



City and County of Swansea

Minutes of the **Planning Committee**

Remotely via Microsoft Teams

Tuesday, 7 September 2021 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

P M Black
W Evans
D W W Thomas

Councillor(s)

P Downing
M B Lewis
T M White

Councillor(s)

M H Jones
P B Smith

Officer(s)

Gareth Borsden
Matthew Bowyer
Ian Davies
Sally-Ann Evans
Andrew Ferguson
Liam Jones
Jonathan Wills
Chris Dale

Democratic Services Officer
Principal Telematics Engineer
Development Manager
Lead Lawyer
Area Team Leader
Area Team Leader
Lead Lawyer
Countryside Access Team Leader (Rights of Way)

Apologies for Absence

Councillor(s): C Anderson, R D Lewis and L J Tyler-Lloyd

24 Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

25 Minutes.

Resolved that the Minutes of the Planning Committee held on 3 August 2021 be approved and signed as a correct record.

26 Items for deferral/withdrawal.

None.

27 Proposed Diversion of Footpath 13 and 15 Community of Ilston.

The Head of Planning and City Regeneration presented a report which sought consideration whether to withdraw the diversion order made on the 18 January 2012 and make a new diversion order.

The background history to the matter was outlined in the report, as well as the responses received during the consultation on the matter.

The proposed diversion routes were also outlined in the report, as well as the background legal ground for making a diversion under section 119 of the Highways Act 1980.

Resolved that

1. a second Diversion Order for Footpaths 13 and 15 be made and the first diversion order made for Footpaths 13 & 15 be withdrawn, and, if no objections are received, to confirm the same as unopposed.

2. if objections are received, the case be submitted to the Planning Inspectorate.

28 Determination of Planning Applications under the Town and 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 (#) (Note: Updates to the report referred to below were circulated to Members of the Committee and published on the Council's website prior to the meeting)

1) the undermentioned planning applications **Be Approved** subject to the conditions in the report and/or indicated below:

#(Item 1) – Planning Application 2020/2357/FUL - Construction of 44 no. dwellings (100% affordable housing) with landscaping, access and associated works at Pencefnarda Farm , Pencefnarda Road, Gorseinon, Swansea

A visual presentation was given.

Luke Grattarola (agent) addressed the Committee.

Councillor J P Curtice (Local Member) addressed the committee and spoke against the application.

Report updated as follows:

Two late representations have been sent to Members of Planning Committee directly and a third has been forwarded on to the Local Planning Authority (LPA). One raises concerns that the ecological appraisal submitted with the application has not acknowledged the presence of barn owls living locally and roosting in the Barn Owl box adjacent to the site.

The comments of the Council's Ecologist have been sought and Members were updated verbally at Committee. The second includes reference to a 2016 article regarding waste offences at the site by the landowner. This issue article does not raise any material planning considerations in and of itself. The email sent to the LPA

shows photographs of cows grazing the land which they have been since June 2021 onwards despite being indicated as non-agricultural/ grazing land. One further objection has been received from a resident but these issues were already addressed in the report.

Councillor J P Curtice requested that it be clarified that she has objected to the application for the reasons set out in the report.

An error was noted on several plans in terms of the layout on plan form of the flats within the development following the publication of the report. The layout was shown as handed on some but not all layout plans. This correction does not significantly impact or disadvantage any 3rd party given the location of the flats within the site. In addition, full details of the sheds on site have now been provided.

