

CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a Meeting of the

PLANNING COMMITTEE

At: Council Chamber, Civic Centre, Swansea

On: Tuesday, 14 July 2015

Time: 2.00 pm

AGENDA

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1 Election of Vice-Chair for the 2015-2016 Municipal Year.	
2 Apologies for Absence.	
3 Disclosures of Personal and Prejudicial Interests.	1 - 2
4 Minutes. To approve as correct records the following: -	
4a Minutes of the Special Planning Committee meeting held on 1 June 2015.	3 - 9
4b Minutes of the Special Planning Committee meeting held on 4 June 2015.	10 - 15
4c Minutes of the Special Planning Committee meeting held on 8 June 2015.	16 - 22
4d Minutes of the Planning Committee meeting held on 9 June 2015.	23 - 28
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4f Minutes of the Special Planning Committee meeting held on 30 June 2015.	34 - 38
5 Items for Deferral / Withdrawal.	
6 Determination of Planning Applications under the Town and Country Planning Act 1990.	39 - 120
7 Referral of Planning Application Ref: 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 the 17 February 2015. Cilibion Saw Mills, Cilibion, Gower - Detached (Rural Enterprise) Dwelling in association with Saw Mill (Outline).	121 - 148

8	Proposed Revocation of 3 No. Tree Preservation Orders.	149 - 150
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11	Enforcement Report.	229 - 231



Patrick Arran
 Head of Legal, Democratic Services & Procurement
 Tuesday, 7 July 2015

 Contact: Democratic Services - 01792 636923

PLANNING COMMITTEE (12)

Labour Councillors: 8

David W Cole	Paul Lloyd (Chair)
Ann M Cook	Paulette B Smith
Erika T Kirchner	Des WW Thomas
Andrea S Lewis	T Mike White

Liberal Democrat Councillors: 2

Mary H Jones	Cheryl L Philpott
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Independent Councillors: 1

Ioan M Richard	
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Conservative Councillor: 1

Anthony C S Colburn	
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Note: Quorum for this Committee is 6 Councillors

Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

Councillors

Councillors Interests are made in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

NOTE: You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
 - i) Disclose orally both the interest concerned and the existence of the dispensation; and
 - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

Officers

Financial Interests

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

CITY AND COUNTY OF SWANSEA

MINUTES OF THE PLANNING COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON MONDAY,
1 JUNE 2015 AT 2.00 PM

PRESENT: Councillor P Lloyd (Chair) Presided

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

Also Present: -

Councillor S E Crouch (Castle Ward Member), Councillor N J Davies (Uplands Ward Member), Councillor V M Evans (Bonymaen Ward Member)

6 **APOLOGIES FOR ABSENCE.**

There were none.

7 **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 E T Kirchner - Minute No. 3 - to consider Local Development Plan allocations and petitions - I live in Castle Ward and my interest is in maintaining the green CA013 - Site 9 the Maritime Quarter, CA012, CA014 and CA022 - personal.

Councillor P Lloyd - Minute No. 3 - to consider Local Development Plan allocations and petitions - Site ST006 - I am a member of Swansea Bay Port Health Authority - personal. Sites BM002 and BM012 - I live on an estate which will be affected should they be included in the LDP and then developed - left the Chair prior to discussions regarding these sites - and did not take part in discussions - personal.

Councillor T M White - Minute No. 3 - to consider Local Development Plan allocations and petitions - Site ST006 - UDP planning sites Fabian Way Corridor - I am a member of the Association of British Ports Authority - personal.

8 **TO CONSIDER LOCAL DEVELOPMENT PLAN ALLOCATIONS AND PETITIONS.**

Prior to considering the Local Development Plan allocations and petitions, the Committee was provided with a presentation regarding the Swansea Local Development Plan procedures, an update regarding the Strategic Transport Assessment and a report regarding the Sustainability Assessment process.

A series of 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 5) Site Reference CA013 - Site 9, Trawler Road

Site capacity 30 units.

Mr Wooliscroft (petitioner) and Councillor S E Crouch (Castle Ward Member) spoke against the site being forwarded as a candidate site.

Andrew North (City and County of Swansea, Corporate Property) addressed the Committee as the site promoter.

The site was recommended for approval to Council for inclusion within the Local Development Plan Deposit Plan subject to the additional requirement that green space be included in the development.

(Item 6) Site Reference CA014 - Vetch Field, Glamorgan Street

40 plus units.

Councillor S E Crouch (Castle Ward Member) spoke against the site being included as a candidate site.

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

(Item 7) Site Reference CA022 - Central Area and Waterfront

1000 plus units.

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

(Item 8) Site Reference LA001 - Land at 66-70 Morfa Road, Swansea

50 plus units.

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

(Item 9) Site Reference LA002 - Land at Former Unigate Dairy, Morfa Road

60 plus units.

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

(Item 10) Site Reference LA005 - Land at Former Hafod Copper Works

40 units.

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

(Item 11) Site Reference LA007 - Pipehouse Wharf Council Depot

50 plus units.

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

(Item 12) Site Reference UP004 - Llwyn Y Bryn Campus

200 units.

Councillor J C Bayliss (Uplands Ward Member) reiterated his comments contained within the report. A written submission by Councillor P N May (Uplands Ward Member) was also reported.

(NOTE: The site will become a commitment when a Section 106 agreement is signed.)

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

(Item 14) Site Reference LS008 - Talycopa Farm, Llansamlet

150 units.

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

(Item 15) Site Reference LS009 - Land Adjoining Heol Las, Birchgrove

50 units.

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

(Item 16) Site Reference LS015 - Land at Midland Place, Llansamlet

30 units.

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

(Item 17) Site Reference LS022 - Former Gwernllwynchwyth House, Llansamlet

50 units.

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

(Item 19) Site Reference LS031 - Former Four Seasons Club, Trallwn

30 units.

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

(Item 21) Site Reference BM007 - Land at Upper Bank, Nantong Way

180 units.

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

(NOTE: Councillor J C Bayliss Chaired for this item.)

(Item 23) Site Reference BM013 - Land Opposite Nos. 16-38 Jersey Road

20 units.

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

(**NOTE**: Councillor J C Bayliss Chaired for this item.)

(Item 24) Site Reference BM017 - Land at the rear of 17-93 Carmel Road, Winch Wen

65 units.

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

(**NOTE**: Councillor J C Bayliss Chaired for this item.)

(Item 25) Site Reference BM025 - Land at Ty Draw Road and Llanerch Road

55 units.

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

(**NOTE**: Councillor J C Bayliss Chaired for this item.)

(Item 26) Site Reference ST006 - Fabian Way Corridor

525 plus units.

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

(Item 27) Site Reference ST010 - Former St. Thomas Station, Pentreguinea Road

110 units.

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

(Item 28) Site Reference ST012 - Land at David Williams Terrace

15 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 site visits:

(Item 4) Site Reference CA012 - Sail Bridge Site, East Burrows Road

50 units.

(Item 13) Site Reference UP005 - Townhill Campus

150 units.

Councillors J C Bayliss and N J Davies (Uplands Ward Members) raised concerns in respect of the site. Councillor P N May (Uplands Ward Member) submitted a written statement outlining concerns.

(Item 18) Site Reference LS023 - Land at the rear of Frederick Place, Llansamlet

20 plus units.

Mr Geoffrey Thornton (petitioner) spoke against the site being included in the Local Development Plan.

Geoff Bacon (City and County of Swansea, Corporate Property) addressed the Committee in favour of the site being included as a candidate site.

(Item 20) Site Reference BM002 - Land between Bog Road and Cefn Hengoed Road, Llansamlet

70 units.

Councillor V M Evans (Bonymaen Ward Member) raised concerns on behalf of the Local Ward Members in relation to the site.

(Item 22) Site Reference BM012 - Land North of Cefn Hengoed School

100 units.

Councillor V M Evans (Bonymaen Ward Member) raised concerns on behalf of the Local Ward Members in relation to the site.

Minutes of the Planning Committee (01.06.2015)
Cont'd

(**NOTE**: Councillor J C Bayliss Chaired for this item.)

The meeting ended at 4.20 pm

CHAIR

Agenda Item 4b

CITY AND COUNTY OF SWANSEA

MINUTES OF THE MEETING OF THE SPECIAL PLANNING COMMITTEE

HELD AT THE COUNCIL CHAMBER, GUILDHALL, SWANSEA ON
THURSDAY 4 JUNE 2015 AT 10.00 A.M.

PRESENT: Councillor P Lloyd (Chair) presided

Councillor(s):	Councillor(s):	Councillor(s):
A C S Colburn	E T Kirchner	I M Richard
D W Cole	A S Lewis	D W W Thomas
A M Cook	C L Philpott	T M White
M H Jones		

Also Present: -

Councillor E W Fitzgerald (Penllergaer Ward Member),
Councillor S M Jones (Gowerton Ward Member) and
Councillor D G Sullivan (Llangyfelach Ward Member)

9. **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor J C Bayliss.

10. **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 A M Cook - Minute No. 11 - Site Ref. CO013 - Land adjacent to Cockett Pond, Cockett - Ward Member, Cockett Ward - personal.

11. **TO CONSIDER LOCAL DEVELOPMENT PLAN ALLOCATIONS AND PETITIONS**

Prior to considering the Local Development Plan Allocations and Petitions, the Committee was provided with a presentation regarding the Swansea Local Development Plan procedures.

A series of candidate sites were submitted for inclusion in the Swansea Local Development Plan.

RESOLVED that:

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

Minutes of the Meeting of the Special Planning Committee
(04.06.2015) Cont'd

(Item 2) Site Ref. CO003 - Former Walkers Factory, Fforestfach

Site capacity - 100 units.

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

(Item 3) Site Ref. CO004 - Land adjacent to 114, Brithwen Road, Waunarlwydd

15 units.

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

(Item 4) Site Ref. CO010 - Land adjacent to Titanium Road; Ystrad Road; Carmarthen Road and Swansea Road

800 plus units.

A written statement provided by Councillor W Evans (Kingsbridge Ward Member) was reported to the Committee.

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

(Item 6) Site Ref. CO018 - Land off Penrhos Place, Gendros

170 units.

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

(Item 7) Site Ref. CO027 - BT Depot, Gors Avenue, Townhill

30 units.

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

Minutes of the Meeting of the Special Planning Committee
(04.06.2015) Cont'd

(Item 8) Site Ref. CO037 - Land at Cockett House, Cockett

30 units.

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

(Item 10) Site Ref. LF002 - Land at Carmel Road and Bryntirion Road, Pontlliw

100 units.

Councillor D G Sullivan (Llangyfelach Ward Member) spoke against the site being forwarded as a candidate site.

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

(Item 11) Site Ref. LF009 - Land adjacent to Former Felindre Tin Plate Works

850 plus units.

Councillor D G Sullivan (Llangyfelach Ward Member) expressed concern in relation to the traffic congestion that would be caused as a result of the development of this site.

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

(Item 15) Site Ref. MR017 - Land at Brayley Road, Morriston

15 units.

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

(Item 18) Site Ref. MB009 - Land at Mynydd Garnllwyd Road, Morriston.

95 units.

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

Minutes of the Meeting of the Special Planning Committee
(04.06.2015) Cont'd

(Item 19) Site Ref. PD002 - Land between Eppynt Road and Bettws Road, Penlan

10 units.

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

(Item 20) Site Ref. PD039 - Land north of Mynydd Newydd Road

750 plus units.

Councillor D G Sullivan (Llangyfelach Ward Member) spoke against the site being forwarded as a candidate site.

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

(Item 25) Site Ref. PG006 - Land north of Llewellyn Road, Penllergaer

50 units.

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

- (2) the undermentioned planning applications **BE DEFERRED** for site visits:

(Item 5) Site Ref. CO013 - Land adjacent to Cockett Pond, Cockett

50 units.

Mrs Crossly (petitioner) spoke against the site being included in the Local Development Plan.

Geoff Bacon (City and County of Swansea, Corporate Property) addressed the Committee in favour of the site being included as a candidate site.

Minutes of the Meeting of the Special Planning Committee
(04.06.2015) Cont'd

(Item 20) Site Ref. LF001 - Walters Year, off Swansea Road, Pontlliw

65 units.

Councillor D G Sullivan (Llangyfelach Ward Member) spoke against the site being included in the Local Development Plan.

(Item 12) Site Ref. LF011 - The Poplars, Pontlliw

15 units.

Councillor D G Sullivan (Llangyfelach Ward Member) spoke against the site being included in the Local Development Plan.

(Item 13) Site Ref. MR011 - Land at Rhyd-y-Pandy Road, Pantlasau

10 units.

(Item 14) Site Ref. MR015 - Land at rear of Glyncollen Primary School, Morrison

35 units.

(Item 16) Site Ref. MR019 - Land at Cwmrhydyceirw Quarry, Morryston

300 units.

(Item 17) Site Ref. MB005 - Land off Clasemont Road, Morryston

750 units.

Councillor D G Sullivan (Llangyfelach Ward Member) spoke against the site being included in the Local Development Plan.

(Item 21) Site Ref. GT005 - Former Cefn Gorwydd Colliery, Gorwydd Road, Gowerton

90 units.

Mr Higgon and Councillor S M Jones (Gowerton Ward Member) spoke against the site being included in the Local Development Plan.

Minutes of the Meeting of the Special Planning Committee
(04.06.2015) Cont'd

Philippa Cole (site promoter) spoke in favour of the site being included in the Local Development Plan.

(Item 22) Site Ref. GT006 - Land to the east of Fairwood Terrace, Gowerton

35 units.

Councillor S M Jones (Gowerton Ward Member) spoke against the site being included in the Local Development Plan.

(Item 23) Site Ref. PG002 - Land at Parc Mawr Farm, Penllergaer

850 plus units.

Mr D Harris (objector, on behalf of Penllergaer Community Council) and Councillor E W Fitzgerald (Penllergaer Ward Member) spoke against the site being included as a candidate site.

Robin Williams (Asbri Planning) addressed the Committee as the site promoter.

(Item 24) Site Ref. PG004 - Land at Penllergaer Civic Offices

80 units.

Councillor E W Fitzgerald (Penllergaer Ward Member) spoke against the site being included as a candidate site.

- (3) a plan of the proposed sites in the North and Greater North-West Strategic Housing Policy zones be provided to the Committee.

The meeting ended at 12.15 p.m.

CHAIR

Agenda Item 4c

CITY AND COUNTY OF SWANSEA

MINUTES OF THE MEETING OF THE SPECIAL PLANNING COMMITTEE

HELD AT THE COUNCIL CHAMBER, GUILDHALL, SWANSEA ON
MONDAY 8 JUNE 2015 AT 10.00 A.M.

PRESENT: Councillor P Lloyd (Chair) presided

Councillor(s):	Councillor(s):	Councillor(s):
A C S Colburn	E T Kirchner	I M Richard
D W Cole	A S Lewis	D W W Thomas
A M Cook	C L Philpott	T M White
M H Jones		

Also Present: -

Councillor D J Lewis (Gorseinon Ward Member)
Councillors P Downing and J E C Harris (Pontarddulais Ward Members)
Councillor J W Jones (Killay South Ward Member)
Councillor K E Marsh (Bishopston Ward Member)

12. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor J C Bayliss.

13. 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.

14. TO CONSIDER LOCAL DEVELOPMENT PLAN ALLOCATIONS AND PETITIONS

Prior to considering the Local Development Plan Allocations and Petitions, the Committee was provided with a presentation regarding the Swansea Local Development Plan procedures.

A series of candidate sites were submitted for inclusion in the Swansea Local Development Plan.

RESOLVED that:

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

Minutes of the Meeting of the Special Planning Committee
(08.06.2015) Cont'd

(Item 2) Site Ref. CL007 - Land at Graigola Road

25 units.

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

(Item 4) Site Ref. CL011 - Land at Ramsey Road

60 units.

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

(Item 5) Site Ref. CL015 - Former Teachers' Centre, Gellionen Road

10 units.

The site was recommended for approval to Council for inclusion within the Local Development Plan Deposit Plan subject to the additional concerns regarding access to the site being highlighted to developers.

(Item 6) Site Ref. CW004 - Manselton Primary School, Manor Road

30 units.

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

(Item 7) Site Ref. CW005 - Cwmbwrla Primary School, Stepney Street

20 units.

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

(Item 11) Site Ref. KB012 - Land at Garden Village

750 plus units.

Minutes of the Meeting of the Special Planning Committee
(08.06.2015) Cont'd

A letter from Councillor W Evans (Kingsbridge Ward Member) was reported which highlighted concerns in relation to traffic surrounding this site.

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

(Item 12) Site Ref. KB014 - Land at West Street, Gorseinon

20 units.

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

(Item 13) Site Ref. KB015 - Land to south of Highfield, Loughor Road

60 units.

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

(Item 14) Site Ref. LL003 - Beili Glas, Glebe Road, Loughor

100 units.

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

(Item 16) Site Ref. PY013 - Land at Brynafon Road, Gower View Road, Clos Cwrt-y-Carne

225 units.

Councillor D W Cole (Penyrheol Ward Member) highlighted access issues in relation to site.

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

(Item 18) Site Ref. PT017 - Land at Bolgoed Road, Pontarddulais

50 units.

Minutes of the Meeting of the Special Planning Committee
(08.06.2015) Cont'd

Dr Susan Barnes (petitioner) spoke against the site being forwarded as a candidate site.

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

(Item 19) Site Ref. PT023 - Land east of Carreg Teilo, Pontarddulais

30 units.

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

(Item 20) Site Ref. UL002 - Land at Heol Pentre-Bach

40 units.

Francis Sinfield (petitioner) spoke against the site being forwarded as a candidate site.

Robin Williams (Asbri Planning, site promoter) addressed the Committee as the site promoter.

Councillor D W Cole (Penyrheol Ward Member) highlighted potential access problems at the site.

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

(Item 21) Site Ref. UL015 - Land south of Glebe Road, Loughor

130 units.

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

(Item 23) Site Ref. KN004 - Hendrefoilan Student Village

300 units.

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

Minutes of the Meeting of the Special Planning Committee
(08.06.2015) Cont'd

- (2) the undermentioned planning applications **BE DEFERRED** for site visits:

(Item 3) Site Ref. CL008 - Land at Tanycoed Road

70 units.

(Item 8) Site Ref. GO001 - Land east of Pontarddulais Road, Gorseinon

90 units.

Councillor D J Lewis (Gorseinon Ward Member) addressed the Committee in respect of this site.

(Item 9) Site Ref. GO007 - Parc Melin Mynach, Gorseinon

250 units.

Councillor D J Lewis (Gorseinon Ward Member) highlighted concerns in relation to this site being forwarded as a candidate site.

(Item 10) Site Ref. GO008 - Land at Parc Melin Mynach and Heol Eifion, Gorseinon

25 units

Councillor D W Cole (Penyrheol Ward Member) highlighted natural environment and wildlife concerns in respect of this site.

(Item 15) Site Ref. PY012 - Land at Tyrisha Farm, Grovesend

45 plus units.

Councillor D W Cole (Penyrheol Ward Member) highlighted access issues in relation to this site.

(Item 17) Site Ref. PT002 - Land north of Pontarddulais

720 plus units.

Dr Susan Barnes (petitioner) and Susie Davies AM spoke against the site being forwarded as a candidate site.

Minutes of the Meeting of the Special Planning Committee
(08.06.2015) Cont'd

Pete Sully and Chris Jenkins (Persimmon Homes) addressed the Committee as site promoters.

Councillors P Downing and J E C Harris (Pontarddulais Ward Members) addressed the Committee in respect of the traffic infrastructure in Pontarddulais and the effect this site would have on traffic.

(Item 22) Site Ref. KS001 - Land off Rowan Close, Killay South

10 units.

Miss C Thomas (petitioner) and Councillor J W Jones (Killay South Ward Member) spoke against the site being forwarded as a candidate site.

(Item 24) Site Ref. BI002 - Land rear of 51b, Bishopston Road, Bishopston

30 units.

Councillor K E Marsh (Bishopston Ward Member) spoke against the site being forwarded as a candidate site.

- (3) Special Planning Committee Meeting - 1 June 2015 - the undermentioned items be amended as follows:

(Item 4) Site Ref. CA012 - Sail Bridge Site, East Burrows Road

50 units.

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

(Item 5) Site Ref. CA013 - Site 9, Trawler Road

30 units.

The site was recommended for a site visit.

Minutes of the Meeting of the Special Planning Committee
(08.06.2015) Cont'd

(Item 6) Site Ref. CA014 - Vetch Field, Glamorgan Street

40 plus units.

The site was recommended for a site visit.

The meeting ended at 11.50 a.m.

CHAIR

S: Planning Committee - 8 June 2015
(JEP)

CITY AND COUNTY OF SWANSEA

MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

HELD AT THE COUNCIL CHAMBER, GUILDHALL, SWANSEA ON
TUESDAY 9 JUNE 2015 AT 2.00 P.M.

PRESENT: Councillor P Lloyd (Chair) presided

Councillor(s):	Councillor(s):	Councillor(s):
A C S Colburn	E T Kirchner	D W W Thomas
D W Cole	A S Lewis	T M White
M H Jones	I M Richard	

ALSO PRESENT:

Councillor N J Davies (Uplands Ward Member)
Councillor J E C Harris (Pontarddulais Ward Member)
Mark Newey (Welsh Government)
Rebecca Stephens (Welsh Government)

15. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J C Bayliss, A M Cook and C L Philpott.

16. **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.

17. **MINUTES**

RESOLVED that the Minutes of the Planning Committee Meetings held on 12 May 2015 and 19 May 2015 be approved as correct records subject to the following amendment:

12 May 2015

(Item 5) Planning Application No. 2015/0565

Erection of indoor training barn facility for Swansea City Football Academy at Swansea Football Club Academy, Landore, Swansea SA1 2FA. Add specific reference to condition 10 of the application with regards to the footpath being reinstated or rerouted on the completion of the work. This work is to be undertaken by the applicant.

18. **TERMS OF REFERENCE**

The Planning Committee Terms of Reference were provided for information.

19. **ITEMS FOR DEFERRAL/WITHDRAWAL**

RESOLVED that the following items be deferred/withdrawn:

(Item 4) Planning Application No. 2015/0701

Retention and alteration of detached dwelling house and garage on Plot 22, Lady Smith Road, Treboeth, Swansea SA5 9DL.

Reason

To allow consideration of further information.

(Agenda Item 9) Enforcement Report

Reason

To allow consideration of further information.

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

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

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

RESOLVED that:

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

(#) **(Item 1) Application No. 2015/0441**

Change of use from residential (Class C3) to 7 bed HMO at 40 Gwydr Crescent, Uplands, Swansea SA2 7NJ.

Councillor N J Davies (Uplands Ward Member) addressed the Committee on the application.

Minutes of the Meeting of the Planning Committee (09.06.2015) Cont'd

A late letter of objection from a local resident stating Brynmill had too many HMOs, renewing the community and making a ghetto.

A late letter of objection from Councillor P N May (Uplands Ward Member) which was summarised as follows:

- The report ignores the fact that there are 41 properties in Gwydr Crescent registered as HMOs.
- Council Policy takes into account the density of HMOs and by forgetting to check the register, the policy has been ignored.
- Previous reports have shown a map of HMOs within a certain radius of the site, specifically 2012/0696 (6 Uplands Crescent). The Committee should be considering this type of report to make a proper and informed decision.
- Stop cutting corners and send the report back for proper appraisal on all HMOs.

