 25 – 30% of all dwellings will be affordable housing. Whilst therefore a higher affordable housing provision is more desirable on the basis of the established need, within the context of the aforementioned policy requirements it is not considered that the requirement to provide this level of affordable housing is reasonable, particularly as it results in the loss of capital to invest in other social housing schemes.

### **Current Section 73**

The application seeks to vary the terms of the condition to enable a reduced proportion of affordable housing within the development. The condition, as it stands, requires 26 of the apartments to be provided for affordable housing and this is likely to continue to be the case within the development. However, it is stated that due to the problems with the banking sector, the applicant is finding that the wording of the condition affects the ability to draw down private finance funding from lenders against the development to enable further investment and regeneration opportunities. In particular, the earmarking of property as 'affordable housing', automatically reduces the value of the property from market value. It is therefore requested that the condition is varied to reflect the requirements of UDP Policy HC3 and the SPG relating to affordable housing.

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ITEM 7 (CONT'D)

APPLICATION NO.

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The condition was imposed based on the nature of the proposed development which was applied for i.e. 26 affordable housing units provided by an RSL. As indicated the Section 106 SPG indicates that given the housing need identified in the Local Housing Market Assessment, the Council will normally expect that 25 – 30% of all dwellings will be affordable housing. Therefore, notwithstanding that the development has been constructed by a RSL, a residential development at this development would be expected to provide 25 – 30% of the units as affordable housing and therefore there is considered to be a justification to vary the terms of the condition accordingly.

### **Section 73 Procedures**

As a Section 73 application, the only matter which can be considered is the condition to which the application relates and the permission itself is not a matter for consideration. The LPA may decide that planning permission should be granted subject to conditions differing from those subject to the previous planning permission, and additionally, a Sec 73 application allows the LPA to reconsider conditions other than those which are the subject of the application to modify. The original planning permission will however, continue to subsist. A favourable determination of the application to amend the conditions results in the issue of what is in effect a new planning permission but does not cancel the old permission. The new planning permission should therefore refer to the extant conditions from the existing permission.

### **Conclusions**

As indicated when a Section 73 application is granted, the effect is to create a separate planning permission and consequently, it is proposed to re-impose the extant conditions from ref: 2012/1283 for the avoidance of doubt. In terms of mechanism, given the complexities relating to the delivery and retention of affordable housing it is recommended that, rather than vary the condition, the condition is removed from the planning permission and that the planning permission be subject to a Section 106 Obligation so that those units within the proposed development can be identified as forming the affordable housing units bound by the restriction. There are considered to be no additional issues arising from the provisions of the Human Rights Act and approval is therefore recommended on this basis.

### **RECOMMENDATION**

**APPROVE, subject to the removal of Condition 11 of planning permission ref:2012/1283 and the completion of a Section 106 Planning Obligation in respect of the provision of 30% affordable housing of the total residential development (i.e. 9 units) and to the following conditions:**

- 1 Details of any additional external ventilation and fume extraction associated with any of the commercial units shall be submitted to and agreed in writing by the Local Planning Authority prior to the beneficial occupation of that unit. The scheme as approved shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and to prevent any nuisance from fumes and/or cooking odours to the occupiers of any neighbouring residential unit.

- 2 Unless otherwise agreed in writing by the Local Planning Authority, the food and drink (Class A3) units shall not be used by customers before 08.00hrs nor after 23.30hrs on any day.

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

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ITEM 7 (CONT'D)

APPLICATION NO.

2015/0604

- 3 Notwithstanding the details shown on any approved plan or within the description of development, unless otherwise agreed in writing, The Strand kiosk shall be used for Class A1, Class A3 or Class B1 purposes only.  
Reason: To ensure an acceptable form of development.
- 4 The precise breakdown and number of units within the restaurant and café (Class A3) floorspace shall be in accordance with details approved under Condition 10 of planning permission Ref: 2012/1283.  
Reason: In the interests of residential amenity and to ensure appropriate interaction with Castle Lane.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 24 of Schedule 2 shall not apply.  
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 6 The parking provision (vehicle and cycle) shall be retained for parking purposes only.  
Reason: In the interests of highway safety.
- 7 The development shall be brought into beneficial use in accordance with the details of the fob/transponder car park access system approved under Condition 17 of planning permission Ref: 2012/1283.  
Reason: In the interests of highway safety.
- 8 The development shall be implemented in accordance with the Coastal Draft Travel Plan for Commercial and Residential Development (September 2012), unless otherwise agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the Local Planning Authority shall be notified of the name of the Travel Plan coordinator prior to beneficial occupation of any of the units. Unless otherwise agreed in writing by the Local Planning Authority, a summary of the residents travel plan questionnaires shall be submitted annually to the Local Planning Authority to ascertain whether the targets have been achieved or otherwise for the first five years following beneficial occupation and then as agreed with the Local Planning Authority moving forward.  
Reason: In the interests of sustainability and to prevent unacceptable highway congestion.
- 9 The building services plant noise emissions from the proposed development when measured at a position 1m from the nearest noise sensitive receiver should be controlled to an LAeq night-time of 5dB(A) below background (LA90). If any of the plant exhibits a tonal or impulsive character then these limits will be reduced by a further 5 dB(A) in line with BS4142: 1997.  
Reason: To protect future and existing residents from noise disturbance from the plant servicing the proposed development.

**PLANNING COMMITTEE – 14<sup>TH</sup> JULY 2015**

ITEM 7 (CONT'D)

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10 The development shall be brought into beneficial use in accordance with the flood management plan approved under Condition 37 of planning permission Ref. 2012/1283.

Reason: To ensure that the consequences of flooding can be acceptably managed.

**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: (HC3 & HC17)

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