



City and County of Swansea

Minutes of the **Planning Committee**

Council Chamber - Guildhall, Swansea

Tuesday, 3 December 2019 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

C Anderson
L S Gibbard
P B Smith
T M White

Councillor(s)

P M Black
M H Jones
D W W Thomas

Councillor(s)

W Evans
M B Lewis
L J Tyler-Lloyd

Officer(s)

Ryan Thomas	Planning Control Manager
Jonathan Wills	Senior Lawyer
Ian Davies	Area Team Leader
Liam Jones	Area Team Leader
Gareth Borsden	Democratic Services Officer
Matthew Bowyer	Principal Telematics Engineer
Sally-Ann Evans	Senior Lawyer
Tom Evans	Strategic Planning Team Leader
Steve Smith	Placemaking and Heritage Lead

Apologies for Absence

None.

39 **Disclosures of Personal and Prejudicial Interests.**

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

Councillor P M Black declared a personal and prejudicial interest in Item 4 – Planning Application 2018/2692/FUL and left prior to discussion.

Councillor M H Jones declared a personal and prejudicial interest in Item 3 – Planning Application 2019/1342/FUL and left prior to discussion.

Councillor P Lloyd declared a personal interest in Item 4 – Planning Application 2018/2692/FUL.

40 **Minutes.**

Resolved that the Minutes of the Planning Committee held on 5 November 2019 be approved and signed as a correct record.

41 Items for Deferral/Withdrawal.

None.

42 Determination of Planning Applications under the Town & Country Planning Act 1990.

A series of planning applications were presented on behalf of the Head of Planning & City Regeneration.

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

Resolved that

1) the undermentioned planning applications **Be Approved** subject to the conditions in the report:

#(Item 1) – Planning Application 2019/2144/RES - Construction of 144 residential dwellings and associated works (Reserved Matters application following 2019/0911/S73 granted 13th September 2019 and outline 2005/2355 granted 23rd April 2010) at Land West Of Gower View Road and North of Brynafon Road, Penyrheol, Swansea

A detailed visual presentation was provided.

Rhianydd Jenkins & Elfed Roberts (applicants) addressed the Committee.

Report updated as follows:

Further letter submitted by the company acting on behalf of residents. Most of those concerns have been raised before although they've provided a more detailed breakdown of the process to date. Most of these issues are included in the report but these issues are new:

The plans show a 225mm Ø land drain along the northern boundary of the existing properties to Ffordd Y Coegylfinir.

Note: The Welsh Assembly Governments Engineers calculations and findings confirm that a drain of 225mm Ø will be in totally inadequate to accommodate topographical surface water run off together with water issues/springs emanating from the issues and catchment area of the Gwilli Fault and Gorseinon Syncline to the east of the existing development 2012/1113 addressed within COMP2015/0130.

- The General Arrangement drawings do not to take cognizance and or make provision for dealing with the water issues/springs or the engineered design works approved by the Welsh Assembly Government.

Comment

The applicant is aware of the drainage issues on site and is purchasing the land off the Welsh Government. The Council's Drainage Authority is also aware of the situation. These issues were not raised at S73 stage when the principle was considered. However, on the basis of the information that the Council was aware of, the S73 application contained drainage conditions (these are not being discharged as part of this application). SAB approval would also be required which is the primary legislation in this respect to drain the surface water from the site but also controlled via condition of S73 permission.

A site parking layout was provided on Friday 29th November along with an amended Soft Landscaping Scheme. The former has resulted in a terrace of 3 properties (plots 33 – 35) being marginally set back. No issues arise within the site as a result of this but the whole suite of documents will need to be updated so that they all align.

The Arboricultural Officer (Landscape) is satisfied that the amendments address concerns raised with more appropriate species included along with additional fruit trees for foraging opportunities.

The Ecologist has no objections to the landscaping scheme or proposal. The Highways Authority has no further comments regarding parking.

As a result of the changes noted above, Condition 1 will have to be updated to reflect the amended plans required.

Condition 2 has also been updated to refer to the Car Parking Arrangement plan along with the inclusion of the Drawing No. and date the plan was received. The substance of the condition remains the same.

Note: Decision not to be issued until amended plans received and Condition 1 updated.

#(Item 2) – Planning Application 2019/0502/RES - Construction of 121 dwellings, open space and ancillary infrastructure, (details of appearance, landscaping, layout and scale of phase 2 development pursuant to outline application 2014/0977 granted 11th January 2018) at Cwmrhydyceirw Quarry Co Ltd , Great Western Terrace, Cwmrhydyceirw, Swansea

A visual presentation was provided.

Robert Lewis (objector) addressed the Committee.

