

CITY AND COUNTY OF SWANSEA

MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA ON
TUESDAY 14 JULY 2015 AT 2.00 P.M.

PRESENT: Councillor P Lloyd (Chair) presided

Councillor(s):

A C S Colburn
D W Cole
A M Cook

Councillor(s):

M H Jones
E T Kirchner
I M Richard

Councillor(s):

D W W Thomas
T M White

33. **ELECTION OF VICE-CHAIR FOR THE 2015-2016 MUNICIPAL YEAR**

RESOLVED that Councillor A M Cook be elected Vice-Chair for the 2015-2016 Municipal Year.

34. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A S Lewis, C L Philpott and P B Smith.

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

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interest was declared:

Councillor A M Cook - Minute No. 38 - Item 2, Planning Application No. 2014/1837 - Cockett Ward Member - personal.

36. **MINUTES**

RESOLVED that the following Minutes be approved as correct records:

- (a) Minutes of the Special Planning Committee Meeting held on 1 June 2015.
- (b) Minutes of the Special Planning Committee Meeting held on 4 June 2015.
- (c) Minutes of the Special Planning Committee Meeting held on 8 June 2015.
- (d) Minutes of the Planning Committee Meeting held on 9 June 2015.

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- (e) Minutes of the Special Planning Committee Meeting held on 11 June 2015.
- (f) Minutes of the Special Planning Committee Meeting held on 30 June 2015.

37. **ITEMS FOR DEFERRAL/WITHDRAWAL**

RESOLVED that the following item be deferred/withdrawn:

(Item 2) Application No. 2014/1837 - Construction of a 4NW solar farm comprising C.14,790 individual panels and associated structures and works at land at Cockett Valley, Waunarwydd Road, Swansea SA5 4RQ

Reason

Recommendation of approval NOT accepted. **APPLICATION DEFERRED** under the two stage voting process to allow for a further report to be presented to the next Committee meeting outlining the reasons for refusal.

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

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

The Head of Economic Regeneration and Planning submitted a series of planning applications.

Amendments to the Schedule were reported and are indicated below by (#).

RESOLVED that:

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

(#) **(Item 1) Planning Application No. 2015/1097 - retention and completion of front patio and fence at 49 Higher Lane, Langland, Swansea SA3 4NT**

- **APPLICATION APPROVED** in accordance with the recommendation subject to condition 3 being amended to read as follows:

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03. 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. The fence shall only be stained or painted brown or dark green and no other colour at any time.

- Dr D E Roberts (objector) and Mrs Phillips (applicant) addressed the Committee on this application.
- A visual presentation was provided.
- A site visit to the location had been undertaken by Members of the Committee prior to the meeting.

(Item 5) Planning Application No. 2015/0952 - replacement dwelling at Bryneglur, Bryn Eglwys, Felindre, Pontarddulais, Swansea SA4 8NS

- **APPLICATION APPROVED** in accordance with the recommendation.

(Item 6) Planning Application No. 2015/0570 - 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 the Council's policy (30%) at Urban Village Development, 212-222 High Street, Swansea SA1 1NN

- **APPLICATION APPROVED** in accordance with the recommendation.

(Item 7) Planning Application No. 2015/0604 - Castle Lane mixed use development - variation of condition 11 of Planning Permission 2012/1283 granted 24 January 2013 to vary the proportion of affordable housing to be provided in the development from 100% to reflect the Council's policy (30%) at land south of Castle Lane, Swansea SA1 1DW

- **APPLICATION APPROVED** in accordance with the recommendation.

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

(#) **(Item 3) Planning Application No. 2015/0458 - construction of 8 semi-detached houses with associated off road parking (outline) (Council Development Regulation 3) at Pentyla Playing Fields, Cockett, Swansea**

- Mr P Stockton (petitioner) and Councillor N J Davies (Uplands Electoral Ward Member) addressed the Committee on the application.
- A site visit to the location had been undertaken by Members of the Committee prior to the meeting.