The following comments were provided in response:

On page 20 of the report, the details contained in the Public HMO Register are clearly set out. Officers of the Environmental Health Department have confirmed that the latest published register contains 40 properties in Gwydr Crescent. However, as Members will be aware, a property that is occupied by a family for up to 6 people living as a family is not classed as a HMO for planning purposes. Only 13 of those listed would therefore be classed as HMOs for planning purposes. It should be noted that the application site is already licensed as a HMO on the Public Register and if Members grant planning permission, the number of licensed HMOs would not increase. In assessing the proposal against Planning Policy, Members will need to consider only those properties that are operating within the definition of a HMO.

With regards to the plan referred to above, the plan was provided following a request by Committee and was not part of the report originally prepared to Committee. Members are advised that whilst Committee refused the application an appeal was allowed and the Inspector noted that the UDP does not set any objective standard to define where there is likely to be harmful concentration of HMO use in any particular area. Consequently, in determining the application, Members will need to assess whether the provision of the additional bedroom has an acceptable impact on the issues identified in Policy HC5. The report clearly sets out the policy context for determining the application and it is considered sufficient information is provided to allow Members to make an informed decision.

The application was approved in accordance with the recommendation.

(#) **(Item 2) Application No. 2014/1499**

Demolition of number 504 and construction of detached dwelling (outline) at 504 and part of rear garden at 506 Heol Las, Birchgrove, Swansea SA7 9DX.

A late letter from applicant's agent in respect of Conditions 8 and 9 of the recommendation. The agent advises that his client was disappointed to find Condition 8 on the report as it had not been referred to previously. Members were advised that the condition had been requested by the Highways Officers and formed part of the observations contained in the report presented to Committee on 17th March 2015. With regards to Condition 9, the agent has indicated his client will endeavour to provide the accommodation within the parameter but if not, reserves the right to appeal the condition.

Add Informative 5

"With regards to Condition 8, the developer will need to enter into a Section 278 Agreement with the Highway Authority at the Developer's expense."

The application was approved in accordance with the recommendation.

(#) **(Item 3) Application No. 2014/0546**

Construction of 10 dwellings and associated engineering operations (outline) at land between 58 and 76 Goppa Road, Pontarddulais, Swansea SA4 8AN.

Mr Phil Budd (objector) and Mr David Manning (applicant) addressed the Committee.

Councillor J E C Harris (Pontarddulais Ward Member) addressed the Committee on the application.

A visual presentation was provided.

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

Urban Design had no objection to the proposal but has provided comments to be taken into account at detailed design stage should permission be granted.

The application was approved in accordance with the recommendation.

21. **EXCLUSION OF THE PUBLIC**

The item was withdrawn.

22. **ENFORCEMENT REPORT**

The item was withdrawn.

23. **PRESENTATION - LOCAL DEVELOPMENT PLAN OVERVIEW BY THE WELSH GOVERNMENT FOLLOWED BY QUESTION AND ANSWER SESSION**

Mark Newey and Rebecca Stephens provided an overview presentation on the Local Development Plan. The presentation concentrated on gypsy and traveller planning legislation and policy and Equality Act issues.

Details discussed included the LDP process; scope of LDPs; planning for places; gypsy and traveller planning legislation and policy; Housing Act 2014; LDP Wales and tests; City and County of Swansea evidence; examples of local authorities in Wales; the immediate need for Swansea - 11 pitches; issues regarding authorities not meeting their statutory duties and implications.

Minutes of the Meeting of the Planning Committee (09.06.2015) Cont'd

A question and answer session followed the presentation.

The meeting ended 4.20 p.m.

CHAIR

S: Planning Committee - 9 June 2015
JEP - 22 June 2015

CITY AND COUNTY OF SWANSEA

MINUTES OF THE SPECIAL PLANNING COMMITTEE

HELD AT THE COUNCIL CHAMBER, GUILDHALL, SWANSEA ON
THURSDAY 11 JUNE 2015 AT 10.00 A.M.

PRESENT: Councillor P Lloyd (Chair) presided

Councillor(s):	Councillor(s):	Councillor(s):
A C S Colburn	M H Jones	I M Richard
D W Cole	E T Kirchner	D W W Thomas
A M Cook	C L Philpott	

ALSO PRESENT:

Councillor M C Child (West Cross Ward Member)
Councillor L James (Pennard Ward Member)
Councillor J A Raynor (Dunvant Ward Member)

24. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J C Bayliss, A S Lewis and T M White.

25. **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.

26. **TO CONSIDER LOCAL DEVELOPMENT PLAN ALLOCATIONS AND PETITIONS**

Prior to considering the Local Development Plan allocations and petitions, the Committee was provided with a presentation regarding the Swansea Local Development Plan procedures.

A series of 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 2) Site Reference DU003 - land to the rear of 104 Killan Road, Dunvant.

15 units.

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

(Item 5) Site Reference SK011 - land north of Llwyn Mawr Road, Tycoch

25 units.

Councillor C L Philpott (Sketty Ward Member) addressed the Committee in relation to this site.

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

(Item 6) Site Reference SK017 - Cefn Coed Hospital

500 units.

Councillor C L Philpott (Sketty Ward Member) and Paul Vining (Site Promoter) addressed the Committee in relation to this site.

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

(Item 8) Site Reference WC009 - former Eastmoor Nursery, Chestnut Avenue

20 units.

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

(Item 9) Site Reference GW002 - land adjacent to Boarlands Estate, Port Eynon

10 units.

Mr Richard Herbert (petitioner) and Mr David Atwell (petitioner) spoke against the site being forwarded as a candidate site.

Mr Graham King (Site Promoter) spoke in favour of the site being forwarded as a candidate site.

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

(Item 12) Site Reference PN001 - land adjoining Pennard Drive, Pennard

60 units.

Councillor L James (Pennard Ward Member) spoke against this site being forwarded as a candidate site.

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

(Item 13) Site Reference FA008 - Fairwood Hospital, Gower Road

25 units.

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

(Item 14) Site Reference FA010 - land east of Gowerton Road, Three Crosses

15 units.

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

(Item 15) Site Reference FA014 - land adjoining Tir Mynydd Road, Three Crosses

20 units.

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

(Item 16) Site Reference FA019 - Gowerton Road, Three Crosses

Boundary change to allow development.

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

- (2) the undermentioned planning applications **BE DEFERRED** for site visits:

(Item 3) Site Reference OY003 - land at Thistleboon Caravan Park

Marcus Smith (petitioner) spoke against the site being forwarded as a candidate site.

A letter from Mumbles Community Council was also reported which highlighted the reasons against the site being forwarded as a candidate site.

(Item 4) Site Reference OY016 - land at Higher Lane, Thistleboon

30 units.

Jill Burgess (petitioner) spoke against the site being forwarded as a candidate site.

Geraint John (Site Promoter) spoke in favour of the site being forwarded as a candidate site.

(Item 7) Site Reference WC004 - Clyne Common off Chestnut Avenue

50 units.

Betty Ballman (petitioner) spoke against the site being forwarded as a candidate site.

Geraint John (Site Promoter) spoke in favour of the site being forwarded as a candidate site.

Councillors M C Child and D W W Thomas (West Cross Ward Members) addressed the Committee in respect of this site.

(Item 10) Site Reference GW010 - land at Tyle House Farm, Burry Green

10 units.

Minutes of the Special Planning Committee (11.06.2015) Cont'd

(Item 11) Site Reference GW023 - land at Monksland Road, Scurlage

26 units.

The meeting ended at 12.17 p.m.

CHAIR

S: Special Planning Committee - 11 June 2015
JEP - 26 June 2015

Agenda Item 4f

CITY AND COUNTY OF SWANSEA

MINUTES OF THE MEETING OF THE SPECIAL PLANNING COMMITTEE

HELD AT THE COUNCIL CHAMBER, GUILDHALL, SWANSEA ON
TUESDAY 30 JUNE 2015 AT 10.00 A.M.

PRESENT: Councillor P Lloyd (Chair) presided

Councillor(s):	Councillor(s):	Councillor(s):
A C S Colburn	E T Kirchner	P B Smith
D W Cole	A S Lewis	D W W Thomas
A M Cook	C L Philpott	T M White
M H Jones	I M Richard	

27. **APOLOGIES FOR ABSENCE**

There were none.

28. **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 A S Lewis - Minute No. 29 - Items 10 and 11 - Morriston Ward Member - personal.

Councillor I M Richard - Minute No. 29 - Item 19 - Tanycoed Road, Clydach - I own a property near to this site - personal and prejudicial and left the meeting prior to discussions on this item.

29. **TO CONSIDER LOCAL DEVELOPMENT PLAN ALLOCATIONS AND PETITIONS**

The Chair explained that the Planning Committee had undertaken a 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 CA012 - Sail Bridge Site

50 units.

Minutes of the Meeting of the Special Planning Committee
(30.06.2015) Cont'd

The site was recommended for approval to Council for inclusion within the Local Development Plan Deposit Plan. The Committee requested that car parking be included within the design brief for any future developments on the site.

(Item 2) Site Reference CA013 – Ste nine, Trawler Road

30 units.

The site was recommended for approval to Council for inclusion within the Local Development Plan Deposit Plan. The Committee requested that a maximum of 30 units be developed and as much green public space as possible be retained at the site.

(Item 3) Site Reference CA014 - The Vetch Field

40 plus units.

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

(Item 4) Site Reference UP005 - Townhill Campus

150 units.

The site was recommended for approval to Council for inclusion within the Local Development Plan Deposit Plan. The Committee requested that the main access to the site be from Townhill Road and this be included within the design brief for the site which should also seek to retain the original building on site.

(Item 5) Site Reference LS023 - Frederick Place, Llansamlet

20 plus units.

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

(Item 6) Site Reference BM002 - Land between Bog Road and Cefn Hengoed Road, Bonymaen

70 units.

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

(Item 8) Site Reference CO013 - Land adjacent to Cockett Pond

50 units.

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

(Item 11) Site Reference MR019 - Land at Cwmrhydyceirw Quarry

300 units.

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

(Item 12) Site Reference GT005 - Former Cefn Gorwydd Colliery - Gorwydd Road, Gowerton

90 units.

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

(Item 13) Site Reference GT006 - Land to the East of Fairwood Terrace, Gowerton

35 units.

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

(Item 14) Site Reference CL008 - Land at Tanycoed Road, Clydach

20 units.

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

(**NOTE:** The capacity of the site was reduced from 70 to 20 units through omission of the eastern field.)

(Item 18) Site Reference OY016 - Land at Higher Lane, Thistleboon

30 units.

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

(Item 21) Site Reference GW023 - Land at Monksland Road, Scurlage

26 units.

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

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

(Item 7) Site Reference BM012 - Land North of Cefn Hengoed School, Bonymaen

100 units.

The site was deferred for further information regarding highways issues.

(Item 10) Site Reference MR015 - Land at the rear of Glyncollen Primary School

35 units.

The site was deferred for further information regarding surface water flooding and underground streams.

Minutes of the Meeting of the Special Planning Committee
(30.06.2015) Cont'd

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

(Item 9) Site Reference MR011 - Land at Rhydypanyd Road, Pantlasau

10 units.

The settlement boundary be redrawn along Mynydd Gwelliwastad Road.

(Item 15) Site Reference KS001 - Land off Rowan Close, Killay

10 units.

(Item 16) Site Reference BI002 - Land at the rear of 51B Bishopston Road

30 units.

(Item 17) Site Reference OY003 - Land at Thistleboon Caravan Park

No settlement boundary change to be included in the Local Development Plan

(Item 19) Site Reference WC004 - Clyne Common, Chestnut Avenue, West Cross

50 units.

(Item 20) Site Reference GW010 - Land at Tyle House Farm, Burry Green

10 units.

The meeting ended at 12.30 p.m.

CHAIR

CITY AND COUNTY OF SWANSEA
DINAS A SIR ABERTAWE

Report of the Head of Economic Regeneration & Planning
to Chair and Members of Planning Committee

DATE: 14TH JULY 2015

<p>Bay Area Team Leader: Richard Jones - 635735</p>	<p>Area 1 Team Leader: Ian Davies - 635714</p>	<p>Area 2 Team Leader: Chris Healey - 637424</p>
<p>Castle Landore Mayals Oystermouth St Thomas Sketty Uplands West Cross</p>	<p>Bonymaen Clydach Cockett Cwmbwrla Gorseinon Llangyfelach Llansamlet Mawr Morryston Mynyddbach Penderry Penllergaer Penyrheol Pontarddulais Townhill</p>	<p>Bishopston Dunvant Fairwood Gower Gowerton Killay North Killay South Kingsbridge Lower Loughor Newton Penclawdd Pennard Upper Loughor</p>

Members are asked to contact the relevant team leader for the ward in which the application site is located, should they wish to have submitted plans and other images of any of the applications on this agenda displayed at the Committee meeting.



TWO STAGE VOTING

Where Members vote against officer recommendation, a two stage vote will apply. This is to ensure clarity and probity in decision making and to make decisions less vulnerable to legal challenge or awards of costs against the Council.

The first vote is taken on the officer recommendation.

Where the officer recommendation is for “approval” and Members resolve not to accept this recommendation, reasons for refusal should then be formulated and confirmed by means of a second vote.

The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members. The reason(s) have to be lawful in planning terms. Officers will advise specifically on the lawfulness or otherwise of reasons and also the implications for the Council for possible costs against the Council in the event of an appeal and will recommend deferral in the event that there is a danger that the Council would be acting unreasonably in refusing the application.

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Member should also confirm reasons for approval which should also be lawful in planning terms. Officers will advise accordingly but will recommend deferral if more time is required to consider what conditions/obligations are required or if he/she considers a site visit should be held. If the application departs from the adopted development plan it (other than a number of policies listed on pages 77 and 78 of the Constitution) will need to be reported to Council and this report will include any appropriate conditions/obligations.

The application will not be deemed to be approved unless and until suitable conditions have been recorded and confirmed by means of a second vote.

Where Members are unable to reach agreement on reasons for refusal or appropriate conditions as detailed above, Members should resolve to defer the application for further consultation and receipt of appropriate planning and legal advice.

CONTENTS

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
1	2015/1097	49 Higher Lane Langland Swansea SA3 4NT Retention and completion of front patio and fence	APPROVE
2	2014/1837	Land at Cockett Valley Waunarlywydd Road Swansea SA5 4RQ Construction of a 4MW solar farm comprising c. 14,790 individual panels and associated structures and works.	APPROVE
3	2015/0458	Pentyla Playing Fields, Cockett, Swansea Construction of 8 semi-detached houses with associated off road parking (outline) (Council Development Regulation 3)	APPROVE
4	2015/0701	Plot 22 Ladysmith Road Treboeth Swansea SA5 9DL Retention and alteration of detached dwelling house and garage on Plot 22.	APPROVE
5	2015/0952	Bryneglur Bryn Eglws Felindre Pontarddulais Swansea SA4 8NS Replacement dwelling	APPROVE
6	2015/0570	Urban Village development, 212-222 High Street, Swansea, SA1 1NN 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%).	APPROVE
7	2015/0604	Land South of Castle Lane, Swansea, SA1 1DW 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%)	APPROVE

PLANNING COMMITTEE – 14TH JULY 2015

ITEM 1

APPLICATION NO.

2015/1097

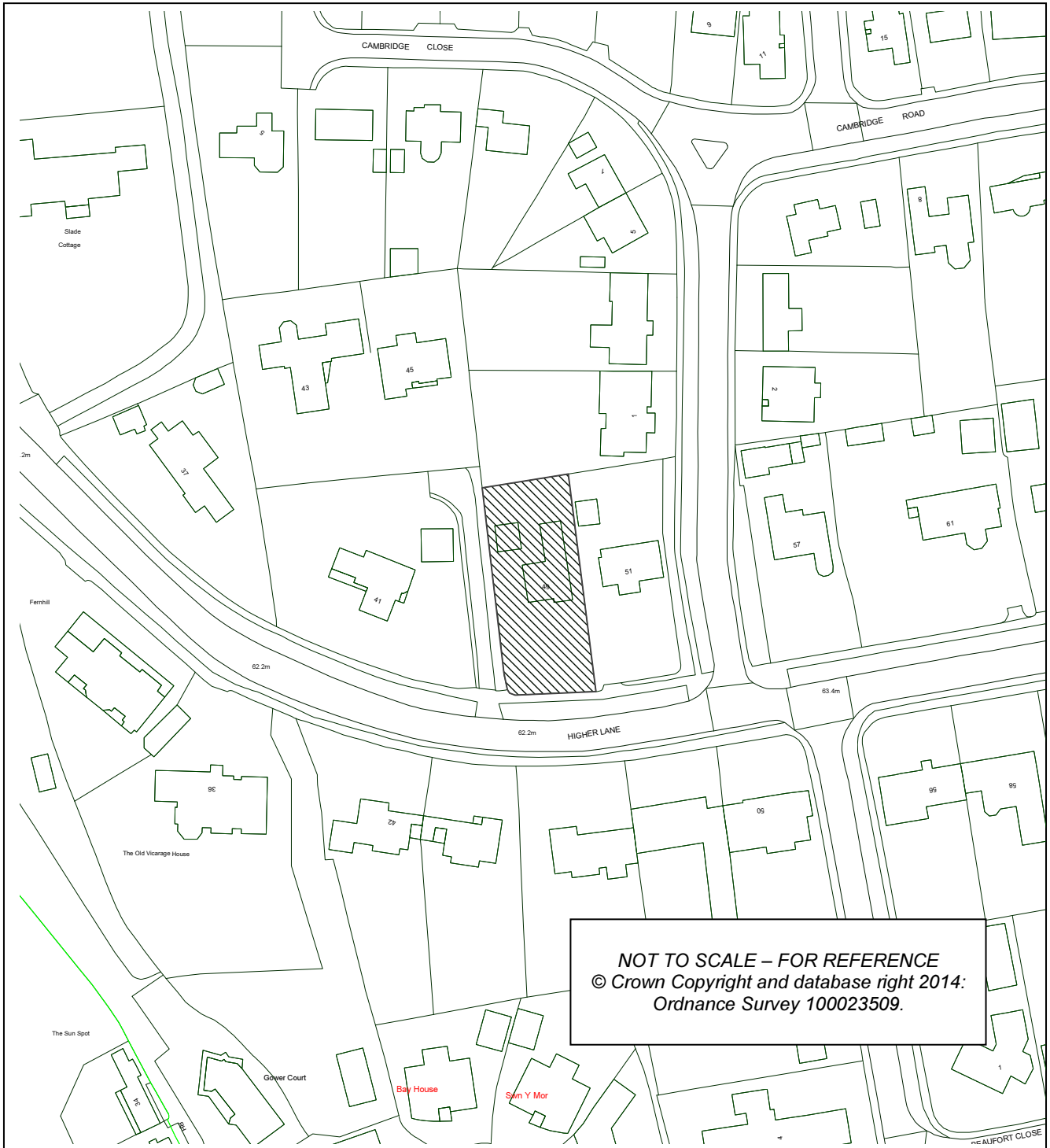
WARD:

Oystermouth

Location: 49 Higher Lane Langland Swansea SA3 4NT

Proposal: Retention and completion of front patio and fence

Applicant: Mr & Mrs R Phillips



PLANNING COMMITTEE – 14TH JULY 2015

ITEM 1 (CONT'D)

APPLICATION NO.

2015/1097

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
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

App No.	Proposal
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.

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.

PLANNING COMMITTEE – 14TH JULY 2015

ITEM 1 (CONT'D)

APPLICATION NO.

2015/1097

- 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

PLANNING COMMITTEE – 14TH JULY 2015

ITEM 1 (CONT'D)

APPLICATION NO.

2015/1097

- 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.

PLANNING COMMITTEE – 14TH JULY 2015

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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 3rd 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 30th 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.

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.
-

BACKGROUND INFORMATION

POLICIES

Policy Policy Description

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)

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

(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 Waunarlwydd 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 4th June 2014, with an initial Phase 1 survey on 14th July 2014 and follow up tree and badger surveys on the 8th 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. Section 5.2.1 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 Subboscus 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 Waunarlwydd) 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).

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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.

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.

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.

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.

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.

It is noted that the site is accessed from Waunarwydd 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 Waunarwydd 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.

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).

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.

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 bird

It 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>

- Continued -

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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

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 .

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;

- Continued -

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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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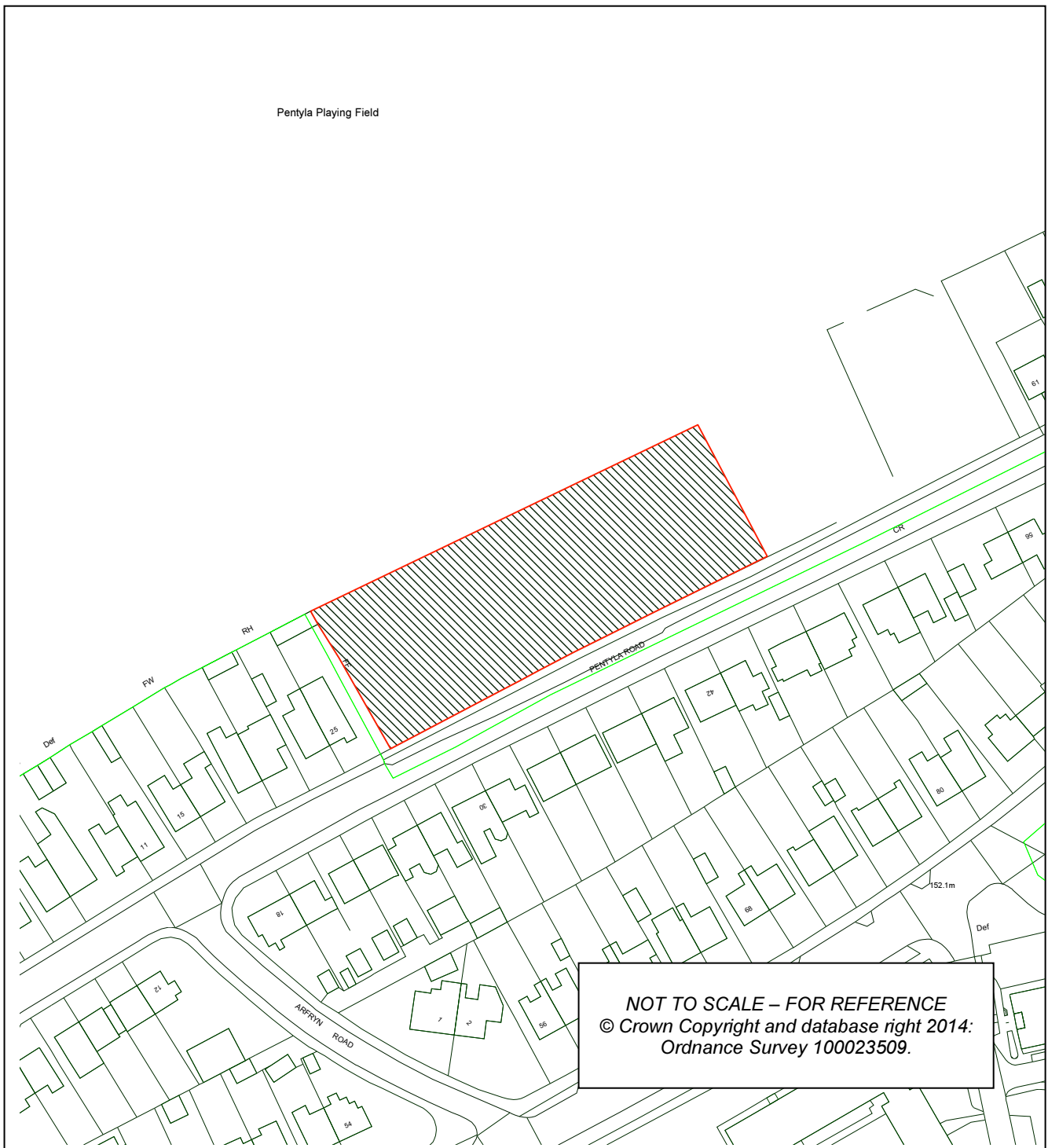
APPLICATION NO.