Report updated as follows:

One further letter received relating to drainage issues, re-iterating concerns in a previous letter.

Amended conditions as follows;

Condition 2 (Landscaping)

Some clearance works have already taken place within phase 2 therefore the trigger should be amended to "No superstructure works shall commence..."

Condition 4 (Materials)

The materials details are indicated on the approved plans, therefore this condition is not required. Delete condition and re-number others accordingly.

#(Item 4) – Planning Application 2018/2692/FUL - Retention and completion of development for 107 residential dwellings and associated infrastructure at Land At Upper Bank Pentrechwyth, Nantong Way, Pentrechwyth, Swansea

A visual presentation was provided.

Report updated as follows:

Condition 18 should be amended to read:

18. No further development shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Committee was advised that agreement on the tenure of the affordable housing has been reached. These would be low-cost home ownership

#(Item 5) – Planning Application 2018/2720/FUL - Demolition of the existing buildings on site and redevelopment of site to provide 60 residential units comprising 6 detached dwellings, 21 pairs of semi-detached dwellings and 12 flats in 3 x two storey blocks with associated access, parking, landscaping, pumping station and ancillary works at Land At Tyrisha Farm, Grovesend, Swansea

A visual presentation was provided.

Geriant John (agent) addressed the Committee.

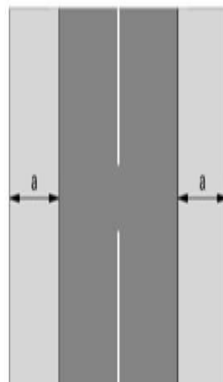
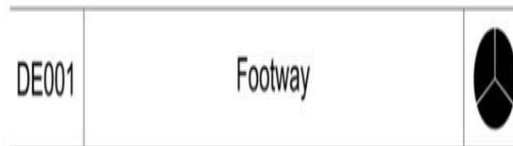
Report updated as follows:

Further letter received from objector which states as follows:

1. The site is enveloped by smoke on a regular basis, with a large fire at least every year. Those who will live in the properties will be unaware of these fires or being enveloped by smoke, and I would request the committee to consider if they themselves would put their family into a property in such a location.

2. The site entrance is clearly unsafe and does not place pedestrian safety or movement as the first consideration of the design as required by Active Travel Wales Act. I ask to the committee to consider how a child safely moves from the play area or site to the common lane/ footpath. Please note the following extracts from the Act;
- a. 9.3.16 and 9.3.20 - Active Travel connections are not seen as optional, and that developments that do not adequately make provision for walking should not be approved,
 - b. 9.4.1 notes schemes focusing on highways are no longer acceptable under the act.
 - c. Also 9.3.8 notes the importance of land being acquired to enable a new highway to be built, establishing sufficient land to include footways of suitable width and type is vital.
 - d. The act requires the follow design of two footways,

9. Active Travel (Wales) Design Guidance notes the requirement for minimum footpath widths, and directly identifies the requirement for two pavements as figure DE001, meeting the accepted minimum footway with (a) of 1.8m each side – this complies with requirements for Inclusive Mobility, Manual for Streets, Access for Blind People in Towns and BS 8300:2009+A1:2010 needs of disabled people code of practice. A single pavement cannot be shown to comply with these requirements.



Plan

3. The LDP clearly identified that it was an essential requirement that the site be connected to the adjacent public right of way, which it is not.

4. The committee should note that the hedge on the RHS of the access cannot be cut back as proposed to form a visibility splay as it is not on the developers land.

5. I request that the committee consider the precedent that approving this site would leave. Whilst the developer has already extended the site several times from that originally included in the LDP and beyond, the developer provided false responses to questions in the LDP including with regards to a ransom strip to avoid scrutiny over the issue, despite the original proposals having never been achievable. To accept a planning proposal based upon original misrepresentations identifies that developers are running free reign over the planning process and that developers can manipulate the process for personal gain. It also confirms that, contrary to a vast raft of planning policy and national acts of legislation, that developers can place traffic movement above that of pedestrian movement in residential developments.

Officer Comment: The objector has submitted a copy of a response to a FOI request indicating there have been 18 wildfires on the land since April 2009. A photograph of a fire submitted with the observations can be produced if Committee wish to see it. Issues of access have been addressed in the report. With regard to the Public Right of Way, the site connects to the PROW at the access to the site.

The Drainage Officer has confirmed that they have no objections subject to standard drainage conditions.

At the end of the recommendation, the following should be added:

If the section 106 agreement is not signed within 3 months of the Welsh Ministers removing the holding direction, delegated powers be provided to Head of Planning & City Regeneration to refuse planning permission on the basis that the proposal would fail to accord with LDP Policies H3 (On-site Affordable Housing), SI3 (Education Facilities), T1 (Transport Measures and Infrastructure) and IO1 (Supporting Infrastructure).