Condition 2 relating to the approved plans updated as follows:

2. The development shall be carried out in accordance with the following approved plans and documents:

- LP-01 Rev A Site location plan;
- PF-01 Rev C Plot Finishes;
- SOC-T-01 Schedule of Components (Typical Single entrance and canopy combinations) Sheet 1 of 5;
- SOC-T-02 Schedule of Components (Combined and other external doors) Sheet 2 of 5;
- SOC-T-04 Schedule of Components (Chimney details) Sheet 3 of 5;
- SOC-T-04 Schedule of Components (Dormer and roof windows) Sheet 4 of 5;
- SOC-T-05 Schedule of Components (Window profiles) Sheet 5 of 5;
- EDP6658-D012 Rev B Detailed soft landscape plan;
- EDP6658-D011 Rev E Public Open Space Play Strategy;
- D01 Brick screen wall;
- D02-1800 Close board fence;
- D03-1200 Close board fence;
- D04 Close board gate;
- D05-1100 High ball top railings;
- D08-1800 Retaining wall;
- D09-110 Handrail;
- D10 Steps with side wall;
- D11 Retaining wall with ball top railings;
- D12-500 Steel kneel rail;
- D13-2000 Close board fence;
- D14-900 Picket fence; received 2nd June 2021;
- 1958/4B2P2/01 4PB x2 link Floor plans;
- 1958/4B2P3/01 4BP2B x3 link floor plans;
- 1958/4B2P3/02 REV A 4P2b x3 link brick elevations
- 1958/4P2BV1/01 4P2B DQR V1 floor plans;
- 1958/4P2BV1/02 4P2B DQR V1 elevations brick;
- 1958/4P2BV1/03 4P2B DQR V1 ELEVATIONS RENDER;
- 1958/4P2BV2/01 4P2B DQR V2 FLOOR PLANS;
- 1958/4P2BV2/02 4P2B DQR V2 ELEVATIONS BRICK;

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Cont'd

- 1958/4P2BV2/03 4P2B DQR V2 ELEVATIONS RENDER;
- 1958/4P5P/01 4P2BV2-5P3BGV2 LINK FLOOR PLANS;
- 1958/4P5P/01 4P5P LINK FLOOR PLANS;
- 1958/4P5P/01 4P5P LINK FLOOR PLANS ;
- 1958/4P5P/02 4P5P LINK ELEVATIONS RENDER ;
- 1958/4P5P/02 REV A 4P5P LINK ELEVATIONS RENDER;
- 1958/5B3P2/01 REV A 5P3B X2 LINK FLOOR PLANS;
- 1958/5B3P2/02 REV A 5P3B X2 LINK ELEVATIONS BRICK;
- 1958/5B3P2/03 REV A 5P3B X2 LINK ELEVATIONS RENDER ;
- 1958/5P3B /01 5P3BGV2 LINK FLOOR PLANS ;
- 1958/5P3B /01 REV A 5P3B DQR FLOOR PLANS;
- 1958/5P3B /02 5P3B DQR ELEVATIONS BRICK ;
- 1958/5P3B /02 5P3B-5P3BGV2 LINK ELEVATIONS RENDER;
- 1958/5P3B /03 5P3B DQR ELEVATIONS RENDER;
- 1958/5P3BG /01 REV A 5P3B DQR GABLE - FLOOR PLANS;
- 1958/5P3BG /02 REV A 5P3B DQR GABLE ELEVATIONS RENDER ;
- 1958/6P4BD /01 6P4B DQR DETACHED FLOOR PLANS;
- 1958/6P4BD /02 6P4B DQR DETACHED ELEVATIONS BRICK ;
- 1958/P28 /02 PLOTS 28-29 - ELEVATIONS RENDER; received 9th June 2021;
- edp6658_d013 Typical raingarden section received 13th August 2021;
- HF-01 REV F House Finishes layout;
- 1958 SS-01 Rev G Typical Street scenes;
- BBHL-01 Rev C Bird & bat box locations & hedgehog access routes; received 23rd August 2021
- POBL/APT4H/01 APARTMENT-4 2P1BX6 DQR FLATS GROUND FLOOR;
- POBL/APT4H/02 APARTMENT-4 2P1BX6 DQR FLATS FIRST FLOOR;
- POBL/APT4H /03 APARTMENT-4 2P1BX6 DQR FLATS ELEVATIONS (Sheet 1 of 2);
- POBL/APT4H/04 REV A APARTMENT-4 2P1BX6 DQR FLATS ELEVATIONS (Sheet 2 of 2);
- 2511/501 Rev A - Infiltration Basin Details
- 1958TP-01 Rev J Site layout
- EW-01 REV G External works layout;
- Shed 01 – Timber Shed Detail received 31st August 2021;
- 2511/505 Rev B Engineering levels
- 2511/506 Rev C Road & site sections received 3rd September 2021.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