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

Policy	Policy Description
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

App No.	Proposal
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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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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- 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 23rd 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.

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.

PLANNING COMMITTEE – 14TH JULY 2015

ITEM 3 (CONT'D)

APPLICATION NO.

2015/0458

- 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 -

PLANNING COMMITTEE – 14TH JULY 2015

ITEM 3 (CONT'D)

APPLICATION NO.

2015/0458

- 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

PLANNING COMMITTEE – 14TH JULY 2015

ITEM 3 (CONT'D)

APPLICATION NO.

2015/0458

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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ITEM 3 (CONT'D)

APPLICATION NO.

2015/0458

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.

PLANNING COMMITTEE – 14TH JULY 2015

ITEM 3 (CONT'D)

APPLICATION NO.

2015/0458

- 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 or on the Welsh Government's website 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 – 14TH JULY 2015

ITEM 4

APPLICATION NO.

2015/0701

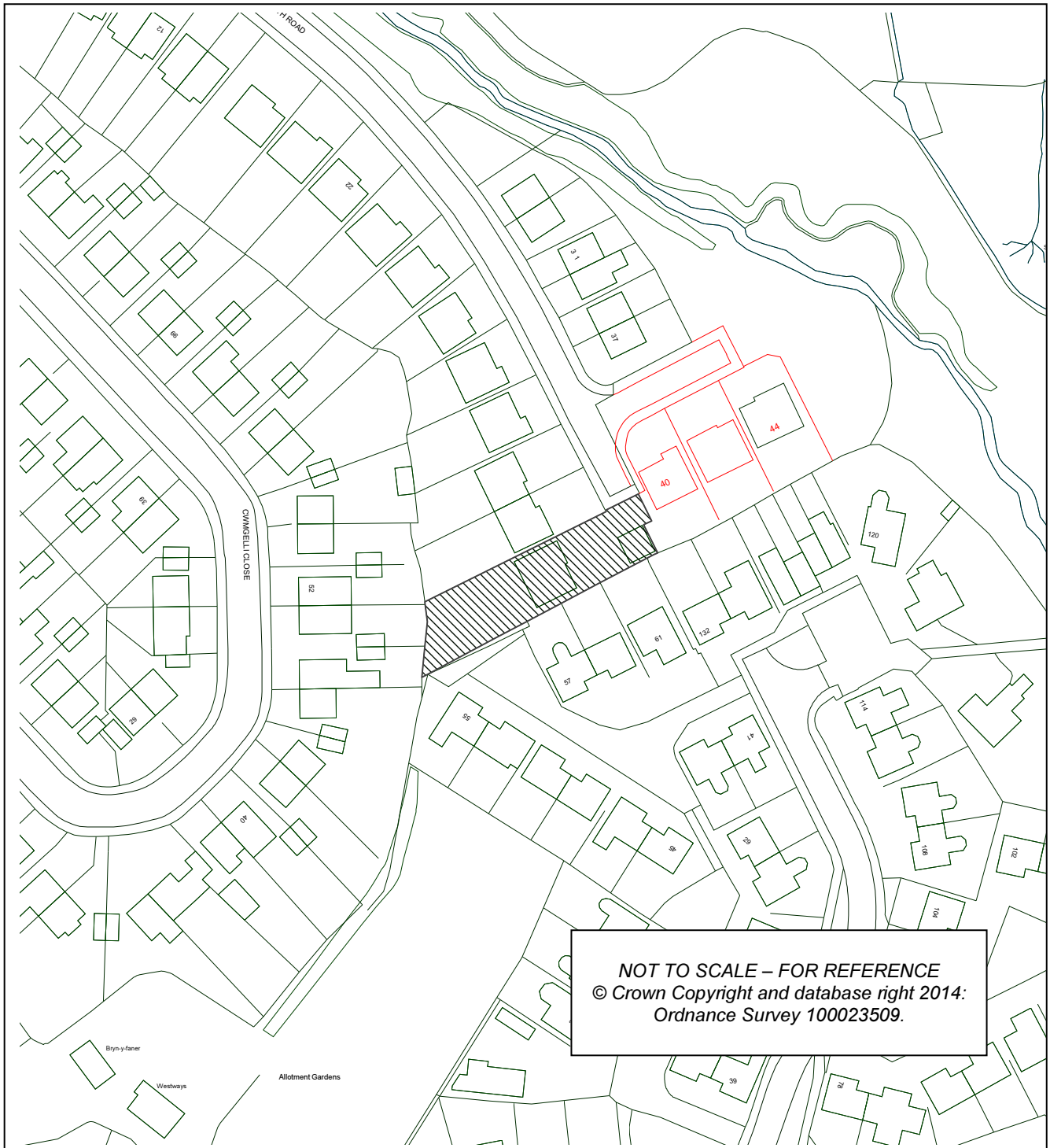
WARD:

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



PLANNING COMMITTEE – 14TH JULY 2015

ITEM 4 (CONT'D)

APPLICATION NO.

2015/0701

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
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

App No.	Proposal
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 – 14TH 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.

PLANNING COMMITTEE – 14TH JULY 2015

ITEM 4 (CONT'D)

APPLICATION NO.

2015/0701

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 9th 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.

ITEM 4 (CONT'D)

APPLICATION NO.

2015/0701

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 – 14TH JULY 2015

ITEM 4 (CONT'D)

APPLICATION NO.

2015/0701

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 – 14TH 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

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

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

PLANNING COMMITTEE – 14TH JULY 2015

ITEM 5

APPLICATION NO.

2015/0952

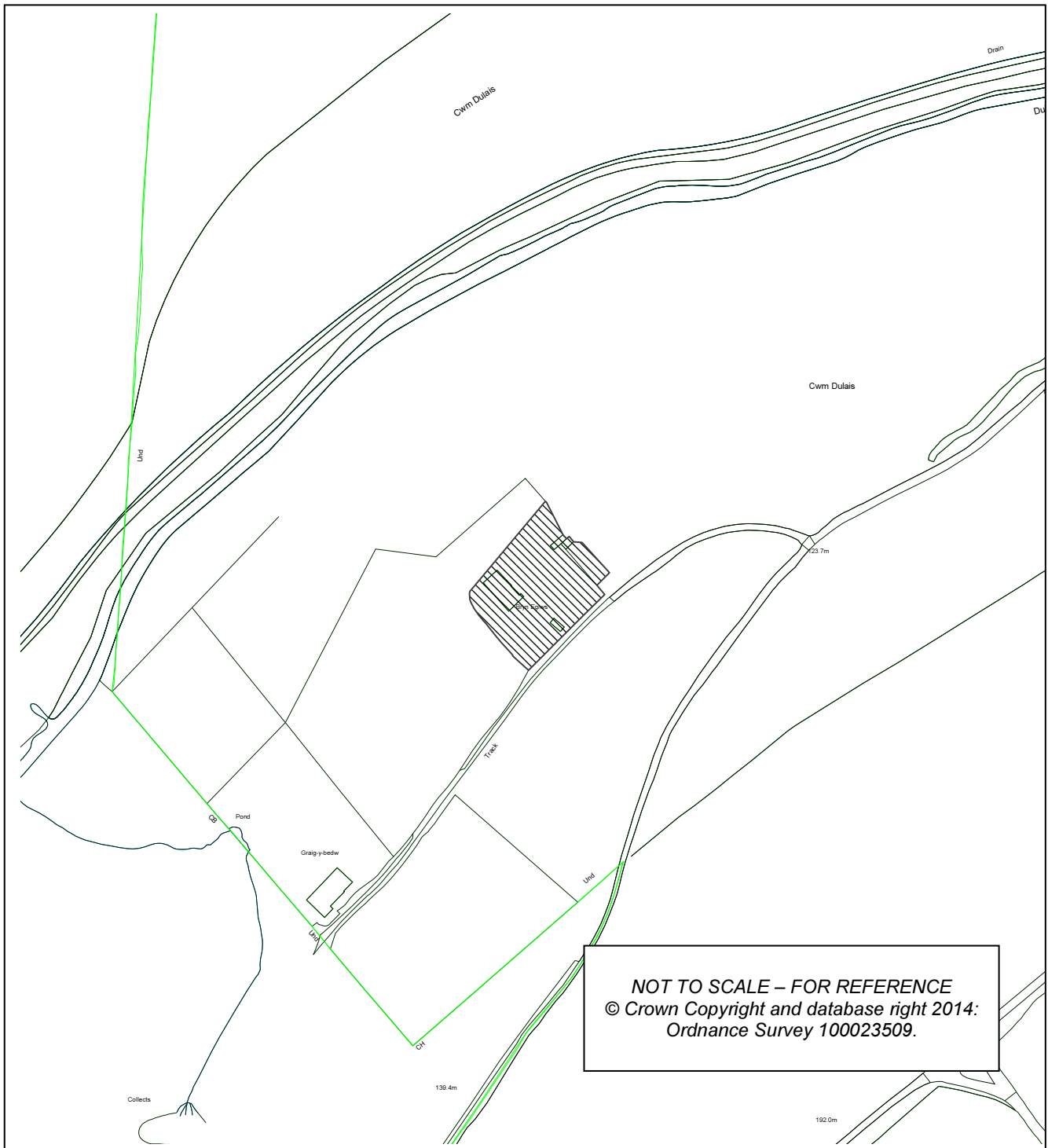
WARD:

Mawr

Location: Bryneglur Bryn Eglws Felindre Pontarddulais Swansea SA4 8NS

Proposal: Replacement dwelling

Applicant: Mr Owen Williams



PLANNING COMMITTEE – 14TH JULY 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2015/0952

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
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

App No.	Proposal
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.

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.

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 – 14TH 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.

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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 – 14TH 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

Property specific summary information on past, current and future coal mining activity can be obtained from: 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 – 14TH JULY 2015

ITEM 6

APPLICATION NO.

2015/0570

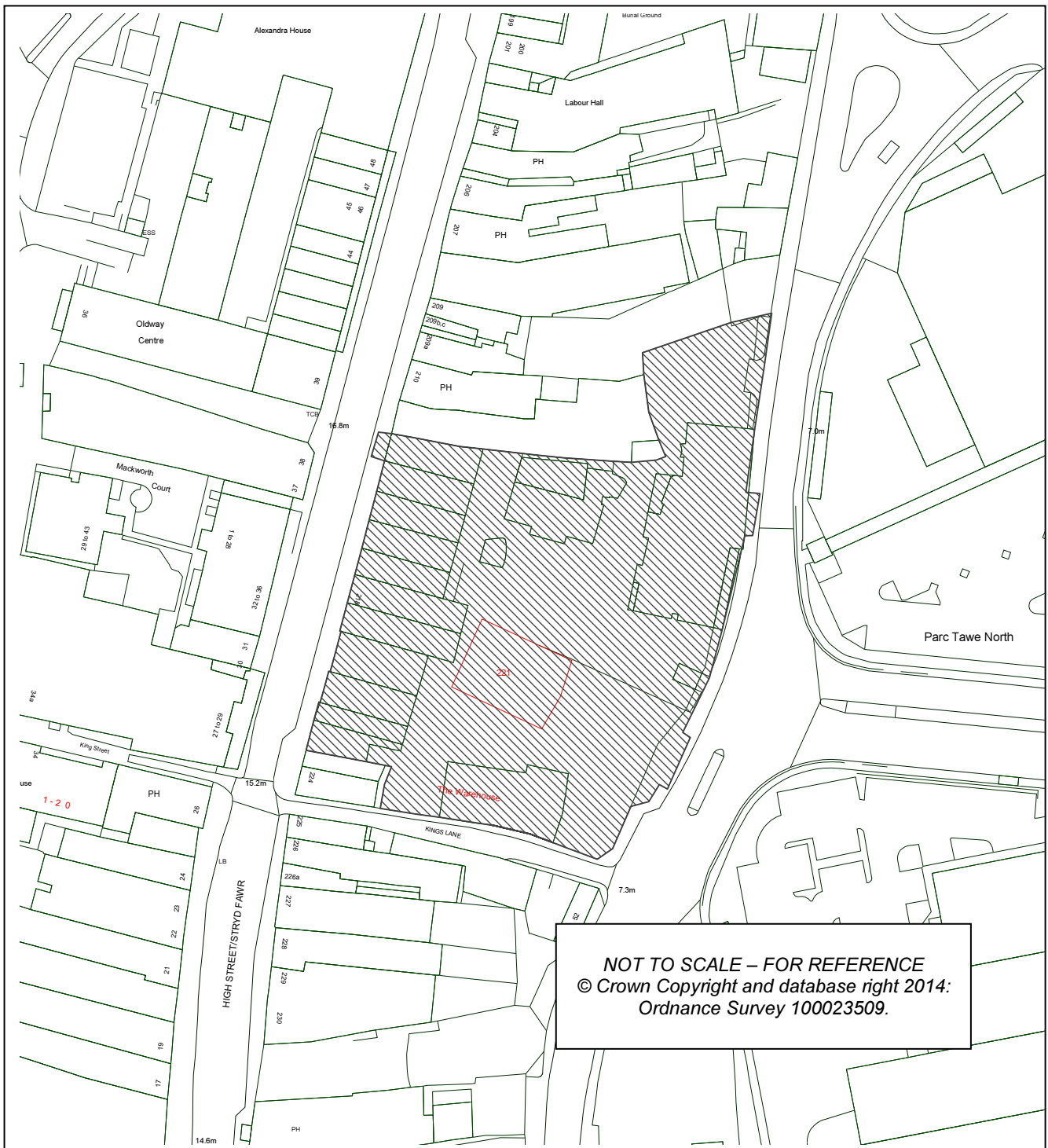
WARD:

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



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

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.

PLANNING COMMITTEE – 14TH JULY 2015

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 – 14TH JULY 2015

ITEM 7

APPLICATION NO.

2015/0604

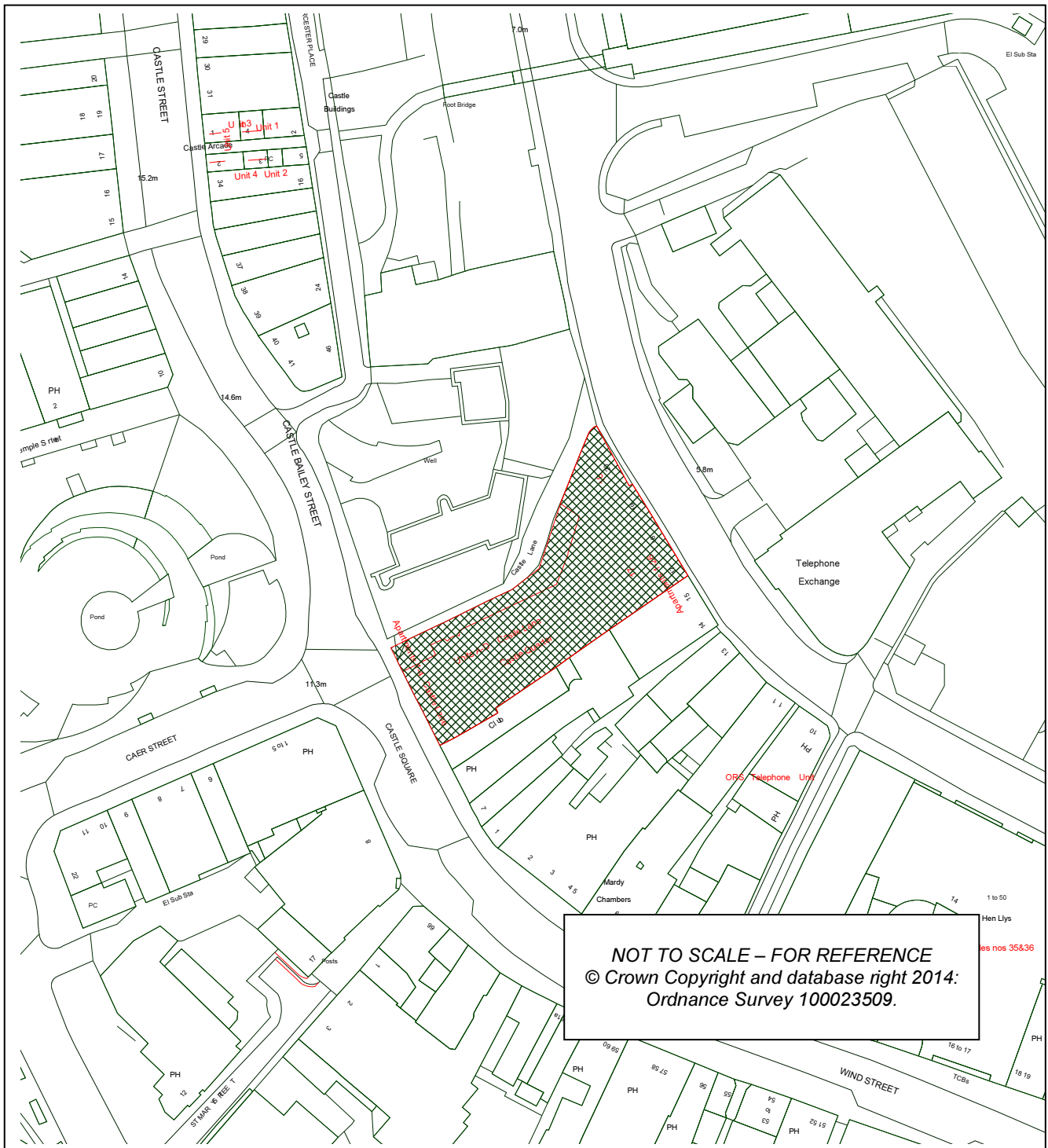
WARD:

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



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:

ITEM 7 (CONT'D)

APPLICATION NO.

2015/0604

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.

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.

PLANNING COMMITTEE – 14TH JULY 2015

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 – 14TH JULY 2015

ITEM 7 (CONT'D)

APPLICATION NO.

2015/0604

- 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)
-

Report of the Head of Economic Regeneration and Planning

Planning Committee – 14 July 2015

**Referral of Planning Application Ref: 2013/1745
from the Area 2 Planning Committee on 3rd June 2014, the Development and
Management Control Committee on 19th June 2014 and the Planning
Committee on the 17th February 2015.**

Cilibion Saw Mills, Cilibion, Gower

Detached (Rural Enterprise) Dwelling in association with Saw Mill (Outline)

1.0 Background

- 1.1 This application was reported to Area 2 Development Control Committee on 3rd June 2014, with the recommendation that planning permission be refused as the proposal constituted an unjustified dwelling in the countryside and would be detrimental to the character and appearance of the Gower AONB. Members did not accept the recommendation, but resolved that the application be referred to Development, Management and Control Committee (DMCC) with a recommendation that it be approved subject to a Section 106 Planning Obligation to tie the occupation of the dwelling to the Sawmill, on the grounds that the new dwelling was justified to serve a long standing business which makes a significant contribution to the rural economy and that the dwelling would not result in a detrimental impact upon the character and appearance of the area.
- 1.2 The DMCC on the 19th June 2014 subsequently resolved to grant planning permission subject to nine conditions and to a Section 106 Agreement tying the occupancy of the dwelling to the Sawmill.
- 1.3 Following legal advice it was confirmed that Conditions 8 and 9 (the last two unnumbered Conditions set out in the report to the DMCC below) did not satisfy the tests for conditions as set out in Welsh Government Circular WGC016/2014 - The Use of Planning Conditions for Development Management and Welsh Government guidance TAN 6 - Planning for Sustainable Rural Communities, which offers specific guidance on the use of occupancy conditions.
- 1.4 The application was therefore reported back to the Planning Committee on the 17th February 2015, where it was recommended that the previously proposed Condition 9 be removed, as it was beyond the scope of an enforceable condition and the relevant matters should be solely controlled by way of the proposed Section 106 Agreement. It was also recommended that Condition 8 be reworded to reflect the standard occupancy condition set out in Welsh Government Guidance TAN 6 for this type of development (see below) and which was cited as an appropriate and acceptable control by the applicant in the application.

The report to the Planning Committee on the 17th February 2015 is attached as Appendix 1 (this report also contained the previous reports made to the Area 2 Committee on the 3rd June and the report to the DMCC on the 19th June as appendices).

2.0 Main Issues

- 2.1 Following the receipt of further legal advice, it has been established that not all of the land within the red-line boundary identified on drawing 10.80.01 attached as Appendix 2, is within the applicant's (and close family member's) sole ownership or control - namely the access track running west of the Sawmill. Therefore, the applicant (and the family member) was not able to sign the Section 106 agreement as land owners, as they did not own all of the application site between them.
- 2.2 The applicant has subsequently now amended the red-line boundary of the site to exclude the access track. Therefore only land within the applicant's/family member's ownership/control is included within the revised site boundary, as detailed on drawing 10.80.01B attached as Appendix 3. Access to the proposed new dwelling will now be obtained via the main gated entrance to the existing sawmill and via the sawmill yard area. The Head of Transportation and Engineering raises no objection to the revised access arrangements.
- 2.3 Therefore, it is recommended that the revised red-line plan be included as part of the application details and that the application be approved subject to previously proposed Conditions 1-3 and the revised version of Condition 8, as previously agreed. The original Condition 9 has again been removed. Furthermore, the originally proposed Conditions 5-7 are also no longer required, as they are Code Level 3 Sustainable Homes conditions, which following recent changes to Planning Policy Wales, fall outside the remit of the Welsh planning system. The original Condition 4 has also been removed as advice contained within Welsh Government Circular 016/2014 states that such a condition should not be used.

For the avoidance of doubt, the four remaining conditions are listed below at 3.1.

3.0 Recommendation

- 3.1 It is recommended that:

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

- (i) The conditions listed below;

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 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.

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

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

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

BACKGROUND PAPERS

Local Government Act 1972 (Section 100) (As Amended)

The following documents were used in the preparation of this report:
Application file, together with the files and documents referred to in the background information section of the appended Development Control committee report.

Contact Officer:	<i>Ryan Thomas</i>	Extension No:	<i>5731</i>
Date of Production:		Document Name:	<i>Cilibion Sawmill</i>

Report of the Head of Economic Regeneration and Planning

To Planning Committee

17th February 2015

**Referral of Planning Application Ref: 2013/1745
from the Area 2 Planning Committee on 3rd June 2014
and the Development and Management Control Committee
on 19th June 2014.**

Cilibion Saw Mills, Cilibion, Gower

Detached (Rural Enterprise) Dwelling in association with Saw Mill (Outline)

3.0 Background

- 1.1 This application was reported to Area 2 Development Control Committee on 3rd June 2014, with the recommendation that planning permission be refused as the proposal constituted an unjustified dwelling in the countryside and would be detrimental to the character and appearance of the Gower AONB. Members did not accept the recommendation but resolved that the application be referred to Development, Management and Control Committee (DMCC) with a recommendation that it be approved subject to a Section 106 Planning Obligation to tie the occupation of the dwelling to the sawmill, on grounds that the new dwelling was justified to serve a long standing business which makes a significant contribution to the rural economy and that the dwelling would not result in a detrimental impact upon the character and appearance of the area.
- 1.2 The DMCC on the 19th June 2014 subsequently resolved to grant planning permission subject to Conditions and to a Section 106 Agreement tying the occupancy of the dwelling to the Sawmill. A copy of the report to Area 2 Development Control Committee on 3rd June 2014 and the report to the DMCC held on the 19th June 2014 are attached as Appendix A and B respectively.