The following updates were provided to Members:

- For clarification, the application was reported to the Committee as the Head of Economic Regeneration and Planning considered that in view of the level of objection and as the Council is the applicant, it should be considered by the Committee.
- The site is in the Townhill Ward (omitted from report title).
- For clarification, the petition submitted in relation to the application, whilst titled 'petition of objection' it did not contain any grounds of objection. It only called for the application to be considered by Councillors at the Planning Committee.
- A letter from Geraint Davies MP submitted which forwards a copy of a letter from a constituent who fears that the concerns of residents have been ignored. Mr Davies has asked that the objections be considered and responded to before any decision is made.
- A late letter of objection received from Councillor P N May which was summarised as follows:
 - Report is flawed trying to claim that policy HC23 is now satisfied.

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- No mention that the Water Board place a restriction effectively prohibiting the development unless major diversion of services was undertaken. Queries whether the Council would pay for this.
- No mention of the Coal Board only withdrew their objections unless invasive and possibly cost surveys were undertaken. Again queries whether the Council would pay for this.
- No mention that Pentyla Road may have to be widened and again queries whether the Council would pay.
- States that the sell-off does not look as lucrative as the initial survey suggests and may cost the tax payer money.
- Requests Committee listen to his constituents and reject the application.

The following officer comments were provided in relation to the observations:

- The report clearly sets out why officers consider the proposal complies with Policy HC23 and is not therefore flawed. Dwr Cymru/Welsh Water has not objected to the proposals, subject to conditions and infomatives. The conditions and informatives are included in the report. Following a coal mining risk assessment, the Coal Authority withdrew its objection, subject to the imposition of conditions. This is clearly outlined on page 83. The comments of the Highway Authority on page 84 clearly indicate that the site frontage will need to be setback and such details will need to form part of any reserve matters application should planning permission be granted.
- Such requests and conditions are not unusual for developments of this nature and the cost of such works is part of the development costs for the site. Any issues relating to the sale of the land by the Council can be given little weight in the determination of this application.
- Recommendation **NOT** accepted. **APPLICATION REFUSED** for the following reasons:

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01. The proposal to develop part of the Pentyla Playing Fields for residential development would involve the loss of designated community recreational land and the applicant has failed to sufficiently 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 City and County of Swansea Unitary Development Plan 2008.

02. The proposal would lead to the use of previously undeveloped land and a loss of an importance hedgerow which would have an adverse impact on local biodiversity and visual amenity contrary to the provisions of Policies EV2 and EV30 of the City and County of Swansea Unitary Development Plan 2008.

(Item 4) Planning Application No. 2015/0701 - retention and alteration of detached dwelling house and garage on Plot 22, Ladysmith Road, Treboeth, Swansea SA5 9DL

- Mr K Chapman (objector) and Mr P Baxter (agent) addressed the Committee on the application.
- A site visit to the location had been undertaken by Members of the Committee prior to the meeting.
- Recommendation **NOT** accepted. **APPLICATION REFUSED** for the following reason:

01. The proposal by virtue of its size, height and close proximity to numbers 57 and 59, Gelli Aur will have a significant overbearing impact which is to the detriment of the residential amenity of the occupiers of those dwellings and is contrary to Policies EV1 and HC2 of the City and County of Swansea Unitary Development Plan (2008) and the Supplementary Planning Guidance 'Places to Live: Residential Design Guide 2014'.

39. **REFERRAL OF PLANNING APPLICATION REFERENCE: 2013/1745 FROM THE AREA 2 PLANNING COMMITTEE ON 3 JUNE 2014, THE DEVELOPMENT AND MANAGEMENT CONTROL COMMITTEE ON 19 JUNE 2014 AND THE PLANNING COMMITTEE ON 17 FEBRUARY 2015. CILIBION SAWMILLS, CILIBION, GOWER - DETACHED (RURAL ENTERPRISE) DWELLING IN ASSOCIATION WITH SAWMILL (OUTLINED)**

The Head of Economic Regeneration and Planning submitted a report which outlined why the Section 106 Agreement pertaining to application 2013/1745 (previously agreed by the Development Management and Control Committee held on 19 June 2014 following a referral from Area 2 Development Control Committee on 3 June 2014 and subsequent agreement by Planning Committee on 17 February 2015) could not be entered into by the interested parties (due to land ownership issues) It was explained that an amended plan had been submitted as part of the application, which meant that only land within the applicant's/ family member's ownership/control was included within the revised site boundary which was provided at Appendix 3. This amended plan therefore allowed a (revised) Section 106 agreement to be entered into.