Condition 23 added as follows:

Notwithstanding the information submitted to date, full details of the provision of 2 x barn owl boxes shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of any dwelling hereby approved. The barn owl boxes shall be fully provided in accordance with the approved details no later than 6 months following the first beneficial occupation of the 40th dwelling and shall be retained and maintained as such for the lifetime of the development.

Reason: In the interests of biodiversity to ensure there is mitigation for barn owls. Committee was advised of the following

Application approved subject to a Section 106 agreement in accordance with the recommendation and subject to the following amendment:

An additional £25,000 contribution be paid as part of the Section 106 agreement to fund a plateau level crossing on Pencefnarda Road, with £5,000 paid prior to commencement of development to ensure that all the detailed design works are undertaken and the remaining £20,000 paid and the works completed before occupation of any dwelling on site.

#(Item 2) – Planning Application 2021/1535/FUL - Change of use from 5 bed residential property (Class C3) to a 5 bed HMO (Class C4) at 167 Langdon Road, Swansea Docks, Swansea

A visual presentation was given.

Steve Jones (objector) and Craig Jones (agent) addressed the Committee.

Councillor C Lloyd (Local Member) addressed the committee and spoke against the application.

Report updated as follows:

One additional representation received making objections in response to the application and Committee Report as follows:

Issues Raised by the Officer's Report to the Planning Committee pp78 - 80: H9 v. HMOs Adverse impacts caused by noise nuisance and general disturbance.

Contrary to the assertion made on p78, there is evidence on record, with the police and the university, that there has been unacceptable noise and disturbance since 167 Langdon Road has operated as an unauthorised HMO. This has been detailed by a number of objectors. If, despite this, the application is approved by CCS this will be taken as official sanction for such behaviour and will exacerbate the adverse impacts and harm caused to the lives of the neighbours.

The LDP acknowledges in numerous policies the role that the planning authority plays in mitigating the adverse impacts of HMO-based student accommodation. The implication on pp79-80 that the planning process has no role in dealing with these problems is therefore inaccurate.

Like all public authorities, CCS is obliged to act in accordance with The Human Rights Act 1998 (Article 8: Respect for Private & Family Life and Protocol 1, Article 1: Right to Peaceful Enjoyment of your Property) and Section 17 (1) of the Crime & Disorder Act 1998 (duty of each authority ... to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area). The authority therefore has a very clear duty to deal with this issue.

p73: Responses to Consultations

Item 4 is incorrect. The TP1 states clearly at 12.5.1.3 that the transferee must "not use or permit the property to be used for any purpose other than residential use

within class C3 ... such residential use to exclude for the avoidance of doubt student accommodation”.

For absolute clarity, Langdon Road, with the developments along it, is a diverse developing community with a whole range of dwelling types and forms of tenure represented within it. The vast majority of residents welcome and celebrate this. All the more important, then, to allow this community to develop successfully rather than threaten its cohesion.

p75: Letter from Applicant's Agent

Adding a “temporary” 3 year permission to the 1 year the property has already been in unauthorised use makes a total of 4 years operating as a HMO. Clarification is needed as to what the planning status of the property would be after 4 years as a HMO.

The applicant's personal circumstances, including convenience and financial benefit are not material planning considerations.

p77: Evidence of Existing Unauthorised HMOs

The property has been operating as an unauthorised HMO for a year undetected by CCS. This is evidence in itself. Residents are reluctant to give other names and addresses for understandable reasons. The responsibility rests with CCS to establish the facts on the ground before applying its policies. The documents mentioned on page 77 alone do not provide the information necessary for this task.

The meeting ended at 3.32 pm

Chair