4.0 Main Issues

- 2.1 Following the receipt of further legal advice it has been confirmed that proposed Conditions 8 and 9 (the last two unnumbered Conditions set out in the report to DMCC below) do not satisfy the tests for conditions as set out in Welsh Government Circular WGC016/2014 - The Use of Planning Conditions for Development Management and Welsh Government guidance TAN 6 - Planning for Sustainable Rural Communities which offers specific guidance on the use of occupancy conditions. Therefore, it is recommended that proposed Condition 9 be removed as it is beyond the scope of an enforceable condition and should be controlled by way of the proposed Section 106 Agreement.

It is also recommended that Condition 8 be reworded to reflect the standard occupancy condition set out in Welsh Government Guidance TAN 6 for this type of development (see below) and which was cited as an appropriate and acceptable control by the applicant in the application.

3.0 Recommendation

3.1 It is recommended that:

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

- (i) The applicant entering into a Section 106 Planning Obligation to tie the dwelling to the saw mill enterprise;
- (ii) The proposed Condition 8 should be replaced with the following Occupancy Condition:

Condition [8]

The occupancy of the dwelling shall be restricted to those:

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

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

- (iii) The removal of proposed Condition 9; and
- (iv) The remaining Conditions set out in the report to the DMCC on 19th June 2014 attached as Appendix B, (subject to any necessary minor rewording).

BACKGROUND PAPERS

Local Government Act 1972 (Section 100) (As Amended)

The following documents were used in the preparation of this report:
Application file, together with the files and documents referred to in the background information section of the appended Development Control committee report.

Contact Officer:	<i>Ryan Thomas</i>	Extension No:	<i>5731</i>
Date of	<i>9th February</i>	Document	
Production:	<i>2015</i>	Name:	<i>Cilibion Sawmill</i>

APPENDIX A

ITEM 5

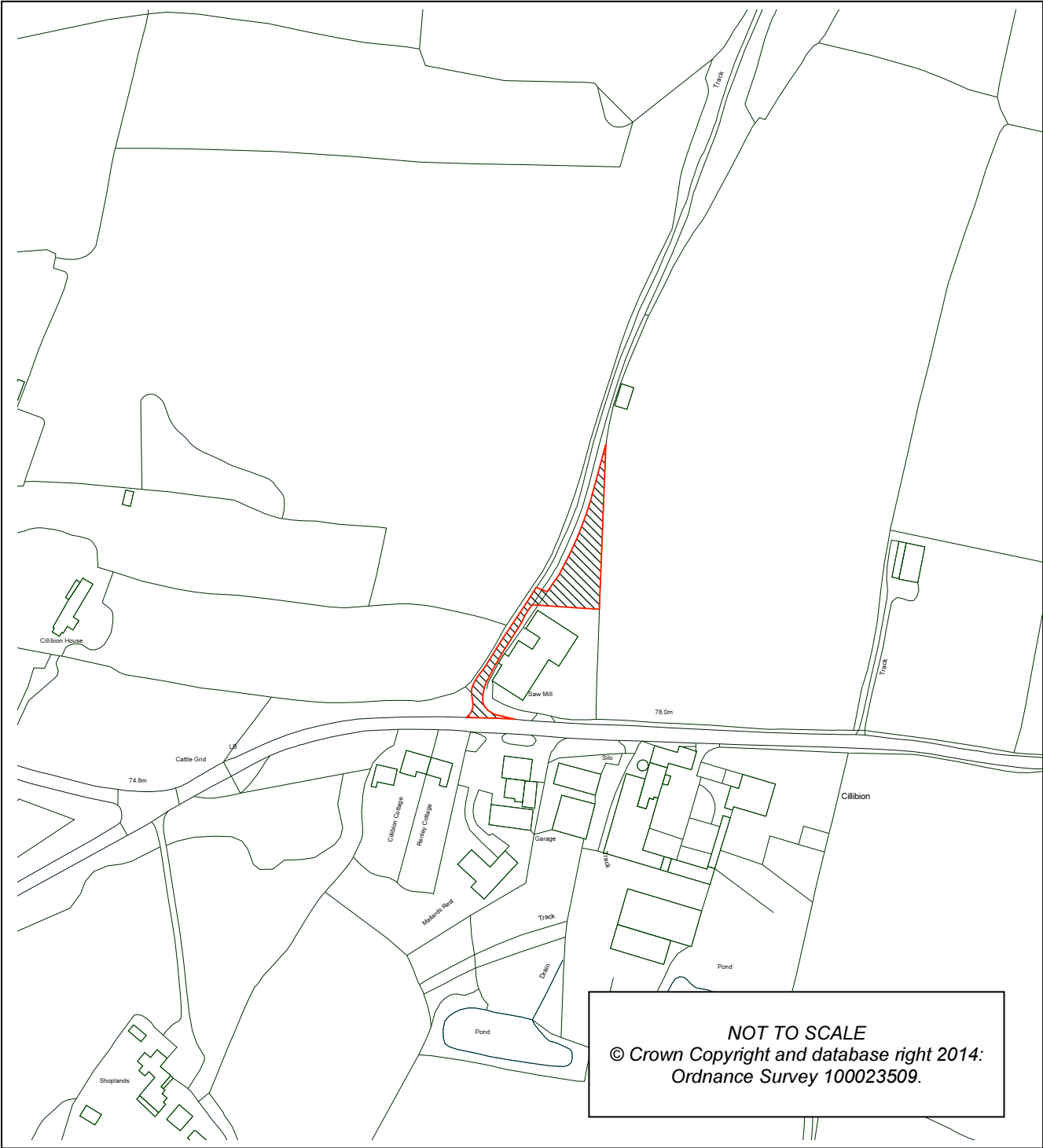
APPLICATION NO. 2013/1745

WARD: Gower Area 2

Location: Cilibion Saw Mills, Cilibion, Swansea, SA3 1EB

Proposal: Detached dwelling in association with sawmill (outline)

Applicant: Mr Adam Cowley



BACKGROUND INFORMATION**POLICIES**

Policy	Policy Description
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 EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: <ul style="list-style-type: none"> i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
Policy EV20	In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
80/0873/01	ERECTION OF A DWELLING Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 28/08/1980
84/1112/03	ERECTION OF A THREE BEDROOM HOUSE. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 31/01/1985

RESPONSE TO CONSULTATIONS

The application was advertised on site. No response.

The Gower Society - have the following comments to make:

1. The sawmill itself appears to be a viable and indigenous rural business.
2. We recognise the need to sustain rural initiatives and jobs within the AONB.
3. If this dwelling were permitted what guarantee is there that the saw mill business would continue to be viable and that the house would not be sold directly after completion?
4. If the business were discontinued the site could be presumably declared a brown field site and a house applied for in its place?
5. We are conscious of your refusal for a domestic static caravan in this location i.e. 2013/0224.
6. Any claim of thefts should be supported by police reports.
7. If permitted it should be associated with a Section 106 Agreement.

We ask that you take the above points into account when arriving at your decision and if allowed a clause be added that ties the house to a rural activity.

Dwr Cymru /Welsh Water – No Objection

Highways - Access to the site is acceptable for the likely level of use that this one dwelling will generate. The indicated site layout is acceptable with parking for three cars and room to turn within the site. I recommend that no highway objections are raised.

Report of Mr R Anstis (Chartered Surveyor) on Behalf of Swansea City & County Council – concludes that the tests are not passed.

Supporting Statement. – Rural Enterprise Dwelling Appraisal

As you are aware, the planning system has a key role to play in supporting the delivery of

Sustainable rural communities. It can help to ensure, as in this application, that appropriate development takes place in the right place at the right time by making sufficient land available to provide homes and employment opportunities for local people helping to sustain rural services. Happily the land is available to the rear of the timber yard and Adam Cowley, the applicant, is certainly helping to sustain a rural service which his father previously maintained and has, with his father, maintained the user. It is one of the oldest traditional family businesses still left in Gower, providing a service to the community since the end of the First World War. (Please see enclosed copy letter from Mrs. Austin dated 19th September.)

The applicant meets the goal of the planning system which is to support living and working

rural communities in order that they are economically, socially and environmentally sustainable. Mr. Adam Cowley meets all three requirements.

A key requirement is whether the proposed developer enhances sustainability and can generate wealth to support local services and, in particular, the LP A should encourage people to work and live in the same locality, which Mr. Cowley now does, and will in a much better and modern building if the consent required is granted.

New dwellings on established rural enterprises should only be allowed if they meet the

Criterion of 4.4.1 Tan 6 dealing with each requirement.

4.8.1 A) there is a clearly established functional need. The business is currently run and has been for many years, by Mr. David Cowley (Father) and Adam, the applicant (son).

Mr. David Cowley, due to his health problems of severe arthritis and joint problems, is no longer able to do heavy work essential when handling timber (a letter from his doctor can be forwarded if necessary, explaining this fact). It is therefore essential to the continuation of the business that the applicant, Mr. Adam Cowley, lives and continues to work at the premises. On his father's enforced retirement he will take on another employee to substitute for his father and, if the business continues to expand, will take on a further employee, thereby creating new and further employment at the site.

I would stress that his employment is not a 9.00 - 5.00 job but much longer hours are invariably worked, and due to the fact of the many break-ins at the premises (I enclose letter from Mr. Cowley to the Police Authority). The last break-in resulted in the intruders starting a fire which could well have destroyed the business. It is essential, therefore, that Mr. Adam Cowley resides at the rear of the premises. At present he lives in a dilapidated caravan which is far from ideal, and the proposed new house could bring to an end this unsatisfactory scenario. The house will be positioned so that he may maintain surveillance over the timber yard and buildings and deal with potential wrongdoers.

4.9.1 The Time Test has been dealt with under 4.8.1.

4.10 The Financial test.

Please find enclosed herewith a letter from Butterfield & Morgan Ltd., Chartered Accountants, which confirms the requirement of the Financial Test

4.11 Other Dwellings Test.

There are virtually no houses available on Gower that are financially in the price range of Mr. Adam Cowley. Housing on Gower is amongst the most expensive in Swansea and Wales. The Housing Department has none available and neither does the Housing Association.

Houses in the immediate locality (photo enclosed) are too expensive to be contemplated and the current housing development at Scurlage are in the region of £300,000 while those under construction at a closer site in the North Gower Hotel redevelopment are in excess of £400,000.

Mr. Cowley is only able to provide a new home for himself because he does not have to purchase the land on top of the cost of construction. Housing plots in Gower are in excess of £ 100,000.

4.12. With regard to this requirement, a detailed Design and Access Statement by the retained Architect, Mr. Adrian Philips who is also qualified as a Town Planner, is enclosed herewith and full details of the house to be constructed will be submitted as reserved matters when the outline consent has been granted.

I enclose several additional letters detailing the background and desirability of granting your required consent and if there are other matters or further details required, perhaps you would be kind enough to grant myself, Mr. Philips and Mr. Cowley the opportunity to meet with you at your office to resolve any issues, if any. However, I trust you now have all the information to make your decision.

I would add Mr. Cowley is perfectly willing to enter into a 106 Agreement with the Council

as he did in April 1985 when a previous application was granted on the 25th April 1985, but which was not proceeded with at that time as he had to choose between buying his in-laws' farm at Bury Green or developing the house, and he did not have enough money to do both.

Response from the Agent to Mr Anstis' report on behalf of City and County of Swansea (received 23rd April 2014)

Dealing with Mr. Anstis' report to you and your queries thereon, I will deal first with his report.

To start, the front page is inaccurate. My application was for "a new rural enterprise dwelling" - Mr. Anstis' report is concerned with an application to "CONVERT" an agricultural build to a rural enterprise worker's dwelling, a completely wrong and incorrect description.

2.2.1 Not significant, states Mr. Anstis.

2.2.2 The fact that the parents own a bungalow some 200 metres from Dunraven Farm is irrelevant and has nothing to do with this application, even though it proves how successful the business is in that they have bought their farm and worked the sawmill profitably for many years.

2.3.1 There is a caravan on site, not a structure.

2.5.1 This caravan, not structure as referred to by Mr. Anstis, has been in the same position since 2006, but Mr. Anstis fails to state caravans have been occupied on this site since 1967 and three caravans have been used on the same site since 2001. The third caravan, due to age, was replaced in 2006. Adam has occupied the last two caravans since the summer of 2000 (see letter forwarded to Mrs. Kelly, 5th June 2013). Mr. Anstis' statement needs updating and it is incorrect of him to state two months.

2.5.2 Mr. Anstis is repeating himself and the reference to his brother's bungalow is completely irrelevant.

2.5.3 Irrelevant.

2.6.1 The sawmill has been established since 1917, almost 100 years. This is one of the last remaining traditional businesses on Gower and one which is of prime importance to the community. Mr. Anstis states "more recently" his son has joined the business. He did, in fact, join the business when he left school some 20+ years ago and has been for a very long time an important, essential and integral part of the business.

The business trades under the heading of D. W. G. Cowley trading as Gower Timber Co. with one bank account and one chequebook. Separate accounts are prepared for the Farm and the Sawmill, although they are run under the same business heading, and separate accounts are prepared and such returns are made to the Inland Revenue

Mr. Anstis, in his reply to you, states, "However, he may well be able to show that although it is a separate business (Chartered Accountant's letter confirmed), it does support the farm in allowing it to be viable or more viable. I would expect this to be the case. It would however require that link to Dunraven Farm to be made". Mr. Anstis, therefore, considers that the submission application qualified as a rural enterprise.

2.6.2 Mr. Anstis complains there is no detail on the activities that are carried out at the sawmill. They are not selling fish & chips or ice-cream; they are carrying out the normal activities of a sawmill. It is as silly as asking the owners of a brothel what activities are being carried out at the premises. If Mr. Anstis had been prepared to get off his backside and visit the site, all would have been revealed. There can be no substitute for a site visit. The work carried out is not seasonal but is varied and takes place all the year round.

2.6.3 Mr. Anstis complains no details of the farming enterprise at Dunraven Farm are submitted. These details are immaterial. The application is for a dwelling at the back of Cilibion Sawmill. I trust in any event, as an agricultural expert, he should be well aware of what happens on a farm and its obvious user.

3.1 Mr. Anstis considers there is no material evidence to show that the sawmill is a qualifying rural enterprise under the definition in 4.3.2. I beg to disagree. The sawmill is a process of forestry and is ancillary to that user, and in his reply to you that it qualifies as a rural enterprise. TAN 6, 4.3.2 states qualifying rural enterprises comprise land-related business including agriculture, forestry and the processing of agriculture and forestry together with land management activities and support services. The sawmill contributes in a major way to land management, with the cutting and maintenance of hedges, removal of trees and is in total support of the rural economy.

For Mr. Anstis to state there is no evidence that it is run independently from the farm as an established rural enterprise is nonsense. I enclose the necessary evidence from Butterfield & Co. Chartered Accountants. Mr. Anstis is completely wrong in suggesting that the application should not be considered under TAN 6.4.4, it should. It certainly should not be considered under TAN 4.6 which deals with new dwellings on NEW ENTERPRISES. If he visited the site, it would be obvious to him that the sawmill is an established business. It is beyond belief that the business has traded at a loss as it has provided profitable employment for the family for over 40 years. Mr. Anstis, when he spoke to me, was unaware that Butterfield & Co., the Chartered Accountants, had forwarded a letter to Mrs. Kelly, confirming that the business was profitable (19th September 2013) - further copy is enclosed. Mr. Anstis also referred to the fact that the proposed dwelling was 3,000 sq.ft. I informed him that this figure was nonsense and that Mr. Cowley could not afford 2,000 sq.ft., let alone 3,000. I recommended he speak to Andrew Philips, the retained architect, but he did not do so, other than his original call to find my telephone number.

3.2.1 I accept that the tests should be on the assumption of an established enterprise under 4.4.1.

3.2.1(a) The functional need is beyond dispute and it is essential for the proper functioning of the business for the worker to be readily available on site and is a full-time worker. I am not aware from my reading of 4.4 that this should relate to unexpected situations for which the worker would be required outside working hours. I am pleased to note that he acknowledges that "there may well be a security issue on the site", which Police correspondence and crime numbers confirm. However, he considers security to be a secondary planning issue which I and the owners do not. It is indeed a MATERIAL planning consideration which the LP A must take into account.

In any event, the LPA must take into account the Crime & Disorder Act of 1988 (which Mr. Anstis ignores and does not draw it to your attention). Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they make. CCTV will not prevent a break-in or prevent an intruder breaking in and, if so minded, setting the sawmill on fire which happened at the last break-in. Contrary to Mr. Austin's recommendation, this test is passed.

3.2.2(b) There is need for a full-time assistant worker on site. Mr. Adam Cowley works in excess of 50 hours a week and longer if necessary. A Local Government worker considers a 5-day 35 hour week is full-time employment. A week at the sawmill would give them a nervous breakdown and cause complete exhaustion. The basic reason for this application is that Mr. David Cowley will shortly have to retire due to ill health (copies of doctor's letters enclosed) with chronic arthritis and the wear and tear of 46 years' hard, physical, work. Thereafter, Adam will have to take on another employee to replace his father as there is no way he could cope with the business and with the day-to-day work and management of this increasingly busy, successful business.

3.2.3(c) The sawmill has been established for many years. Evidence has been submitted to the LPA as to its profitability. Further letters will be submitted from Butterfield, the retained Chartered Accountants, and I trust neither the LP A nor Mr. Anstis will challenge the expertise or honesty of their written evidence.

3.2.4(d) We have submitted to you photographs and prices of new properties being developed at Scurlage and L1anrhidian, varying from f200,000 to f550,000 - prices well beyond what Mr. Adam Cowley, or any young man, can afford. He can afford to build behind the sawmill as he only has to pay for the construction costs and not the land, which will be gifted to him by his parents.

Mr. Anstis refers to 39 properties available to buy for less than £150, 000 within five miles

of the site, and 21 properties to rent from £450 p.c.m. would he please detail, for your and my benefit, the addresses of these properties of which I am not aware? In any event, if Adam has to drive to work from one of these properties, by the time he reached the sawmill the break-in could have occurred, the intruders could have fled and if they were so minded as the people responsible for the last break-in, his business could have been burnt to the ground and 40 years of hard work destroyed, which would be a great loss to the Gower community.

I would draw your attention to TAN 6 4.3.1, Rural Enterprise Dwellings, which states one of the circumstances on which new, isolated, residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at or close to their place of work. Whether this is essential in any particular will depend on the needs of the rural enterprise concerned and not on the personal preference of circumstances of any of the individuals concerned. (Lord Scarman's dictum would also apply.)

Mr. Adam Cowley meets all the criteria and you will be aware that PPW Housing Objectives 9.1.1. states a home is a vital part of people's lives; it affects their health and wellbeing, quality of life and the opportunities open to them. The Welsh Government approach as set out in the National Housing Strategy is, inter alia, "to provide more housing of the right type and offer more choice". I trust, Mrs. Tucker, it will not be your intention to smother initiative and make life difficult for hard-working entrepreneurs whose application complies with PPW, TAN 6 and the UDP. Such a course of action would be directly contrary to the stated wishes of the Council Leader who has exhorted the Council to adopt a "CAN DO" policy and would open the Council to ridicule having regard to their preamble in the Business Directory of 2012 which states in large, bold lettering "CAN WE HELP?" I would trust that we are not dealing with any enemies of enterprise in the LPA.

I enclose herewith a copy of relevant and compelling information from Mr. David Cowley, copies of letters to and from the Police and from Butterfield Chartered Accountants, also Mrs. Austin of Terra Nova, whose grandfather started the sawmill, my Rural Enterprise Dwelling Appraisal, and you already have a copy of the previous planning consent granted in 1985. I would add my client is prepared to enter into a 106 Agreement re the proposed development and in the event you decide to adopt a negative attitude to this application and recommend refusal, we would wish the application to go before the Planning Committee for their decision.

APPRAISAL

This application is reported to Committee for decision and a Site Visit has been requested by Councillor Richard Lewis to assess the impact upon the AONB.

Outline planning permission is sought for the erection of one rural enterprise workers dwelling at Cilibion Saw Mills, Cilibion, Swansea. The application site is located within the curtilage of the existing sawmill which is itself located within the open countryside and Gower AONB.

The proposed dwelling will be sited some 16m north of the main sawmill and will include a parking and turning area forward of the dwelling. Whilst matters relating to appearance, scale, layout and landscaping are reserved for future approval, access will be derived directly of the main B4271.

Issues

The main issues for consideration during the determination this application relate to the principle of a rural enterprise dwelling at this location, the impact of the proposed dwelling upon the visual amenities of the area and wider Gower AONB, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, EV2, EV3, EV20, EV22 and EV26 of the Swansea UDP, the Supplementary Planning Guidance document entitled 'A Gower Design Guide', Planning Policy Wales 2012 and Technical Advice Note 6 – Planning For Rural Sustainable Communities.

Policy EV20 of the Swansea UDP is the relevant policy when considering new dwellings in Countryside locations such as this. Such dwellings will only be permitted where:

- (i) The dwelling is required to accommodate a full-time worker solely or primarily employed in agriculture, forestry or an appropriate use to serve the rural economy who needs to live on the premises rather than a nearby settlement, and
- (ii) There is no alternative existing dwelling available in nearby settlements and there are no existing buildings on the farm unit suitable for conversion to residential use, and
- (iii) The proposed dwelling is located as close as possible to the existing farm buildings.

Applications for dwellings such as this are required to be accompanied by objective information assessing:

- (i) The functional need for the dwelling, and
- (ii) Demonstrating the financial sustainability of the enterprise, and
- (iii) The genuineness of the need for accommodation to serve the enterprise.

This is further expanded in Technical Advice Note 6 Planning for Sustainable Rural Communities July 2010 and Planning Policy Wales 2012 paragraph 9.3.7 which have been material changes in planning considerations since the formulation of the Swansea UDP. Paragraph 4.4 of TAN 6 focuses upon new dwellings on established rural enterprises. This clearly states new dwellings should only be allowed to support established rural enterprises provided:

- There is a clearly established existing functional need;
- The need relates to a full time worker and does not relate to a part time requirement;
- The enterprise concerned has been established for at least 3yrs, profitable for at least 1 of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;
- The functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned and
- Other normal planning requirements, for example siting and access are satisfied.

Background

Gower Timber Company (also known as Cilibion Saw Mill) was originally formed some point shortly after World War One, and as such is one of the oldest rural enterprises in Gower which is still running today. The applicant's father purchased the business in 1974 and it remained in the family since, providing the main source of income. The applicant has been solely/primarily employed in the business in a full time capacity and has resided on site in temporary accommodation for many years.

The applicant has submitted supporting information aiming to justify the need for the proposed dwelling in association with the above referred enterprise.

This information describes the business and its history. Includes copies of a previous planning permission and S106 Legal Agreement issued for a dwelling on the site (84/1112 refers). A copy of a letter from Butterfield Morgan Ltd. Chartered Accountants dated September 2013 confirming that the business has proved viable over the years; copy of an acknowledgement of report of a criminal offence from South Wales Police dated 1996 and a number of supporting statements provided by the applicants agent, Mr Harry Jenkins.

In response to this submission, the Council's own consultant produced an appraisal report on the applicant's submissions which is examined as follows:

Tenure

The site and the adjacent sawmill, extending to approximately 2.500 sqm in total is owned jointly by the applicant's father and mother. The applicant is therefore assumed to be occupying the site with his father under an informal agreement, but with no formal security of tenure. Because of the close family link and the long establishment of the business, this lack of technical security is not considered significant.

The applicants' parents jointly own Dunraven Farm as well as a bungalow some 200m from the farmhouse there, occupied by the applicants' brother. The parents live in the Dunraven Farm being owned by the same parties as the sawmills and the application site for a dwelling is clarified further below.