Officers also requested that Condition 4 set out in the report be replaced with an amended Condition 4, shown below.

RESOLVED that the application be approved as a departure from the provisions of the Development Plan subject to:

(i) The condition listed below:

01. 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 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.

02. 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 3 years from the date of this permission.

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ReasonTo comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that a development is determined within a reasonable period.

03. 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 reserved matters to be approved, whichever is the latter.

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.

The occupancy of the dwelling shall be restricted to:

- (a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such of a person, and to any resident dependants;

or if it can be demonstrated that there are no such eligible occupiers,

- (b) a person or persons who would be eligible for consideration for affordable housing under the Local Authority's Housing Policies or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

Reason

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

- (ii) The applicant entering into a Section 106 Planning Obligation to tie the dwelling to the sawmill enterprise.

40. **PROPOSED REVOCATION OF 3 NO. TREE PRESERVATION ORDERS**

The Head of Economic Regeneration and Planning submitted a report which sought consideration of the revocation of Tree Preservation Orders as follows:

- Tree Preservation Order TPO 79 - Oystermouth Promenade, Swansea.
- Tree Preservation Order TPO 67 - Cilbion Farm, Gower.
- Tree Preservation Order TPO 53 - 49 Wentworth Crescent, Mayals.

RESOLVED that Tree Preservation Orders 79, 67 and 53 be revoked.

41. **TO CONSIDER LOCAL DEVELOPMENT PLAN ALLOCATIONS**

The Chair explained that the Planning Committee had undertaken a further series of site visits. The candidate sites were submitted for inclusion in the Swansea Local Development Plan.

RESOLVED that:

- (1) the undermentioned sites be recommended to Council for approval:

(Item 1) Site Reference PG004 - land at Penllergaer Civic Offices

80 units.

The site was recommended for approval to Council for inclusion within the Local Development Plan Deposit Plan.

(Item 2) Site Reference PG002 - land at Parc Mawr Farm, Penllergaer

750 plus units.

The site was recommended for approval to Council for inclusion within the Local Development Plan Deposit Plan.

(NOTE: The Committee expressed concern in relation to the outstanding Strategic Transport and Development Study)

(Item 3) Site Reference NB005 - land off Clasemont Road, Morriston

600 units.

The site was recommended for approval to Council for inclusion within the Local Development Plan Deposit Plan.

(Item 5) Site Reference MR015 - land at rear of Glyncollen Primary School, Morriston

35 units.

The site was recommended for approval to Council for inclusion within the Local Development Plan Deposit Plan.

- (2) the undermentioned sites be deferred for further information:

(Item 4) Site Reference GO007 - land at Parc Melin Mynach, Gorseinon

150 units.

(NOTE: - Ecological study required)

- (3) the undermentioned sites be refused and not included within the Local Development Plan Deposit Plan:

(Item 6) Site Reference BM012 - land north of Cefn Hengoed School

80 units.

The settlement boundary be redrawn to follow Cefn Hengoed Road along the site frontage

42. **EXCLUSION OF THE PUBLIC**

The Committee was requested to exclude the public from the meeting during consideration of the item(s) of business identified in its recommendation(s) to the report on the grounds that it/they involve(s) the disclosure of exempt information as set out in the exclusion paragraph of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, relevant to the item(s) of business set out in the report.

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The Committee considered the Public Interest Test in deciding whether to exclude the public from the meeting for the items of business where the Public Interest Test was relevant as set out in the report.

RESOLVED that the public be excluded for the following item of business.

(CLOSED SESSION)

43. **ENFORCEMENT REPORT**

The Head of Economic Regeneration and Planning presented the Committee with an Enforcement Report.

RESOLVED that the enforcement action outlined in the report be authorised.

The meeting ended at 4.30 p.m.

CHAIR