Given concerns over drainage, it is recommended

that Condition 9 is amended to read as follows (with amended text in italics):

Prior to the commencement of development, and notwithstanding the details shown on the proposed drainage layout drawing 110 P11, full details of the surface water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- Full details for responsibility for monitoring and management of the basin for the lifetime of the development;
- Full detailing of planting specifications within the surface water attenuation basin
- Biosecurity plan to help reduce the risk of introduction/spread of any aquatic invasive non-native species, during planting of the attenuation basis for SuDS. The plan shall include details of supplier/s and /or source of the plants.

The attenuation basin shall be completed in accordance with the approved details prior to the first beneficial occupation of any of the dwellings hereby permitted and retained for the lifetime of the development.

The attenuation basin shall be managed, monitored and reviewed 2 years following creation, and a summary report shall be submitted to the LPA, outlining success/failures and any further need for plug-planting as per 4.6 and 4.7 of the Ecology Technical Report and timescales for this. Any additional works shall thereafter be undertaken in accordance with the approved timetable.

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network unless it has been demonstrated that there are no other options available.

Reason: To ensure a satisfactory and sustainable means of surface water drainage, to prevent the increased risk of flooding, promote biodiversity and ensure future maintenance of these features.

(Note: Committee took a 5 minute comfort break at 4.20pm following the decision on Item 5)

#(Item 6) – Planning Application 2018/2168/OUT - Construction of up to 20 dwellings, new access road and replacement bridge (outline) at Land Off Felin Fran, Felin Fran, Birchgrove, Swansea

A visual presentation was provided.

Report updated as follows:

If the section 106 agreement is not signed within 3 months of the date of the Committee resolution delegated powers be provided to Head of Planning & City Regeneration to refuse planning permission on the basis that the proposal would fail to accord with LDP Policies H3 (On-site Affordable Housing), SI6 (provision of New Openspace) and T1 (Transport Measures and Infrastructure

2) the undermentioned planning application **Be Refused** for the reasons outlined below:

#(Item 3) – Planning Application 2019/1342/FUL - Demolition of existing dwelling and construction of 1 detached bungalow and 2 detached dwellings at 2 The Bryn, Sketty, Swansea

A visual presentation was provided.

Eleanor Sullivan (agent) and Alyson Downing & Bernard Cairns (objectors) addressed the Committee.

Councillors A M Day & C L Philpott (Local Members) addressed the Committee and spoke in support of the resident's objections.

Report updated as follows:

On 2 December 2019 the owner/occupier of 6 Harford Court withdrew their objection to the development.

Condition No. 5 set out on page 76 to be amended to read as follows:

5. Notwithstanding the submitted details set out on Site Plan TB/18/100 Rev F no development shall take place until full details of the access, turning, parking and visibility splays for each dwelling have been submitted to and approved in writing by the Local Planning Authority. The details shall provide for visibility envelopes to be kept free of enclosures or trappings other than those trees marked for retention, provide full details of the hard surfacing material which shall be porous and details of the areas to be dedicated for parking and turning associated with each dwelling.

No construction works shall take place at the site until such time that the new accesses have been provided on site in accordance with the approved details. The development shall thereafter take

place in accordance with the approved details with the parking areas retained for parking purposes and visibility splays being kept free of enclosures or trappings in perpetuity.

Members were verbally informed that an additional condition is suggested to be added to the report, following the Members Site Visit, in order to provide for full details of boundary treatments across the site.

Application refused contrary to officer recommendations for the following reason:

The proposed bungalow by virtue of its siting, scale, contrived form and design would fail to respect the character and appearance of the local area to the detriment of the visual amenities of the streetscene and surrounding site context, contrary to Policy PS2 of the Swansea Local Development Plan (Adopted February 2019) and the Authority's Infill and Backland Design Guide (SPG).

43 Supplementary Planning Guidance - Houses in Multiple Occupation and Purpose Built Student Accommodation.

The Strategic Planning Team Leader presented a report which informed Members of the representations received during the public consultation on the draft version of the Supplementary Planning Guidance (SPG), and highlighted officer responses to these and identified proposed consequential amendments to the document, and sought a resolution to formally adopt the final version.

The background and context to the proposals, the policies and legislation in place, the public consultation/engagement undertaken, the key issues arising from the consultation were all outlined in detail in the report.

Resolved that

- a) the consultation representations, and the responses of the Planning Authority to these (as outlined at Appendix A to the report) be noted.
- b) the final version of the SPG (as outlined at Appendix B to report) be approved and adopted.

The meeting ended at 5.01 pm

Chair