Buildings

The sawmills comprise a set of buildings, internal machinery and external hard-standing and storage area. There is also a poor standard structure on site occupied by the applicant.

Land

The site for the proposed dwelling forms part of the larger area which includes the access road and the sawmills themselves. The proposed curtilage extends to 961sqm, but the whole extends to around 2500sqm. Dunraven Farm is some 3 miles away and has significant further land.

Dwellings

There are no dwellings on the proposed site, or the wider sawmills site, but there is a structure on the site occupied by the applicant. The applicant states that this structure has been the subject of an application for retention via a certificate of lawfulness (2013/0224 refers), the detail of which has not been examined, but it is relevant to the application to note that the existing structure has been in the same position since 2006 and before that the applicant occupied a touring caravan on an adjacent plot for around 2 months, before which an equivalent structure was placed on the same position as occupied as a dwelling.

It is also relevant that the applicants' parents own both this land and Dunraven Farm, upon which there is a dwelling occupied by his parents, adjacent to which is a bungalow occupied by his brother. The applicant states that no other dwellings are owned by either the applicant or his parents.

Enterprise

The sawmill has been run as such on the site for many years and was bought by the applicants father in 1974. The applicants' father may have spent some time in the past residing on site, but for a substantial period of years, he ran the enterprise from his house at Dunraven Farm. More recently, his son, the applicant, has joined the sawmill business. It is not clear from the evidence whether the sawmill is run as a separate business to the farm, with separate accounts or as a part of the main farm business.

There is no detail of the activities carried out at the saw mill, but the applicants father has stated that he owns the business and that the type of work is varied and seasonal no details on the farming enterprise at Dunraven Farm are submitted with this application.

Assessment

The agent presents the application as a new dwelling on an established enterprise. There are two issues that arise from that. Firstly, apart from statements confirming it to be the case, there is no material evidence to show that the rural enterprise is a qualifying rural enterprise under the definition in 4.3.2 of TAN 6. It is not agriculture or forestry and it is not presented as part of a wider farming enterprise and cannot conceivably be an activity that obtains its primary inputs from the site itself. Secondly, it is not clear from the evidence submitted, despite it being run for many years, that it is run independently from the farm and as an established rural enterprise, warranting assessment under 4.4 of TAN 6, as opposed to being a new enterprise, assessed under 4.6 of TAN 6. Further evidence may be available to satisfy this primary test.

Running through the tests on the assumption that it is an established enterprise, the assessment is examined under 4.4.1 of TAN 6

- a) Clearly established existing functional need: Whether it is essential for proper functioning of the business for a worker to be readily available on site. This should relate to unexpected situations for which the worker would be required outside normal working hours.

The singular evidential reason provided to support the need for a worker to reside on site is security. There are reported incidents and there is no reason to challenge that there may well be a security issue on the site. However security is a secondary planning issue and there is no primary justification offered. It is not clear why CCTV and other security measures could not be established on site as opposed to a dwelling.

THIS TEST IS NOT PASSED.

- b) Full-time worker. The agent and applicant states that there is sufficient labour requirements for the enterprise to fully employ a worker, but there are no statistical submissions, describing the operations and the man hours for each element and without such detail, including the scale and specific nature of the enterprise it is difficult to see how the bland statements can be accepted as evidence required under 4.9.1 of TAN 6.

It is possible that if further evidence were submitted, this test would be satisfied, but as it stands THE SUBMISSION FAILS.

- c) Established for three years, profitable for at least one and a current financially sound enterprise and a current financially sound business need, with a clear prospect of remaining so.

The sawmill as an entity has been established for over three years, but there is no cogent evidence submitted that it has been run as an enterprise independent from the farm as a stand-alone enterprise for a period of at least three years. There are no separate accounts submitted to demonstrate that this enterprise has been profitable (in isolation or as part of the farm) for at least one year or that show the enterprise as financially sound with clear prospect of remaining so.

It is possible that further submissions will show this, but as it stands THE EVIDENCE IS NOT COMPELLING.

- d) Other dwelling – other dwellings available for purchase or rent locally, other dwellings owned by the applicant or already on the same holding, other dwellings that could service a sawmill which was relocated.

The submitted evidence is minimal in terms of presenting all properties available within 5 miles that are available to rent or buy, but very swift search on a popular site reveals 39 properties of two bedrooms or more available to buy within 5 miles of the site at a price less than £150,000. The same site shows 21 properties to rent in the same area, with a rent from £450 pcm.

No detail is submitted of other buildings owned as part of the farm, but certainly there are no buildings on the application site that could be converted.

No evidence is submitted to show why the sawmill could not be relocated to where a dwelling already exists, including the farmyard at Dunraven Farm. There may be cost issues associated with such a relocation that would make it uneconomic compared with the cost of constructing a dwelling here, but certainly THIS TEST IS NOT PASSED.

- e) Other planning issues. The concerns highlighted in 4.12.1 of TAN 6 have NOT BEEN ADDRESSED.

In conclusion, the tests are not passed.

The applicants advisor responded to the above conclusions (reported in full above) and on the basis of the content of the response, the Councils advisor Mr. Anstis was consulted once more to clarify the points raised. The following specific questions were asked:

- Q. If the applicant can demonstrate through the provision of additional supporting information that the sawmill provides a 'support service' to the rural economy, could there be a case that the submission may qualify as a rural enterprise?

A. Support service is one that it is ancillary to another specific and related qualifying rural enterprise. For example, if this was a saw mill that supported Dunraven Farm, then it would qualify. The test does not an enterprise that acts as a support service to a wider generic rural community, (See paragraph 2.7 and the last sentence in particular of the Practice Guidance December 2011).

The difficulty for the applicant in this case is that (at the moment) he presents the sawmill as a detached and separate enterprise to the main farm. However, he may well be able to show that, although it is a separate business, it does support the farm in allowing it to be viable, or more viable. Indeed, I would expect this to be the case. It would however require that link to Dunraven Farm to be made, or for him to show that a countryside location for this enterprise is justified as necessary and in terms of the nature of services provided and the absence of suitable alternatives.

- Q. If the applicant can demonstrate through the submission of additional information (e.g. siting of a residence may enable the applicant to invest further in the business), could the applicant potentially establish a functional need?

A. The test at 4.8.1 does not have the flexibility to establish a functional need to be proven by allowing further investment in the business to be possible. Such a justification may perhaps support the requirement for the dwelling to be essential "for the proper functioning of the enterprise" but that would not relate to its need to respond to "unexpected situations that might arise" and "emergencies that would threaten the continued viability and existence of the enterprise", given that security is a secondary issue. If security was considered a primary issue in this case, as an exception, then the need to prevent security issues could be presented as the need, but this may create a significant precedential shift on policy interpretation. (See paragraphs 4.5 and particularly 4.6 of the Practice Guidance - the limits of the interpretation that are shown here).

- Q. Currently it would be fair to say that the applicant has not demonstrated that the sawmill has been run as an independent enterprise from the Farm or that it has operated as a financially profitable enterprise in the last 3 years.

A. Correct

- Q. In the event that they are unable to provide the required financial evidence, and on the basis of the information provided it is unlikely that the applicant will be able to demonstrate that the business is financially sound and therefore in light of this would it then be reasonable for the LPA to issue a temporary consent for the siting of a caravan in order to give the applicant the opportunity to further establish the business from both a financial and functional perspective?

A. This is covered in 4.6.2 of TAN 6 and the test there is whether the tests at 4.4 "are not completely proven", which by implication may mean that some of the tests have to be passed already. In this case, it is not only the financial test that is problematic.

It is also a requirement in giving consent for a temporary dwelling that the authority considers at the point of granting it, that the functional need and all the other tests at 4.4.1 are reasonably likely to materialise by the end of the temporary consent period. Reading through those tests with that perspective, it is difficult to see how the current evidence in this case gives that comfort.

- Q. This would give the Local Planning Authority the opportunity to revisit the business at a later date and establish whether this is a genuine 'Rural Enterprise' and also give the applicant a reasonable amount of time in which to expand this important rural business as a separate entity.

A. Agreed that further evidence could be submitted to demonstrate that 4.4.1b,c, d and e could be satisfied now by the submission of further evidence. 4.4.1a is a problem though in relation to a temporary dwelling permission.

- Q. Notwithstanding all of the above, with regard to the "other dwelling" test, do you consider the availability of properties for sale and rent within 5 miles of the site, sufficient to outweigh all of the above, regardless of any additional information/evidence that could possibly be provided?

A. No. If for example, the authority accepted that the reason for the dwelling was from security against fire and theft, then a dwelling beyond the sight and sound of the buildings may not satisfy that need. Certainly, the applicant has failed to present these other properties and then show why they would not meet the purported need, the principle difficulty with this case is that there is no other presented need for the dwelling other than for security and security is a secondary planning consideration for new dwellings in the open countryside, not primary.

Having regard to all of the above it is therefore considered that insufficient evidence has been submitted to satisfy 4.4.1, criterion a-e of TAN 6. The application has failed to prove a functional need; demonstrate that the enterprise is financially sound; or that the need can not be met elsewhere in the locality. The proposal therefore represents an unjustified development in the countryside and conflicts with National Guidance and the policies of the UDP which seek to protect the countryside from unjustified development and conserve and enhance the character and appearance of the countryside and the Gower AONB. Furthermore, if approved the proposal would establish an undesirable precedent for the consideration of other applications of a similar nature, the cumulative impact of which would seriously detract from the character and appearance of the countryside and the Gower AONB.

Visual Amenity

The proposed dwelling would be situated within the curtilage of relatively isolated sawmill yard within the Gower AONB. Whilst it is acknowledged that all matters of detail are reserved for subsequent future approval, and as such it may be possible to achieve a satisfactory design, the fundamental overriding objections to the proposal in terms of principle, are such that it is considered to represent an unjustified visually intrusive form of development that would result in unacceptable visual intrusion into the Gower AONB and fail to protect the character of the countryside for its own sake contrary to Policies EV1, EV2, EV22, EV26 and EV20 of the Unitary Development Plan 2008.

Residential Amenity

In terms of residential amenity, the proposed dwelling would be sited in a concealed location to the rear of the main sawmill buildings a sufficient distance away from the nearest adjacent properties. And as such it is not considered that the proposal would impinge upon the residential amenities of the neighbouring occupiers in compliance with the provisions of Policies EV1 and EV2 of the UDP.

Highways

Access to the site is acceptable for the likely level of use that this one dwelling will generate. The indicated site layout is acceptable with parking for three cars and room to turn within the site. The Head of Transportation and Engineering therefore raises no objection.

Conclusion

It is therefore concluded, that the proposal clearly conflicts with the countryside and AONB protection policies and as such would detract from the natural beauty of the countryside in the locality, furthermore, if approved it would establish an undesirable precedent for the consideration of other applications of a similar nature, the cumulative impact of which would seriously detract from the countryside. In this instance, the need for a dwelling at this site and the reasons put forward by the applicant do not sufficiently override the planning considerations. The proposal is therefore considered contrary to Policies EV1, EV2, EV3, EV26 and EV20 of the Swansea Unitary Development Plan. Refusal is therefore recommended.

RECOMMENDATION

REFUSE, for the following reasons:

- 1 The applicant has failed to demonstrate a functional or financial need or any other overriding agricultural, economic or social need for this residential unit which would constitute an unjustified form of development that would be detrimental to the character and appearance of the countryside and the Gower AONB contrary to Policies EV1, EV2, EV20, EV22 and EV26 of the City and County of Swansea Unitary Development Plan 2008 and the provisions of Welsh Government Technical Advice Note No. 6.
- 2 If approved the proposal would establish an undesirable precedent for the consideration of other applications of a similar nature, the cumulative impact of which would seriously detract from the character and appearance of the countryside and the Gower AONB contrary to Policies EV20, EV22 and EV26 of the City and County of Swansea Unitary Development Plan 2008 and the provisions of Welsh Government Technical Advice Note No. 6.

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, EV2, EV20, EV22 and EV26 of the Swansea Unitary Development Plan 2008.

PLANS

10.80.01 site location and block plan dated 29th November 2013

Report of the Head of Economic Regeneration & Planning

To Development Management & Control Committee – 19th June 2014

**Referral of Planning Application Ref: 2013/1745
From Area 2 Development Control Committee on 3rd June 2014**

CILIBION SAW MILLS, CILIBION, GOWER, SWANSEA

DETACHED DWELLING IN ASSOCIATION WITH SAWMILL (OUTLINE)

Purpose:	To determine the outline application for a detached dwelling in association with sawmill
Policy Framework:	National and Local Planning Policies
Reason for Decision:	Statutory responsibility of the Local Planning Authority
Consultation:	Statutory consultations in accordance with planning regulations as set out in the planning application report contained in Appendix B
Recommendation(s):	Refuse as set out in the report
Report Author:	Ryan Thomas
Finance Officer:	<i>Not applicable</i>
Legal Officer:	<i>Not applicable</i>

5.0 Background

5.1 This application was reported to Area 2 Development Control Committee on the 3rd June 2014, with the recommendation that planning permission be refused as the proposal constituted an unjustified dwelling in the countryside and would be detrimental to the character and appearance of the Gower AONB. Members did not accept my recommendation but resolved that the application be referred to Development, Management and Control Committee with a recommendation that it be approved subject to a S106 Obligation to tie the occupation of the dwelling to the sawmill, on grounds that the new dwelling was justified to serve a long standing business which makes a significant contribution to the rural economy and would not result in a detrimental impact upon the character and appearance of the area.

5.2 A plan showing the location of the application site is attached as Appendix A, and a copy of my report to the Area 2 Development Control Committee on the 4th December 2012 attached as Appendix B.

5.3 The report was updated to include reference to a letter from Gower Chiropractic Centre confirming that the applicant's father has been treated for joint conditions.

2.0 Planning Policy Issues

- 2.1 With regard the acceptability, in principle, of this form of development at this location, the proposal would result in the introduction of a residential dwelling in the heart of the Gower AONB and wider countryside where such development is strictly controlled and must be justified in the interests of agriculture, forestry or an appropriate use to serve the rural economy and under the provisions of Policy EV20 of the City and Country of Swansea Unitary Development Plan and where Policy EV26 seeks to resist development which would not conserve or enhance the character and appearance of the area.
- 2.2 A full policy appraisal is provided within the main body of my report at Appendix B.
- 2.3 In summary Welsh Government advice provided in paragraph 4.4.1 of Technical Advice Note (Planning for Sustainable Rural Communities) sets out clear function and financial tests which must be satisfied if a dwelling is to be justified in the countryside.
- 2.4 Of specific relevance is the functional need and the requirement for the proper functioning of a qualifying business for a worker to reside on site and to be readily available at all times for example, if to be on hand night and day to deal with an emergency that would threaten the viability and existence of the enterprise without immediate attention. In this respect the evidence submitted in support of the application is limited to the security requirements of the business. This is a secondary matter and not one which would in its own demonstrate a functional need or justify the development of a new dwelling in the countryside.
- 2.5 In addition no evidence, for example a statistical submission describing the operations and the man hours for each element of the enterprise, has been produced to demonstrate that there is a labour requirement for a full time worker and no accounts have been submitted to demonstrate that the enterprise has been run for the last 3 years, been profitable for at least one and is currently financially sound with a clear prospect of remaining so. These are key policy tests which have not been addressed let alone satisfied by the applicant's submission.
- 2.6 Planning Policy Wales (paragraph 3.16) makes clear that whilst the personal circumstances of occupiers, personal hardship or the difficulties of businesses which are of value to the local community may be material to the consideration of an application permission may be granted subject to a condition that is personal to the application. However personal permissions will hardly ever be justified for works, as in this instance that will remain long after the personal circumstances of the applicant have changed.
- 2.7 In conclusion, therefore, it has not been demonstrated that the proposal relates to agriculture or forestry or that it has been run as an independent rural enterprise. No evidence has been submitted to demonstrate a functional need or that there is a sufficient labour requirement for the enterprise to fully employ a full time worker and no compelling evidence has been submitted to satisfy the financial test or that the requirements of the holding could not be satisfied by available accommodation elsewhere in the locality.

On this basis alone it is not considered that there is sufficient justification for a new dwelling at this locations or that established policy and National Guidance should be set aside in this instance.

3.0 Financial Implications

3.1 There are no financial implications associated with this report.

4.0 Legal Implications

4.1 There are no legal implications associated with this report.

5.0 Recommendation

5.1 It is recommended that:

- I. The application is refused subject to the reasons set out in my report in Appendix B
- II. Should Members resolve to approve planning permission contrary to my recommendation that it be approved subject to a S106 Obligation to tie the dwelling to the saw mill and subject to the conditions as detailed at Appendix C.

BACKGROUND PAPERS

Local Government Act 1972 (Section 100) (As Amended)

The following documents were used in the preparation of this report:
Application file, together with the files and documents referred to in the background information section of the appended Development Control committee report.

Appendices:

Appendix A – Location Plan
Appendix B – Committee Report
Appendix C – Conditions

Contact Officer: Ryan Thomas
Date of Production: 10th June 2014

Extension No.: 5731
Document Name: Cilibion Sawmill

Suggested Conditions

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.

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.

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.

The development shall be completed in accordance with the approved plans prior to any part of the development being brought into beneficial use.

Reason: To ensure that the development is completed in accordance with the plans approved by the Council, and so avoid any detriment to amenity or public safety by works remaining uncompleted.

The dwelling(s) shall be constructed to achieve a minimum of Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category "Ene1 - Dwelling Emission Rate" in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (November 2010 - Version 3). The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: In the interests of sustainability.

The construction of the dwelling(s) hereby permitted and any external works shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).

Reason: In the interests of sustainability.

Prior to the occupation of the dwelling(s) hereby permitted, a Code for Sustainable Homes "Final certificate" shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).

Reason: In the interests of sustainability.

The occupation of the dwelling hereby approved shall be limited to a person solely or mainly or last employed at Cilibion Sawmill (which shall include the dependants of such a person residing with him or her) or a widow or widower of such a person.

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

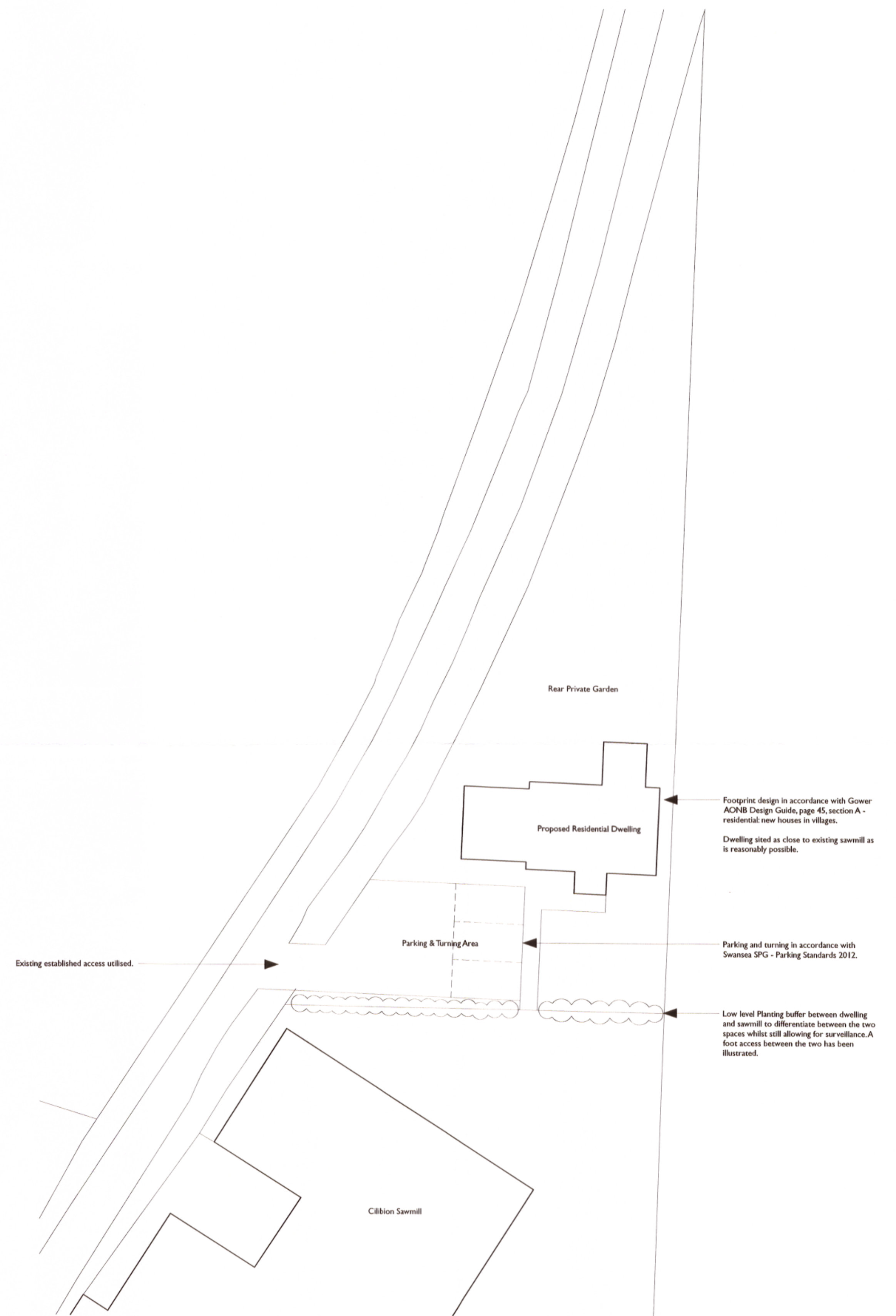
The proposed development shall remain at all times an integral part of the existing Sawmill enterprise and shall not be sold, let or otherwise occupied, as a separate planning unit.

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



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SITE LOCATION PLAN 1:1250



INDICATIVE SITE LAYOUT PLAN 1:200

(Indicative Site Layout Only, illustrating how the Site Could be Developed. Not to Form Formal Part of Outline Planning Application)

Drawing for Outline Planning Application Purposes Only

Legend

Application Site Area 961m² (0.096 Hectares) - —
 Other Land in Applicants Ownership - —

Note: Drawing prepared from Ordnance Survey data. AP Architecture & Planning Ltd cannot guarantee the accuracy of this information.

AP Architecture & Planning Ltd cannot guarantee outline planning approval will be granted by the local authority.

ap=ap
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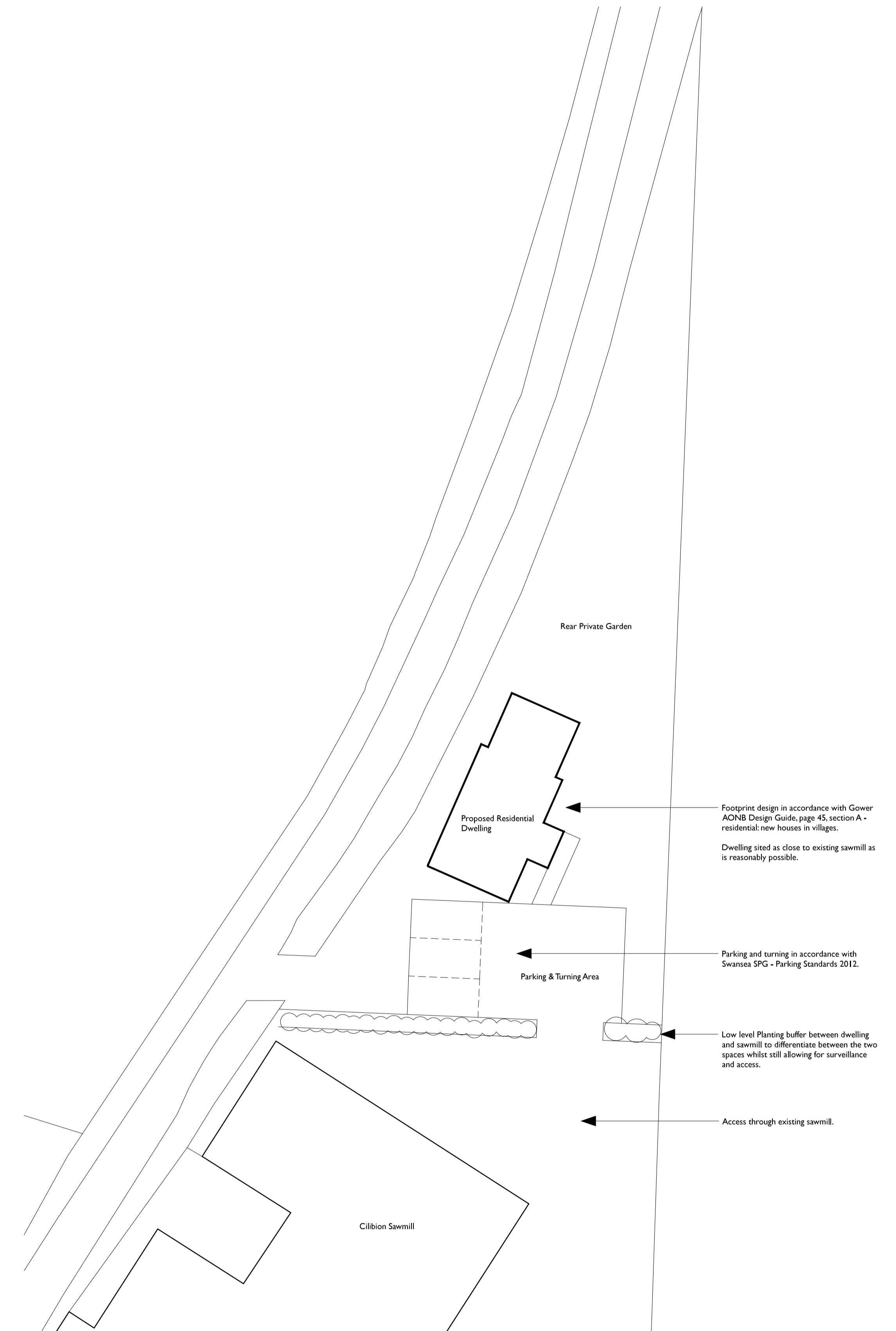
project	drawing	date	
Cillibion Sawmill, Llanrhidian, Gower, Swansea. SA3 1EB	Site Location Plan and Indicative Site Layout Plan.	Sept 2013	46 Heol Tiroed Penllegar Swansea SA4 9QZ

client	job / drawing no.	scales	
Mr A Cowley	10.80.01	1:1250 & 1:200@A1	c 07575 224489 e adrian@ap-ap.co.uk w www.ap-ap.co.uk



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SITE LOCATION PLAN 1:1250



PROPOSED SITE LAYOUT PLAN 1:200

Legend

Application Site Area —

Note: Drawing prepared from Ordnance Survey data. AP Architecture & Planning Ltd cannot guarantee the accuracy of this information.

Drawing for Planning Application Purposes Only



B (28.04.15) Red line amended.			
project	Cillibion Sawmill, Llanhidian, Gower, Swansea, SA3 1EB	drawing	Site Location Plan and Indicative Site Layout Plan.
date	Sept 2013	date	46 Heol Tircod Penllergaer Swansea SA4 9QZ
client	Mr A Cowley	job / drawing no.	10.80.01B
		scales	1:1250 & 1:200@A1
			t 07575 224489 e adrian@ap-ap.co.uk www.ap-ap.co.uk

Report of the Head of Economic Regeneration & Planning

Planning Committee – 14 July 2015

Proposed Revocation of 3 No. Tree Preservation Orders:

Proposed revocation of Tree Preservation Order TPO79 – Oystermouth Promenade, Swansea.

Proposed revocation of Tree Preservation Order TPO67 – Cilibion Farm, Gower.

Proposed revocation of Tree Preservation Order TPO53 – 49, Wentworth Crescent, Mayals.

To consider the revocation of the above Tree Preservation Orders.

Recommendation: that TPO's 79, 67 and 53 be revoked.

For Decision

1. Introduction.

1.1 Varying and Revoking Tree Preservation Orders.

Local Planning Authorities (LPAs) have powers to make, vary and revoke a Tree Preservation Order (TPO). The Town and Country Planning (Trees) Regulations 1999 set out the procedures involved. By making full use of these powers LPAs can ensure that its TPOs can be brought up to date when necessary. This is often appropriate in the case of old TPOs where the land has been developed, or where trees have died or no longer merit protection. In some instances where younger trees have become established and now merit protection a TPO may be varied accordingly.

2. The Oystermouth Promenade (ref. TPO 79)

2.1 The TPO for Oystermouth Promenade was served on 3rd September 1956. The trees originally covered by the Order were 50 Cornish elms which were felled because of Dutch Elm Disease. A replanting scheme on an amended layout was carried out which was not covered by the original TPO as it varied considerably. The existing trees on site are within Conservation Area 001 and in Council ownership and therefore do not require further protection. As the original trees that this TPO referred to have been felled and not re-planted, TPO 79 should be revoked.

3. Cilibion Farm, Gower (ref. TPO 67)

- 3.1 The TPO for Cilibion Farm was served on 4th April, 1952. It was created to preserve an avenue of elm trees alongside the B4271 at Cilibion. These trees all died in the 1980's from Dutch Elm Disease and have not been replanted. Although there was a requirement that replacement trees be planted they have not been and this cannot be enforced after such a time period.

4. 49, Wentworth Crescent, Mayals (ref. TPO 53)

- 4.1 This TPO is a duplicate of TPO 43 Group 5 – 4 x Beech, 1 x Scots pine. As TPO 43 was created first (and is not materially different) TPO 53 should be revoked.

5. Financial or Legal Implications

- 5.1 There are no Financial or Legal implications arising from this report provided that the Council (a) endorse the original TPO with a statement to the effect that the TPO has been revoked, specifying the date of the revocation order; (b) serve a copy of the revocation order on the persons interested in the land affected by the order; and (c) withdraw from public inspection the copy of the original TPO.

6. Recommendations

- 6.1 Recommendation: that TPOs 79, 67 and 53 be revoked.

BACKGROUND PAPERS:

Local Government Act 1972, as amended by the Local Authorities (Access to Information) Act 1985.

Town and Country Planning Act 1990

The Town and Country Planning (Trees) Regulations 1999

<i>Contact Officer:</i>	<i>Liz Phillips</i>	<i>Extension No:</i>	<i>5724</i>
<i>Date of</i>	<i>02.07.15</i>	<i>Document</i>	<i>Revocation of TPO'S</i>
<i>Production:</i>		<i>Name:</i>	<i>79,67&53 - 14.07.15</i>

CONTENTS

ITEM	SITE REF.	SITE LOCATION
1	PG004	Land at Parc Mawr Farm, Penllergaer
2	PG002	Land at Penllergaer Civic Offices
3	MB005	Land off Clasemont Road, Morriston
4	GO007	Land at Parc Melin Mynach, Gorseinon
5	MR015	Land at rear of Glyncollen Primary School, Morriston
6	BM012	Land north of Cefn Hengoed School

PLANNING COMMITTEE – 14TH JULY 2015

Reference	PG004
Name	Land at Penllergaer Civic Offices
Description	Council offices and car park set within Penllergaer Historic Park and Gardens located SE of M4 Junction 47. The site is bounded by Penllergaer Valley Woods to the east but, significantly, cut-off from the main settlement of Penllergaer by the A483 dual carriageway along the western boundary, across which there is no pedestrian access. Highways access is achieved from the A48 to the north. To the south lies the outlying residential development of Parc Penllergaer with no connection through. The offices are located to the south of the site bounded by associated car parking areas that respect the woodland setting. There is an ancient monument (observatory) centrally located within the site.
Size	6.508 Ha
Existing Land use	Offices, Car Park and Parkland
Proposed Land Use	Residential
Location Plans	OS Plan and Aerial (not to scale)



Candidate Site Public Consultation: Summary of Representations

The Candidate Site application was advertised on site in the form of site notices.

4 letters of objection were received which are summarised below:

- Grade II registered park and garden of historic interest
- Area contains Listed Buildings and Ancient Monuments
- Dominates and partially controls access to Valley Woods
- Adverse impact on pollution
- Increased traffic/congestion
- Flood risk
- Increased noise
- Adverse impact on wildlife/habitat
- Adverse impact on health and wellbeing
- Loss of green space
- Should be no net loss of woodland to ensure ecological networks are maintained and enhanced
- Buffer zones are essential to reduce the impact of damaging edge effects and ensure their sustainability is to be improved

2 letters of comment were received which are summarised below:

- Important that any development does not lead to tree loss and that the listed observatory is not compromised
- Any development should be in keeping and work alongside the Penllergare Valley Woods plan.

LDP Preferred Strategy Consultation: Summary of Representations

No comments were received specifically regarding this site.

LDP Draft Proposals Map Consultation: Summary of Representations

2 further letters of objection were received which are summarised below

- Woodland should be retained and buffer zones provided to future development
- Small site isolated from main village of Penllergaer not suitable for residential development
- Footbridge over A483 needed to interconnect Penllergaer village, Parc Penllergaer and Valley Woods parkland.
- The east boundary of PG004 should be redrawn to exclude significant features of the registered Penllergaer Park and Garden including the site of the former mansion the observatory and the garden area to the SE corner

Response to Representations

- There are a number of site/context constraints which will need to be factored into any (re)development proposals including the Historic Park and Garden Setting, scheduled ancient monument and ancient woodlands. A high level of protection is afforded to the preservation and safeguarding of historic features and their settings. This does not preclude development proposals from being brought forward, however significant prior assessment and evaluation must be carried out and appropriate mitigation measures undertaken if development is considered appropriate.
- The site plays a key role in improving local accessibility. It can facilitate a pedestrian access link (footbridge) to the main settlement of Penllergaer; it could also provide a footpath link through to the Parc Penllergaer development to the south and improve access to and compatibility with the Valley Woods to the west. This would enable more sustainable movement around the area and increase recreational (health and well-being) opportunities
- Local congestion issues would need to be addressed as part of any development proposal together with access improvements. Highways /access improvements would be a condition of any development being brought forward in accordance with schemes agreed with the Highways Authority
- Site currently lies outside the settlement boundary and is not part of the greenspace system. Incorporation of the site within a revised settlement boundary as part of redevelopment scheme would require the retention of woodland areas and actually increase the amount of open access land that is available

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- 100% priority habitat sites have been filtered out of the site selection process. For all other sites an extended phase1 habitat survey would need to be undertaken to determine the habitat classifications, species lists and for the presence of protected species. Important features highlighted may require further survey at planning application stage, but do not preclude allocation at this stage. For example, most hedgerows will be protected under the Hedgerow Regulations (1997). A hedgerow assessment would need to be undertaken to determine the hedgerow quality and the findings would be taken into account when considering a site's development capacity. When wider issues need to be taken into account Any impact on European protected sites will be fully assessed as part of the Habitat Regulations Assessment (HRA)
- Not fluvial flood risk area, but issues with surface water flooding to the northern part of the site which would need to be addressed. Sustainable urban drainage scheme (SUDS) will need to be incorporated into development schemes as necessary. All new development needs to demonstrate that greenfield run –off will be achieved. No increase in surface water run-off would be permitted
- Development would not necessarily generate any additional traffic (pollution/noise) than the existing office use at the site. The planning application process would not permit development that would result in harmful levels of pollution
- Creating new places which foster the health and wellbeing of both existing and future residents is a key objective for the LDP. In the case of strategic sites (which constitute around 60% of new allocations), this is achieved through a process of detailed masterplanning which seeks to ensure appropriate levels of provision of community services and facilities; this includes education, healthcare, open space/green infrastructure networks, etc. It also includes addressing all health and well-being constraints identified on a site, such as pollution, unstable/ contaminated land and surface water flooding.
- Any existing deficiency of 'Fields in Trust' (FiT) or accessible natural greenspace (ANGS) provision will also need to be addressed through new development
- Woodland areas and key features, hedgerows, bridleways, etc should be retained as far as possible as part of any development proposal and form natural defensible boundaries

Key Stakeholder Consultations

Internal Stakeholder	Comments
CCS Transportation	<p><u>Means of Access:</u> The site has an established access from the A48.</p> <p><u>Local Highway Conditions:</u> J47 interchange and the approaches suffer from considerable congestion during peak hours.</p> <p><u>Accessibility:</u> There is an hourly frequency past the site.</p> <p><u>Wider Issues / Combined effect:</u> The site may add to current peak time flows and congestion in the area.</p> <p><u>Restrictions:</u> The site is not suitable for a high traffic generating development until local congestion issues have been addressed. Access improvements may be required.</p> <p><u>Transport Proposals:</u> Improvements to local traffic flows may be necessary.</p> <p><u>Further comments on proposed connection to Penllergaer</u> Residential use would generate exiting traffic in the morning peak which is difficult from the site when the main road is busy. There may be a need to consider some form of traffic control at the access junction. Comments on local congestion at J47 would still apply. With regard to the pedestrian link issue, there is a presumption against bridges as they are less inviting and a preference for at grade crossings, however, crossing the A483 would be particularly difficult and so addressing the linkage issue is probably critical. In terms of traffic capacity and road safety would favour a pedestrian /cycle bridge link across the A483. In addition access /egress from the site onto the A48 would need to be improved; perhaps with the introduction of a roundabout at the access There is also opportunity to link this in to onward routes in order to make its use sustainable.</p>
CCS Housing	<p>There is a requirement for affordable housing across all areas of Swansea and it will be important to maximise affordable housing delivery wherever possible.</p> <p>The SHMA identifies that over 4,700 homes are needed within this strategic housing policy zone over the LDP period.</p>

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CCS Biodiversity	<p>This site contains; Lowland Mixed Deciduous Woodland, which is a habitat of principal importance for the conservation of biological diversity in Wales under the Natural Environment And Rural Communities Act (2006).</p> <p>Priority species recorded on the site are; Song thrush, which is a species of principal importance for the conservation of biological diversity in Wales under the natural environment and rural communities act (2006).</p> <p>Species of contributory concern recorded on this site; Goldcrest and Barn owl.</p>
CCS Environmental Health	Possible noise conflict with M4
CCS Education	<p><u>Penllergaer Primary</u>: There is no capacity to accommodate increased numbers from these sites. Therefore there is a new school requirement for the area NB there have been negotiations with one of the site developers at present to extend Penllergaer Primary (PG006), however the increased pupil numbers from all the developments would require a New school</p> <p><u>Pontarddulais Comprehensive</u>: At capacity. An extension of Pontarddulais Comprehensive would probably require a Statutory Notice. We have serious concerns over the ability of the current capacity of Pontarddulais Comprehensive School being able to accommodate the number of secondary pupils being generated from these developments. Significant investment will be required to accommodate the large increase in pupil numbers from all the developments in its catchment</p>
Corporate Property	<p>Site has the potential to be retained for office use as well as having potential for redevelopment for various alternative uses, such as residential, leisure, hotel, public house/restaurant</p> <p>Market demand exists for the whole of the site</p>

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External Stakeholder	Comments
Natural Resources Wales	<p>Some of the woodland within the site boundary appears to be classified as Ancient Semi-Natural Woodland (ASNW).</p> <p>Foul water drains to Gowerton STW. MOU issues.</p> <p>Aerial photographs show that much of the site is dominated by mature woodland. BAP Habitat. Buildings and mature trees should be assessed/surveyed for suitability for bats. Nearby records for badger. Likely to be utilised by bats.</p> <p>WFD Moderate-Llan</p> <p>The River Llan lies to west of the site and Zone C2 follows this river.</p>
Dwr Cymru	<p><u>Water Supply:</u> <u>Initial Comments for Candidate Sites in the Ward:</u> The local water supply network for this ward is suffice to meet the projected growth promoted. However, for the large sites in particular, some modest off-site mains will be required to service the sites.</p> <p><u>Site Specific Comments on the Draft Proposals Map:</u> A water supply can be made available to service the proposed development site. The site is crossed by a water main for which protection measures, either in the form of an easement and / or diversion may be required</p> <p><u>Waste:</u> <u>Initial Comments for Candidate Sites in the Ward:</u> Proposed developments in this ward ultimately drain to our Gowerton Waste Water Treatment Works. Based on the cumulative growth information provided for the residential, employment and the residential element of mixed sites, our assessment equates to a population in excess of circa 35,000 people. If all this growth is to be promoted in its entirety, then we will need to plan for future investment plans at the appropriate time.</p>

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	<p><u>Site Specific Comments on the Draft Proposals Map:</u> No problems envisaged with the public sewerage system for domestic foul flows from this proposed development site. The site is crossed by a public sewer and a SPS for which protection measures, either in the form of an easement and/ or diversion may be required.</p> <p>Gowerton Waste Water Treatment Works - Limited capacity.</p>
Western Power	There is currently spare transformation capacity at each of the substations, which may be able to accommodate future load growth.
Coal Authority	No coal mining legacy features identified by the Coal Authority.
CADW	Land at Penllergaer Civic Offices is an area where there is an extant office building with extensive car parking located inside the registered park and garden. The observatory building is also a scheduled ancient monument (Cadw ref: GM410). The candidate site area includes Penbwl Wood as well as the office building and car parks. The wood is part of the historic park and therefore any allocation for this candidate site should be confined to the area of the offices and existing car park and will also need to consider the need to protect the setting of the scheduled monument.
Penllergaer Community Council	<p>Significant concerns in respect of residential development in this location. It is remote from the main settlement of Penllergaer and it is unclear how pedestrian access could be achieved. Any residential development is likely to exacerbate the traffic problems on Junction 47 and contribute further to the difficulties around the primary school. Regard should be given to the historical importance of this site, designated Policy EV11 in the UDP, that contains the Equatorial Observatory which is a Scheduled Ancient Monument. With regard to hotel and office use, the Community Council would view increased traffic at Junction 47 a reason for concern.</p> <p>Subsequent Site Specific Comments on the Draft Proposals Map The Community Council is aware that the whole site is registered at Grade 2 as a park and gardens of special historic interest under Reference PGW(GM)54(SWA). Of particular importance is the Equatorial Observatory which is both listed and scheduled as an ancient monument (GM410) and which must at all times be protected against the impact of development.</p>
	The Community Council is of the opinion that there should be no residential development

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on this site which would be in a location remote from the centre of Penllergaer. It would therefore be car dependent with the only available safe walking route currently via Parc Penllergaer, already a substantial distance from community facilities. Whilst the shortest walking route would be across the A483 close to J47, this is an extremely busy dual carriageway at all times and the installation of a pedestrian crossing would seem unrealistic in terms of traffic flow and concentration, potentially adding to delays and queuing at an already overloaded junction..

The Community Council are also concerned that the remaining part of Penbwl Woods, a historic area linked to the estate of the Dillwyn Llewelyn family, is likely to be further eroded and destroyed. It would seem inevitable that many mature trees, worthy of protection, would be felled and that there would also be a concomitant loss of wildlife.

The Community Council therefore objects on the behalf of resident to any residential development in this location.

Stage 3A: Assessment Against LDP Objectives

Objective	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Score	+1	n/a	?	-2	n/a	?	-1	n/a	+1	0	n/a	n/a	n/a	+2	0	n/a	-1	-1	-2	-2	n/a	?	-1	+1

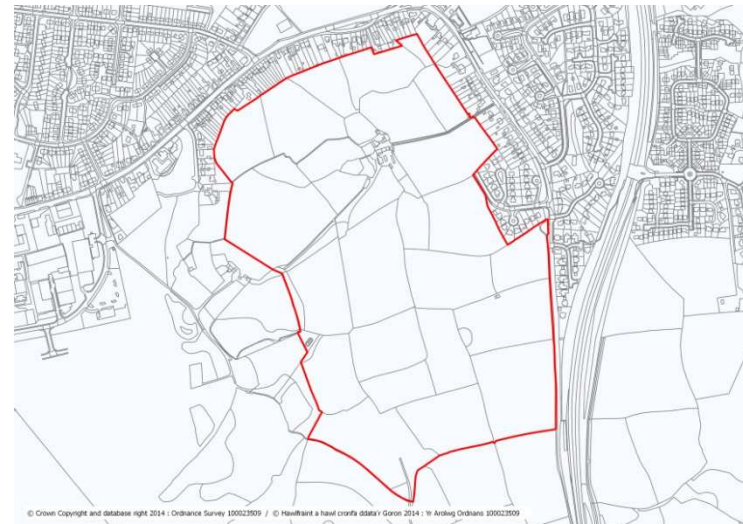
Stage 3B: Assessment Against SEA/SA Objectives

Objective	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Score	+/-	-	?	+	0	+	-	0	?	-	+/-	+/-	?	+	-	X	-	?	?	++	--	+/-

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Reference	PG002
Name	Land at Parc Mawr Farm, Penllergaer
Description	Proposed strategic development site to south of Penllergaer and west of A483. Identified as a potential major mixed use development area in Preferred Strategy and now subject of an indicative masterplan for up to 1000 homes with a new primary school, community facilities, formal/informal open/play space, local food production, greenspace areas, etc. It would also provide an alternative access road between the A4240 Gorseinon Rd and the A484 Llanelli Link Rd to alleviate traffic congestion issues around M4 Junction 47
Size	Over 50 Ha
Existing Land use	Agriculture
Proposed Land Use	Residential (850+)
Location Plans	OS Plan and Aerial (not to scale)

Current site boundary



Candidate Site Public Consultation: Summary of Representations

The Candidate Site application was advertised on site in the form of site notices.

1x 513 name petition of objection received from adjoining residents which is summarised below:

- Destruction of good quality productive farmland
- Congestion on adjoining roads and J47
- Undermine green wedge designation
- Completely change character of land
- Compromise settlement identify/swamp existing community
- Houses proposed can be accommodated on the Felindre site

82 letters of objection were received which are summarised below:

- Detrimental impact on current residents
- Increased strain on services
- Road network unable to accommodate increased traffic
- Loss of high grade (3A) agricultural land
- Devaluation of property
- Loss of privacy
- Local schools at capacity
- Sewerage system/Gowerton STW at capacity
- Adverse impact on wildlife/habitat/important hedgerows
- Highway safety
- Increased noise and pollution
- Inadequate site access
- Green belt/contrary to existing UDP policy
- Adverse impact on character and amenity
- Inadequate utilities infrastructure – no upgrade since identified as being at capacity in 2007
- Lack of social facilities for all ages
- Lack of public services e.g. doctors, dentists etc.

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- Adverse impact on health and wellbeing
- Adverse impact on Loughor Estuary and Burry Inlet
- Rejected at IHLPs and UDP Inquiry on grounds of precedent for further release and change of character
- Overcrowding/overdevelopment
- Inappropriate size and scale
- The UDP identified capacity for only one additional site at Penllergaer of around 250 dwellings (north of Llewellyn Rd)
- Would not provide affordable housing for local needs
- Poor connections to the primary school – by non-car modes

1 letter of comment was received which is summarised below:

- Large impact on already congested roads
- Increased pollution
- Highway safety
- Lack of capacity in local schools
- Rejected in Interim Housing Land Policy Statement 2009 because it would represent a substantial release of Greenfield land.

LDP Preferred Strategy Consultation: Summary of Representations

2 letters of objection were received which are summarised below:

- Previous proposals have been rejected at this location
- Crime likely to escalate with increase in population
- Grade 3A agricultural land
- Volume of traffic, noise and pollution
- Loss of habitat/impact on environment and wildlife
- Expand Felindre as an alternative
- Site is much larger than originally proposed
- Major impact on community
- Local sewerage problems

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1 letter of comment: If there is to be a new school then it should be a Welsh school – the existing Welsh schools are at capacity

1 letter of support from site promoter

LDP Draft Proposals Map Consultation: Summary of Representations

4 letters of objection received which are summarised below:

- Proposed is agricultural land and changing use will adversely affect environment and local community
- In-filling actively discouraged by Government
- Issues of density and overdevelopment which cannot be sustained by present infrastructure
- Roads already impacted by more recent development and exit/entrance to the development would add pressure and overcrowding
- Safety of children and young people
- Detrimental impact upon residential amenity
- Traffic congestion/noise pollution
- Restraints of Gowerton STW capacity
- Inadequate highways and drainage infrastructure
- Contrary to national policy and the LDP Preferred Strategy
- Few proposals to improve facilities for new residents (medical centre, extra classrooms, cycle path link, etc)

Response to Representations

- Significant improvements are needed to alleviate existing highway congestion issues focussed on M4 J47 which will be exacerbated by further planned development in Pontarddulais, Kingsbridge, Gorseinon and further afield. This site provides the only potential alternative route to the south of Penllergaer to ease congestion by providing a link between the A4240 Gorseinon Rd and the A484 link road to the south – providing an option for N-S flowing traffic to bypass J47. New infrastructure and highway mitigation measures through this site and within the surrounding locality are being appraised against outputs from origin – destination modelling and will inform the more detailed masterplanning process.

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- Although a Development Framework has been prepared for the site a means of access to satisfy the highways authority is yet to be established and this issue will need be addressed as part of the masterplanning for the site and to satisfy the highways implications of the strategic transport study
- Upon commencement of preparation of a new development plan (LDP process currently underway) all existing policies and previous decisions, e.g. current UDP Inspector's findings, are subject of review and moreover the UDP policies will have no status upon expiry of that plan from Nov 2016
- The site is open countryside and green wedge (not green belt) in the UDP. Development has historically been resisted at this location, however each time a development plan is prepared areas of open countryside /settlement boundaries have to be reconsidered. The pressure for development is always greatest at urban/rural fringe locations such as this, particularly in locations with close links to the strategic highway network. Green wedges unlike Green Belts are only temporary in nature and around 40% the new housing to be allocated in the LDP will have to be on land currently designated as green wedge, as there is insufficient land available within existing settlement boundaries to meet all future demand.
- The LDP is being prepared in close liaison with the Local Education Authority (LEA) who are fully aware of the potential additional pupil numbers likely to be generated and have made provision accordingly within the 21st century schools programme. Existing schools will be expanded where possible and new schools built as appropriate to accommodate the projected increase in pupil numbers.
- The local primary school is at capacity and a new minimum 2-form entry school is proposed as part of this proposed development which would address existing and future needs. It would also be located on a less congested route and the additional land release proposed at the Civic Centre Office site would require a pedestrian footbridge across the A 483 connecting to the Old Llangyfelach Rd and providing a safe route through to the currently isolated Parc Penllergaer site. Pontarddulais Comp would be expanded and upgraded through the additional development (750+ dwellings) proposed to the north of the Comp. The catchment for this school would also need to be reviewed which will help reduce traffic movements.
- The local health authority has not identified any capacity issues at local medical practices. If new facilities are required they could be delivered in conjunction with development being brought forward. New development also has a positive impact by increasing local populations, adding to the vitality/viability of settlements and helping to sustain and improve local services, facilities and businesses. Services at capacity will expand to meet demand. If improvement of facilities is required contributions can be sought from site developers

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- DCWW have responded as part of the recent consultation and have confirmed that sewerage capacity improvements may be required. Impacts on water/sewerage infrastructure must be addressed through improvements incorporated into any development. DCWW are statutorily required to include all necessary improvements to support new development in their statutory improvement plan and hydraulic modelling assessment will be required at application stage required to establish the potential impact on the water supply network and necessary improvements. In addition, there is an ongoing programme of surface water removal (from the foul sewerage system) throughout the County to increase capacity and help alleviate flooding.
- Sustainable urban drainage scheme (SUDS) will need to be incorporated into development schemes as necessary. All new development needs to demonstrate that greenfield run –off will be achieved. No increase in surface water run-off would be permitted
- Insufficient information to be able to judge overcrowding/overdevelopment – this is a matter for planning application stage. Any development would need to be in keeping with context of adjoining development and comply with the Council’s residential design guide SPG which sets out acceptable parameters for new development and addresses residential and visual amenity considerations for existing and future occupiers, such as character, density, size, scale, overlooking, minimising disturbance (noise, etc). New development would also provide formal and informal open space which would actually increase local recreational (health and well-being) opportunities
- Devaluation of property is subjective and not a material planning consideration – there are no rights of open access or views over the countryside adjoining the existing settlement and property prices inflated on such basis are not a true reflection of value
- There is no evidence to indicate a causal relationship between new development and increased crime rates. South Wales Police are fully consulted during the LDP preparation process and crime prevention measures will be considered as part of the design process accordance with the Council’s Planning for Community Safety SPG <http://www.swansea.gov.uk/spg>
- Around 60% of land needed for future development within the County over the period to 2025 can be accommodated within existing settlement boundaries for the purposes of the LDP; however this proportion will decrease for future development plans as the supply of brownfield land diminishes. The balance has to be found on land currently designated as open countryside and in an ideal world the lowest grade agricultural land would be developed first. However given the requirement for additional housing in all parts of the County, the distribution of lower grade agricultural land, and other constraints this is not always possible. The site is understood to be grade 3A land – part of the best and most versatile (grades 1 and 2 are the best). However the current agricultural tenancy on the land is coming to an end, the planning system cannot require it to be retained for food production and there is no control over how the land (and its grading) may be maintained in future.
- The LDP seeks to safeguard against coalescence and development must respond to the character of existing settlements. Considerable areas of accessible open space are proposed as part of new development and green barriers are to be incorporated into scheme layouts to mark and ensure separation between existing and planned expanded communities.

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- No significant ecological features have been identified on site – which is not uncommon for land in agricultural use. The important features are hedgerows which should be retained as far as possible in any future development scheme
- A strategic development of the size proposed would need to cater for a wider variety of house types and occupiers, including affordable and local needs housing e.g. for older persons
- Any existing deficiency of 'Fields in Trust' (FiT) or accessible natural greenspace (ANGS) provision will also need to be addressed through new development
- Creating new places which foster the health and wellbeing of both existing and future residents is a key objective for the LDP. In the case of strategic sites (which constitute around 60% of new allocations), this is achieved through a process of detailed masterplanning which seeks to ensure appropriate levels of provision of community services and facilities; this includes education, healthcare, open space/green infrastructure networks, etc. It also includes addressing all health and well-being constraints identified on a site, such as pollution, unstable/ contaminated land and surface water flooding.
- The Best and Most Versatile (BMV) Agricultural Land (Grade 3a and above) is one of many considerations taken into account when assessing sites within the County in line with national guidance set out in Planning Policy Wales. Through the LDP Spatial Options Appraisal and site deliverability assessment the priority has been to deliver development needs on lower grade land and such sites have been identified wherever possible. However where there has been an overriding need for development to fulfil the LDP Strategy as there is no other suitable location in which housing /employment allocations can be situated this has resulted in some allocations, or parts thereof being situated on BMV land
- 100% priority habitat sites have been filtered out of the site selection process. For all other sites an extended phase1 habitat survey would need to be undertaken to determine the habitat classifications, species lists and for the presence of protected species. Important features highlighted may require further survey at planning application stage, but do not preclude allocation at this stage. For example, most hedgerows will be protected under the Hedgerow Regulations (1997). A hedgerow assessment would need to be undertaken to determine the hedgerow quality and the findings would be taken into account when considering a site's development capacity. When wider issues need to be taken into account Any impact on European protected sites will be fully assessed as part of the Habitat Regulations Assessment (HRA)
- Woodland areas and key features, hedgerows, bridleways, etc should be retained as far as possible as part of any development proposal and form natural defensible boundaries
- The Council will continue to work with the key development partners to produce a detailed masterplan for the strategic site which will consider the issues raised through the consultation process.

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- Increased numbers cannot be attributed to the proposed strategic allocation near the former Felindre works site. The LDP may only attribute to each site the number of dwellings that can physically be built during the plan period ending 2025. In the case of Felindre whilst the site may have capacity for more than 1000 dwellings, only 850 units have been attributed for the plan period and this number will decrease the longer it takes the plan to be adopted. The requirement to provide land for housing clearly does not end in 2025 and the balance of the Felindre site will be built out during the plan period 2025-2040 and beyond. Indeed by the time the current LDP is approved there is only likely to be 8 remaining years of the plan period. This would mean on a site of 850 dwellings over 100 dwellings would need to be fully completed every year i.e. 2 per week, which is twice the average for a volume housebuilder. Transferring the number of dwellings proposed at Parc Mawr to the Felindre site would require development to proceed at four times the average build rate which is undeliverable, would not be accepted by the housebuilding industry, the Planning Inspectorate or Welsh Government and would consequently undermine the soundness of the plan. It is not an option.
- The Council commissioned Peter Brett Associates to undertake an Economic Assessment and Employment Land Provision Study in March 2012. The study provides a detailed evidence base for understanding the current supply in the market of employment land and buildings, as well as the requirements for future demand. The study indicates there is a sufficient supply of lower grade units within the County but identifies a requirement to bring forward higher quality facilities at key locations and to focus on regenerating land to provide strategic employment areas at Felindre, Fabian Way and Swansea West. The Study identifies the upper end growth scenario of 14,700 additional jobs. In reality growth may well be below this level, however it is the function of the LDP to make provision for the maximum level of growth to cover the plan period and beyond in to maximise regeneration opportunities and deliver economic aspirations. The Welsh Government have advised that failure to provide for this level of growth ‘...will have serious consequences for progressing Swansea as an Economic City Region...’ They further advise that they will if necessary exercise their powers under S.65 (1) of the Planning and Compensation Act 2004 to direct the Council to meet the higher growth requirement.

Special Planning Committee 04/06/15

Petitioner Mr David Harris

In the time allocated we will limit our Reply to the more pertinent issues affecting the site and the inaccurate reporting to date by Officers .On all other matters we will rely on the representations already made by the Community Council .

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The highway problem that currently exists in Penllergaer is clear for all to see, and objections to the development on this ground is well and quite rightly documented. Special Planning Committee Meeting Dated the 4th June 2015

The Preferred Strategy said of this site that “This proposal is predicated on the delivery of a new road” and “has the potential to alleviate congestion in the area “.

This statement is based upon comments made in the Council’s own “Topic Paper” on transport dated August 2013.

The Topic Paper was drafted long before the so called “strategic sites” in and around Penllergaer had been identified . The impact of these sites on the transport network therefore has not properly considered.

Nevertheless, the Topic Paper identified that The M4 junction was at capacity levels, and in order to support development at Felindre major improvements were required to the motorway junction together with four other major roadwork schemes to the surrounding areas. The Topic Paper also recognised that there was limited opportunity to carry out further on the motorway junction.

One of these schemes is the new road serving this site.

*What everybody is forgetting is that the development of Parc Mawr Farm is now 4 times larger than the original Candidate site upon which the Council based their report. As a consequence , the housing development despite the road will put greater strains on the highway network . The road proposed will not alleviate the problem in this area , the housing it serves **will add to it***

The Preferred Strategy requires that prior to the Deposit and any site allocation there has to be, amongst other items, an assessment carried out for the requirement for physical infrastructure to serve that site. Such an assessment has yet to be concluded, and therefore absent from any of the recommendations made by Officers to date.

The Council has completely failed to address the highway problem , and in so doing they are unable to satisfy the criteria of their own Sustainable Growth Strategy , in particular I would remind you that “ The role of the planning system in creating sustainable communities , and the general presumption in favour of sustainable development , are embedded principles within national planning policy The LDP therefore places a strong emphasis upon the importance of ensuring that this growth is supported by appropriate and improved physical and community infrastructure. “

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Until the Council are able to demonstrate that this, this site should not be considered or debated for inclusion in the LDP.

Turning now to the matter of objections raised on the question of overcrowding and overdevelopment .Your Officers feel this is a matter that is dealt with at planning application stage, but they really are missing the point.

There are 1200 households in the Ward of Penllergaer, of which 300 are situated at Parc Penllergaer and therefore remote from the village. The village therefore has 900 houses, and the proposed development will add a further 1000 or so to this number. If this was to happen it would completely destroy the character and identity of the village.

This proposal ignores PPW guidelines 9.3.1 , 9.3.2 , 9.3.3 and 9.3.4 in that (a) it is not well integrated and connected to the existing pattern of settlements , (b) it is a significant incremental expansion of housing that cannot be support by public transport (c) intensive infilling should not be allowed to damage an area's character and amenity and (d) the planning authority should ensure that that the area's character and amenity is not damaged .

If I could now jump to the matter of the Green Wedge. We fully accept that Green Wedges do not have the same permanence as a Green Belt, but the need to protect the open land around Penllergaer has not changed and therefore its retention needs to be protected. If this is the case, PPW dictates what is acceptable, and the proposed form of this development does not meet that criteria.

The residential proposal obliterates this previously identified protection, but when the link road is then taken into consideration, question must be raised as to whether all of the Green Wedge is now lost.

Can I remind Members of Policy 5 of the Preferred Strategy in relation to Green Infrastructure which says “ Green infrastructures will be provided through the protection and enhancement of existing green spacesDevelopment that unacceptably compromises the extent and quality of green provision will not be supported . “

Finally, Offices are saying that “Increased numbers cannot be attributed to the proposed strategic allocation near the former Felindre works site”, arguing this is dictated by building outputs. This is annoyingly wrong. Officers have confused building outputs with achievable sales, as well as relying upon inaccurate data. Of course developers can complete more than two

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houses a week, the question is how many can they sell? A Planning Inspector engaged recently in a dispute at Llandarcy decided an acceptable sales figure for this site, which is no different to that at Felindre, to be 175 units a year. This is during a distressed economic period. Accepting this precedent and that the LDP is anticipating growth, this figure will increase and in so doing could fully satisfy the relocation of housing from Penllergaer to Felindre.

Conclusion

Developer Representations at Special Planning Committee 08/06/15:

Mr Robin Williams, Asbri Planning

Chair and Members of the Planning Committee, my name is Robin Williams and I am the Managing Director of Asbri Planning Ltd. I thank you for this opportunity to speak in favour of the proposed LDP Strategic Site allocation at Parc Mawr, Penllergaer.

I represent Bellway Homes who wish to see a high quality form of residential development which will also deliver significant benefits to the local community and improve the transportation network in the area.

In the LDP Strategic Options document, published in October 2012. The general area of Penllergaer was shown diagrammatically as a potential Mixed Use Major Development Area. It was stated that opportunities existed to:

- Consolidate the existing pattern of development*
- Improve the settlement's sustainability credentials,*
- Provide a focus for the community, and*
- Provide traffic and transportation benefits*

With these aims in mind, in January 2013, Asbri Planning Ltd, on behalf of Bellway Homes, set up a team of consultants to appraise the Parc Mawr site in terms of Transport, Landscape, Ecology and Drainage and to develop options for a future 'Masterplan'. The whole corridor of land, largely in the ownership of Penllergaer Estates, was examined, with particular regard paid to potentially sensitive areas in landscape and ecological terms.

The development of a large scale option emerged as the preferred choice for several reasons, notably:

- It would achieve a more comprehensive form of development, allowing not only for a new school but for additional community and commercial uses which would form a hub which would also link with existing facilities in the area*

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- *A link road – connecting the A4240 Gorseinon Road with the A483 – would be provided which has the potential to remove through traffic along the A4240 and A48 through Penllergaer, the potential link will also relieve congestion at Junction 47 of the M4.*
- *The development would avoid encroachment into the more exposed landscape areas to the south. It would also allow ecological mitigation on land to the south which would remain undeveloped.*
- *It would provide a site which would allow Bellway Homes to develop in the Plan Period up to 2025 for a range and choice of housing opportunities at building rates experienced on their current Parc Penderri site to the north of Gorseinon Road. It would therefore form a major contribution to meeting the 5 year housing land supply shortfall which currently exists in Swansea.*

Ongoing discussions with Council officers led to the preparation of a document, 'A Vision for Penllergaer' which was formally submitted at the draft LDP Preferred Strategy stage with the aim of supporting the proposed strategic site allocation while demonstrating to Council officers and elected members that an acceptable form of development could be achieved. Such informed proposals also allowed for positive comparison of the merits and advantages of the site with other alternatives.

Penllergaer lies in the Greater North West Swansea Housing Zone which is the largest of the Strategic Housing Policy Zones and has accommodated a significant proportion of the City's growth in recent years. The LDP Preferred Strategy recognises this and identifies the need for around 5,800 new homes in this zone which will be delivered through a combination of large scale strategic releases and smaller allocations.

The scale of housing required the identification of Mixed Use Major Development Areas, one of which corresponded with the Parc Mawr site. The Preferred Strategy, which was ratified by Full Council in August 2014, emphasises that only development on this scale can deliver the required community and infrastructure benefits and that if such sites do not emerge then a considerably greater number of smaller sites will need to be released on greenfield land at edge of settlement locations throughout the County.

The subsequent identification of the site with specific boundaries shown on the draft Deposit Plan Proposals Maps was therefore welcomed by my clients, on whose behalf supporting representations were made.

It is understandable that growth of the scale proposed has generated concerns in the local community as shown by the letters of objection and a petition which were submitted in response to the consultation exercise held earlier this year.

The points made by officers in response, which are included in the site schedule, appended to the Committee Report, adequately address these concerns. However, Bellway Homes continue to acknowledge that further work is needed. With this in mind detailed

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studies have already been commissioned which will contribute to the LDP evidence base and which will further justify the site's selection. It is also anticipated that these will allow further clarification of matters raised, particularly by the Key Stakeholders.

I therefore urge the Committee and the Council as a whole to continue to give the site positive consideration through the LDP process and I look forward to its formal allocation in the forthcoming Deposit Plan.

Key Stakeholder Consultations

Internal Stakeholder	Comments
CCS Transportation	<p><u>Means of Access</u>: The site does not appear to have a suitable access to the highway network.</p> <p><u>Local Highway Conditions</u>: J47 interchange and the approaches suffer from considerable congestion during peak hours.</p> <p><u>Accessibility</u>: The site is within approximately 300m of Penllergaer roundabout where a number of services combine to give a frequency of 1 bus every 20 mins. There is a 2 hourly service past the current site access.</p> <p><u>Wider Issues / Combined effect</u>: The site is likely to add significantly to current peak time flows and congestion.</p> <p><u>Restrictions</u>: The site does not currently have a suitable access and development traffic would add unacceptably to current local congestion. The site should not be considered for development until access can be provided and local improvements to the traffic flow at Penllergaer roundabout and J47 of the M4 have been improved.</p> <p><u>Transport Proposals</u>: Improvements to J47 traffic flows are necessary.</p>
CCS Housing	<p>There is a requirement for affordable housing across all areas of Swansea and it will be important to maximise affordable housing delivery wherever possible. The SHMA identifies that around 4,600 homes are needed within this strategic housing policy zone over the LDP period.</p>
CCS Biodiversity	<p>This site contains potentially important Hedgerows protected under the Hedgerow Regulations (1997). A hedgerow assessment would need to be undertaken to determine the hedgerows quality.</p>
CCS Environmental Health	No issues

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CCS Education	<p><u>Penllergaer Primary</u>: There is no capacity to accommodate increased numbers from these sites. Therefore there is a new school requirement for the area. NB there have been negotiations with one of the site developers at present to extend Penllergaer Primary (PG006), however the increased pupil numbers from all the developments would require a new school</p> <p><u>Pontarddulais Comprehensive</u>: At capacity. An extension of Pontarddulais Comprehensive would probably require a Statutory Notice. We have serious concerns over the ability of the current capacity of Pontarddulais Comprehensive School being able to accommodate the number of secondary pupils being generated from these developments. Significant investment will be required to accommodate the large increase in pupil numbers from all the developments in its catchment</p>
External Stakeholder	Comments
Natural Resources Wales	<p>Foul water drains to Gowerton STW. MOU issues. Check with DCWW on availability of foul network.</p> <p>Aerial photographs of the site show that this Strategic Site is crossed by a network of hedgerows, providing connectivity across the site. Any development should seek to maintain or replicate such opportunities. Given the size of the site an Extended Phase 1 survey / ES would be advised.</p> <p>WFD Moderate-Llan.</p> <p>Watercourses and springs appear to be present on site.</p>
Dwr Cymru	<p><u>Water Supply</u>:</p> <p><u>Initial Comments for Candidate Sites in the Ward</u>: The local water supply network for this ward is suffice to meet the projected growth promoted. However, for the large sites in particular, some modest off-site mains will be required to service the sites.</p> <p><u>Site Specific Comments on the Draft Proposals Map</u>: A water supply can be made available to service the proposed development site. However, an assessment may be required, in particular for the larger densities, to understand the extent of off-site mains required.</p>

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	<p><u>Waste:</u> <u>Initial Comments for Candidate Sites in the Ward:</u> Proposed developments in this ward ultimately drain to our Gowerton Waste Water Treatment Works. Based on the cumulative growth information provided for the residential, employment and the residential element of mixed sites, our assessment equates to a population in excess of circa 35,000 people. If all this growth is to be promoted in its entirety, then we will need to plan for future investment plans at the appropriate time.</p> <p><u>Site Specific Comments on the Draft Proposals Map:</u> Due to the size of the public sewerage system in this area and the likely demands from the proposed allocation it is unlikely the public sewers will be adequate to accommodate the site. A hydraulic modelling assessment will be required to understand the point of connection and/ or any potential improvements required.</p> <p>Gowerton Waste Water Treatment Works - Limited capacity</p>
Western Power	There is currently spare transformation capacity at each of the substations, which may be able to accommodate future load growth.
Coal Authority	Mining legacy - PRUG – Unrecorded probable historic underground workings at shallow depth
Penllergaer Community Council	<p><u>In response to original submission:</u></p> <p>With regard to the overall potential for further residential development within the Penllergaer settlement, the Community Council would first draw attention to the Response by the City and County of Swansea to Proof of Evidence' submitted at the public inquiry held in regard to the Unitary Development Plan in April 2007. The conclusion, paragraph 4, states:</p> <p><i>It is acknowledged that Penllergaer is intended to be a growth area, however a significant release has already been made and there is only capacity in terms of infrastructure and settlement identity for one additional site of around 250 dwellings.</i></p> <p>This additional site of around 250 dwellings is in fact Land North of Llewellyn Road which was included in the UDP and submitted also for inclusion in the LDP (PG0006) and for which outline planning consent is currently being sought.</p>

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There have been no changes to the infrastructure in Penllergaer since 2007 and no upgrades are envisaged as far as the Community Council are aware. Therefore, it is the Community Council's view that until major improvements to the infrastructure are undertaken to adequately accommodate the rising volumes of traffic that regularly pass through Penllergaer to and from Junction 47, then no further residential development should be permitted.

The Community Council would also draw attention to the overarching issue of the lack of capacity at the Gowerton Treatment Works and the impact that this is having on the Burry Inlet which is a recognised European site with the status of a Special Protection Area. It is the Council's contention that no further residential development that could potentially impact on this protected site should be allowed in Penllergaer until the capacity of the Gowerton Treatment plant has been significantly increased.

The Community Council also wishes to point out that the majority of candidate sites for residential development in Penllergaer are in the Open Countryside (Policy EV20) and in designated Green Wedge areas (Policy EV23) as identified in the UDP. The Council would direct attention to Planning Policy Wales which states in Para 4.7.16 that:

'The construction of new buildings in a Green Belt or in a locally designated green wedge is inappropriate unless it is for the following purposes:

- Justified agricultural and forestry needs
- Essential facilities for outdoor sport and outdoor recreation, cemeteries and other uses land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purposes of including land within it
- Limited extension, alteration or replacement of existing dwellings
- Limited infilling and affordable housing for local needs under development plan policies
- Small scale diversification within farm complexes where this is run as part of the farm business.

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It is the Community Council's opinion that large scale residential development on green wedge land in Penllergaer would conflict with Planning Policy Wales' stated aims for green wedge use and would not, in any event, provide affordable housing for local needs

The Community Council is also of the view that significant consideration should be given to the impact that further residential development would have on Penllergaer Primary School which is already over capacity. They have concerns not only in respect of the optimum size of a primary school in terms of best outcomes for children but also in regard to the associated traffic that would be generated by further housing developments. Penllergaer Primary is currently the catchment school for remoter parts of the Penllergaer ward, such as Parc Penllergaer, and is also in catchment for Tircoed Village which is likewise remote and in the Llangyfelach ward. The distance of these developments from the school gives rise to large scale car use and massive issues around traffic management and road safety both morning and afternoon in the areas closest to the school. Further residential development, especially those remote from the school, will only exacerbate these already difficult problems.

In conclusion, the Community Council would request that the contents of this letter and accompanying documents are examined and fully considered during the assessment process of candidate sites as they represent a reflection of the residents' views evidenced at three public meetings held in Penllergaer in respect of the LDP.

PG0002 Land at Parc Mawr Farm 12.0 Hectares
Current Use: Agriculture Proposed Use: Residential

This site was rejected for inclusion in the IHLPS, the conclusion being in the Site Assessment Statement (Ref. CCS090) that it would represent a substantial release of green field land and would have an adverse visual impact.

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It was also excluded from the UDP and the Community Council would make specific reference to the Response by the City and County of Swansea to Proof of Evidence April 2007 and the reasons provided by the City and County for the exclusion of this site from the UDP. In particular, attention is drawn to Para 3.2 Appendix 3, sub Para 2.15 (i) which states that if land at Parc Mawr were released

It would immediately put land to the west and adjoining access road under pressure for development. If the agricultural unit subsequently proved unviable there would be further pressure to release land extending south of the current settlement, therefore contributing towards coalescence.

This is further backed up by Para 2.5(iii) safeguarding the countryside, which states that the omission site is in an area of open countryside and that

It is certainly not perceived as being part of the urban form as evidenced by the attached aerial photograph. Furthermore, as the land is located in close proximity to the M4 it will remain under constant pressure for development: hence the extra protection of green wedge is essential.

Para 2.15(iv) refers to protecting the setting of the urban area and to the fact that

The open rolling farmland character of the land to the south of Penllergaer and viewed to the rear of properties fronting Swansea Road and Gorseinon Road would be fundamentally changed should this area be released for development.

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There are several other comments that support the above and in Para 3.3 sub paras 3.11 to 3.12 it is stated that

The current attractive low density mix of property types extending in linear form along Gorseinon and Swansea Roads enjoying a rural aspect to the south/west would become dominated by high density backland development that would urbanise the area and provide little in the way of benefit to the local community.

The Community Council would contend that the reasons submitted by the City and County of Swansea for maintaining Green Wedge status and excluding Land at Parc Mawr Farm from the UDP and also from IHLPS, remain as valid now as they did in 2007 and that no residential development should be permitted in this location.

The Community Council would also advise that the Land at Parc Mawr Farm was last assessed as Grade 3A agricultural land in the summer of 1981 and has continued to be improved since this time. Evidence was given at a Public Inquiry, held in June 1981, by the Agriculture Department, Welsh Office, which confirmed that land at Parc Mawr has been inspected and graded in accordance with agricultural land classification and that the entire area fell within Grade 3. The statement then added that the land demonstrably fell into the best half of the grade 3 classification, sub-grade A. The Community Council believe that it would therefore be inappropriate to consider residential development on land having this agricultural classification in view of the protection that is now being sought in England for land with a similar status.

The Community Council would also refer to the fact that the hedgerows in Parc Mawr are diverse in terms of habitat structure and species and therefore qualify as Important Hedgerows under the wildlife criteria of Hedgerow Regulations 1997. There is evidence of reptiles such as slow worms in the grasslands and bats roost in the larger trees. There is also occurrence of foraging badgers. All of these are protected species.

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Penllergaer Community Council	<p><u>In response to Preferred Strategy:</u></p> <p>1.1. The Community Council is responding on behalf of residents to the housing development proposals for Penllergaer as contained in the Preferred Strategy.</p> <p>1.2. Following a public meeting in early September and several subsequent meetings of an Action Committee, set up to consider the detail of these proposals, the Community Council's opinion is that a further thousand houses or more in Penllergaer is unsustainable and therefore unacceptable for the reasons detailed in this submission. In making this objection, the Community Council is reflecting the views and concerns of residents and also the conclusions of the Action Committee, members of which have carefully examined the implications of a major extension to Penllergaer.</p> <p>1.3. The Community Council feels strongly that the Bellway Vision seems deliberately to underemphasise the robustness of the existing community. For example, on page 4 of the Vision for Penllergaer is the comment that the village does not benefit from a clear centre. That seems an ill judged remark to make given that the church, the pub, one of the community halls, a convenience store within the filling station and the sports field are all sited within a short distance of each other on or just off Swansea Road. Close by is the school, another community hall and also Gors Common. This area clearly constitutes the centre of the village and all large scale community events - such as the Jubilee celebrations in 2012 and the Community Fun Day in July of this year - take place on the sports field, in the Llewelyn hall and in the spacious sports pavilion.</p> <p>1.4. The Community Council therefore believes that Penllergaer is well provided for in terms of facilities and is fully sustainable without the need of a further 1,000 homes to create a new and unnecessary focus.</p> <p>1.4 The Community Council therefore objects on behalf of residents to the proposals contained in the Preferred Strategy and the reasons for its objections are expanded below.</p>
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2. Economic and Employment

2.1. First and foremost, the Community Council remains unconvinced by the arguments for growth as set out in the background paper Economic Assessment and Employment Land Provision for Swansea and Neath Port Talbot.

2.2. The base forecast for the Swansea economy 2015-25 is for 6,100 new jobs. It is only after various adjustments and the potential for policy interventions that the upper end growth scenario of 14,700 is reached but it is on this figure that the required number of new homes appears to be predicated. It states in paragraph 1 page 6 of the Economic Assessment 'Based on the number of extra workers that would be required to match the number of additional jobs without needing to increase in-commuting along with meeting the Council's objectives for raising local economic activity levels and reducing unemployment, it is estimated that a net additional 16,421 homes would be required within the County over the plan period'.

2.3. In the Community Council's view 14,700 new jobs is an over optimistic and unrealistic assessment of future job prospects for Swansea. It follows, therefore, that the need for 16,700 new homes is also likely to be overstated.

2.4. The City and County also seem to share concerns about the future job prospects for Swansea and comment in Improvement Objective 5 in the Annual Review of Performance 2012-2013, page 32 that 'Further spending reductions are likely to take place meaning that the public sector is expected to shrink. Cities like Swansea that are reliant upon public sector employment are particularly vulnerable. It then adds The City and County of Swansea will need to prepare for the consequences of further reductions to the size of the public sector workforce.

2.5. The evidence produced in the Economic Assessment, referred to above, likewise makes reference to Swansea's dependency on public sector jobs and also points out that in regard to the working population of Swansea, which is 150,100, there are 75 jobs for every 100 residents of working age. This suggests that 25% or 37,525 of working aged people in Swansea are not in employment. Interestingly, however, the number of registered job seekers is only about 5,000. However, even making allowances for those not working for various legitimate reasons - stay at home mothers and long term illnesses, for example, there would appear to be sufficient unemployed working aged people already in Swansea to fill the minimum number of new jobs i.e. 6,100, and even the upper figure of 14,700. It would also seem reasonable to conclude that the 37,523 of working aged people not currently in employment are nevertheless already living somewhere in Swansea and, in the unlikely event of a future jobs explosion, would be available to take up some of the vacancies without the need to move into a new home.

2.6. The Community Council therefore considers that more work needs to be done on future job growth in Swansea and the higher figure of 14,700 modified to take account of the City and County's more gloomy forecasts in this respect.

3. Sewerage

3.1. The lack of capacity at the Gowerton Treatment Plant is well documented and is acknowledged within the Preferred Strategy. Specific problems in Penllergaer are highlighted in Topic Paper - Physical Infrastructure - Para 2.39 - as this area has one of the highest numbers of recorded sewer flooding incidents caused by overload across Swansea.

4. Traffic

4.1. The volume of traffic travelling through Penllergaer to J47 is a matter of huge concern to residents. The Community Council is aware that, whilst J47 is not yet quite at full capacity at peak times, there are increasing traffic pressures at this junction with regular queuing on both the north bound lane of the A483 and the approach from the west along the A48.

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4.2. However, of greater significance is the impact that a further large scale housing development would have on traffic volume on the A4240 (Gorseinon Road - a residential road for much of its length) and the Penllergaer roundabout.

4.3. Bellway acknowledges the traffic problems in its Vision for Penllergaer Page 7 by confirming that Gorseinon Road is at saturation during peak periods and that the Penllergaer Roundabout is operating at capacity. This would seem to be an under estimation of the situation in regard to the latter, as at peak times it is operating well over capacity and is not considered by City and County traffic engineers to be capable of handling a further increase in traffic.

4.4. The Community Council recognises that the Bellway Vision for Penllergaer incorporates a new road to link from a point on Gorseinon Road to the A484 in an attempt to relieve this congestion, but remains unconvinced that this would be the realistic outcome. Whilst it may be reasonable to argue that many occupants of homes on the Parc Mawr site would work in Swansea and would thus head south on the new link road in, say, the morning peak, a substantial proportion would relocate to this area specifically because of its convenience for J47 and the M4, and their places of work along this strategic corridor.

4.5. This fact is very clearly evidenced in the breakdown figures in the Ward Profile for Penllergaer July 2012 (Page 9.) Out of 1,078 people (2001 figures as the full scope of updated 2011 census figures is not yet available) aged between 16-74 who are described as economically active (includes 47 unemployed and 38 full time students) a total of 238 work Out of County - Bridgend, Cardiff, Carmarthenshire etc and 176 work in employment destinations within the City and County of Swansea that involve travelling along the M4 or the A48, such as Llangyfelach, Morriston, Llansamlet, Clydach, Landore, etc. In all, it is reasonable to assume that 40.83% of the working population of Penllergaer use the M4 and A48 (to Llangyfelach) to reach employment as opposed to travelling into Swansea via the A483. There is no basis to believe that any future residents of a development at Parc Mawr would buck this trend. The Community Council would also argue that such new residents

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would be likely to favour Gorseinon Road as their route of access to J47 rather than the more circuitous option south to the A484 and then north on the A483. This would add significantly to the congestion at the Penllergaer roundabout.4.6. Furthermore, the Community Council believes that three out of the four optional access points onto Gorseinon Road for the proposed new road, as identified in the Bellway Vision, are unlikely to be achievable in terms of traffic management and road safety. That would leave the existing access point onto Gorseinon Road from Phoenix Way as the only viable option.

4.7. The Community Council has also undertaken a further assessment of potential traffic growth on Gorseinon Road in regard to new builds west of Penllergaer - in Gorseinon, Penyrheol and Loughor. Approximately 121.619 hectares of land has been put forward as candidate sites for residential development in these locations. If only 50% of this land is ultimately developed that would total about 60 hectares. At a minimum build of 30 houses per hectare the potential is for over 1,800 new homes, and at least a proportion of occupants are likely to be heading to employment along the M4 via Gorseinon Road, the Penllergaer roundabout and J47. The Community Council therefore believes that this potential must also be factored into future traffic impact assessments.

4.8. Pressures on Gorseinon Road at peak times have an inevitable consequence for the A48 Pontardulais Road and traffic from Pontlliw and further north. Priority on the Penllergaer roundabout is for traffic from the west (Gorseinon Road) and therefore lengthy queues form along Pontardulais Road with drivers unable to access the roundabout because of the constant flow of vehicles. The Community Council does not believe that the proposed new link road in the Bellway Vision will in any way reduce the volume of traffic along this road and therefore supports a solution that would take traffic from the north directly to J47, thus entirely avoiding travel through Penllergaer.

4.9. The Community Council supports an Origin and Destination survey and believes it is vital that the capacity of the Penllergaer roundabout is properly assessed during this process.

4.10. The Community Council would also point out that a former Head of Transportation at the City and County confirmed (Proof of Evidence re Bryn Dafydd Farm para 5.17) that he would not support a strategic highway access from the strategic highway network (either from the A483 or A484). The imposition of a new junction at this point would adversely affect the operation of this section of highway, which was constructed to provide a fast and direct route from central areas of Swansea to towns and communities further west.

4.11. The Community Council endorses this statement and believes that any proposed new access onto either the A483 or A484 should continue to be resisted.

5. Agricultural land

5.1. In terms of its agricultural value, Appendix 1a Agricultural Land Classification shows the situation in regard to the whole of Wales. It is clear that higher quality agricultural land - Grades 1 to 3 - is in short supply with the greater proportion of land in Wales designated lower Grades 4 or 5.

5.2. Appendix 1b shows the Agricultural Land Classification for the City and County of Swansea and Appendix 1c, the land classification in Penllergaer including that at Parc Mawr farm. It can be clearly seen that the latter is assessed as Grade 3

5.3. Furthermore, Appendix 1d indicates that at least part of Parc Mawr farm was identified as being subdivision Grade 3a and was one of the reasons for the refusal at a planning appeal in 1981 in regard to a small residential development at Parc Mawr. Evidence was provided by a representative from the Agriculture Department of the Welsh Office who informed the Inquiry that the entire land area put forward for development at that time - 4.5 hectares - was Grade 3 and 'demonstrably fell into the best half of Grade 3 classification sub-grade A. It was also pointed out that 'some 45% of the agricultural land area of the then West Glamorgan was of a quality less than that of the appeal site. Additionally, it is worth noting that this land received EU grants - as much as £95,000 in the late 70's and early 80's - for general improvements.

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5.4. Planning Policy Wales states that land graded 1, 2 and 3a should be conserved as the best and most versatile land and a part of Parc Mawr clearly fell within these parameters in 1981.

5.6. In contrast, current advice from the Natural Environment and Agriculture Team, Land, Nature and Forestry Division, Welsh Government is that the differentiation between Grade 3a and 3b does not exist for the majority of areas post 1988.

5.7. Additionally, the Community Council believes it is salient to point out that prior to the UDP, Post Inquiry Modifications 2008, an amplification for Policy EC13 was included which recognised the lack of good quality agricultural land in Swansea and embodied this in the following paragraph, then noted as 2.5.13: The County does not have any top quality agricultural land of grades 1 & 2 outside the Gower AONB with poor quality farmland predominating. In these areas of poorer farmland, subgrade 3b is considered to be locally valuable to the agricultural and rural economy. Accordingly it is included as part of the 'best and most versatile land' within the County'.

5.8. The Community Council notes too that in the Response by the City and County to Proof of Evidence 2007 page 6 sub para 2(iv), the City and County regarded land at Parc Mawr farm as protecting the setting of the urban area, stating that the open rolling farmland character of the land to the south of Penllergaer and viewed to the rear of the properties fronting Swansea Road and Gorseinon Road would be fundamentally changed should this area be released for development.

5.9. It also suggests on Page 5 sub para 2.15(i) that loss of agricultural land could lead to the agricultural unit proving unviable. This indeed would be the inevitable outcome of the release of this land for a thousand houses.

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5.9. With reference again to the Planning Inquiry in 1981, when residential development was refused at Parc Mawr, it should be noted that in his conclusions the Inspector commented that the appeal site appears not as a small pocket of land mostly surrounded by residential development but an integral part of the extensive agricultural lands which abut development fronting Gorseinon Road and Swansea Road and extend to the south and west. The effect (of residential development) would be to extend considerably the built up area of Penllergaer into an area of predominantly open countryside. (Appendix 1e) The land at Parc Mawr remains largely as it was in 1981.

5.10. However, there has already been some loss of greenfield, agricultural land in Penllergaer as a consequence of the UDP with over 7.8 hectares being given for the development of 246 houses at Parc Penderri and Broadwood. A similar area of farm land has also been allocated for 200 houses North of Llewelyn Road for which outline consent has already been lodged.

5.11. The Community Council believes that if a local food policy is to be developed for Swansea, as has been mooted, then it is important that pockets of Grade 3 agricultural land such as at Parc Mawr farm should be retained. Therefore, in the interests of future sustainability and in order to protect the open countryside, there should be no further loss of better agricultural land to housing developments when that of a lesser quality is available in greater quantities elsewhere.

5.12. Some recent photographs, (Appendix 1f), show that Parc Mawr is being farmed as grazing land for cattle and also for crop growing.

	<p>6. Wildlife and Biodiversity</p> <p>6.1. A revised ecological survey was conducted of Parc Mawr farm in 2007 when land was put forward for inclusion in the UDP and an inquiry was held. This survey concluded that in terms of the ecological evaluation of the site, a large area was of District Value as opposed to the lower level Local Value (Appendix 2a.) This Ecological Plan also shows smaller areas of land that were regarded of High Local Value.</p> <p>6.2. It was stated in the report Wildlife and Biodiversity Statement of Case, para 3.1 that the southern and western parts of the site were considered to be Distinct Value for nature conservation by virtue of its extent, the presence of a local plant (whorled caraway), local invertebrates (e.g. black darter dragonfly) and their overall species-diversity. In combination with the surrounding hedgerows and scrub features, these grasslands are considered to form part of a larger coherent unit of habitats which is collectively assessed as being of high ecological value.</p> <p>6.3. Conveniently, in 2007, the area of land assessed as of District Value was not part of the proposed UDP allocation site. However, in terms of the Preferred Strategy and Bellway's Vision for Penllergaer, it clearly is.</p> <p>6.4. The Community Council also notes the reference to Green Infrastructure in the Preferred Strategy (page 59, Para 7.24 and 25) and agrees with the statement that Development that unacceptably compromises the extent and quality of green infrastructure provision will not be supported.</p> <p>6.5. In its view, land at Parc Mawr farm forms a significant tract of open countryside on the urban fringe where there is clear evidence of high biodiversity, making it of considerable ecological value and an important part of the green infrastructure.</p>
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	<p>7. Green Wedge</p> <p>7.1. The land at Parc Mawr farm also forms part of the Green Wedge as designated in UDP Policy EV23, and amplification 1.7.5g and based on Planning Policy Wales Guidance</p> <p>7.2. Whilst the Community Council acknowledges that Green Wedge boundaries can be redefined to reflect changes in strategic policy it would point out that the City and County robustly defended the Green Wedge designation for land at Parc Mawr in its response to Proof of Evidence at a public inquiry as recently as 2007.</p> <p>7.3. In the Response by the City and County to Proof of Evidence, April 2007 para 3, (entitled The Council's Response) page 5 sub para 2.15(i) Green Wedge designation is cited as important for the 'Prevention of coalescence. It acknowledged that the proposed omission site would not in itself lead to coalescence between Penllergaer and Fforestfach. However, development of the larger site area would and the Council considers the proposal to be the thin end of a very large wedge. If the omission site was released as proposed, it would immediately put land to the west and adjoining access road under pressure for development. If the agricultural unit subsequently proved unviable there would be further pressure to release land extending south of the current settlement limits, thereby contributing to coalescence. (Appendix 3a)</p> <p>7.4. It goes on to say that the Green Wedge is an important tool to manage the urban form and that in this location, the frontage development on Swansea Road and Gorseinon Road limits the development to the rear. A breach of this containment would open up the possibility of further development to which there would be no defensible boundary. Para 2.15(ii)</p> <p>7.5. In para 2.15(iii) there is reference to safeguarding the countryside. It states that Parc Mawr farm is part of the open countryside. It is certainly not perceived as being part of the urban form. Furthermore, as the land is located in close proximity to the M4 it will remain under constant pressure for development: hence the extra protection of Green Wedge status is essential.</p>
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7.6. In the Community Council's view the arguments used by the City and County in 2007 - only six years ago - for the retention of the land Parc Mawr within the Green Wedge were robust and logical. It would therefore be difficult for the community to understand the justification for any change in this position.

7.7. Also included in Appendix 3b are some relevant comments from the City and County of Swansea UDP Inspector's Report.

In para 5.2.28 he states that I consider the Plan approach of restricting the releases of further greenfield sites on the urban fringe and of seeking to resist urban expansion pressures, to protect the form and setting of settlements and to prevent coalescence, is well merited. In consequence, I consider that the green wedge designations proposed by the Plan are not excessive or overly prohibitive, and should be adopted as integral to the overall development strategy of the Plan.

8. Education

8.1. The Community Council notes that the Bellway Vision would deliver a new primary school for Penllergaer. It should be remembered, however, that the existing school, to replace the one constructed in the 1890's was built less than 40 years ago and traditionally served only the community of Penllergaer. Pressures within Penllergaer itself from new developments have therefore been successfully absorbed. However, the catchment area was extended some years ago to incorporate Tircoed village which is well outside the ward boundary. There are now some 104 children attending Penllergaer Primary from this large housing estate.

8.2. With regard to another new school, clearly this would be needed if one thousand houses were to be built in order to accommodate at least a further 200 or more children, using the current formula. The Community Council would question whether a very large primary school with the potential of over 600 children is either desirable or appropriate.

8.3. The Community Council would also point out that the feeder comprehensive for Penllergaer is not Penyrheol as seems to be suggested in the Vision but Pontardulais which is already at capacity. What additional provision will therefore be made for post 11 year old children?

9. Alternative housing locations

9.1. The Community Council believes that for the reasons indicated above, no further large scale housing development should be located in Penllergaer. Instead, it considers that the urban village proposed for Felindre should be extended to accommodate at least 2,000 homes in order to ensure that this new community is fully sustainable and capable of supporting the facilities that are described as going to be delivered. It is a 100 hectare greenfield site so well able to accommodate over 3,000 homes. The Welsh Government, who own the site, have indicated that it could provide a mix of affordable and private housing with associated community facilities including schools and leisure opportunities, to offer 'a destination with a strong sense of place and community' and has funded a feasibility study to be submitted as part of the LDP process.

9.2. From the agricultural classification - see Appendix 1a - it is clear that the land is Grade 4 so of a lesser quality than at Parc Mawr farm. The site could also have the benefit of direct access onto the A48 and M4 motorway at J46. The Welsh Government has already invested £11.7m for infrastructure in this location to stimulate interest in the brownfield, 60 hectare employment site adjacent to the proposed urban village.

9.3. To illustrate the need for a community to be of a sustainable size, the Community Council would point out that in Penllergaer, the number of dwellings currently (and inclusive of a completed Parc Penderri) is just over 1,400. With a potential build north of Llewelyn Road, that number will increase to in excess of 1,600 households.

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9.4. In terms of amenities, Penllergaer already has a church, a school, a well-used pub and two community halls. The Llewelyn Hall - funded by a lottery grant and built to replace an old and dilapidated church building, is situated on Swansea Road. A short distance away, the former Victorian school building on Pontardulais Road is also a community building, referred to as the Village Hall, which accommodates a full time day nursery and a room for other community activities. This hall is owned and managed by the Community Council who also built, owns and runs a large pavilion together with a sports field consisting of two football pitches and a cricket pitch. The intention is to provide further sporting opportunities on this complex.

9.5. To enable the Community Council to sustain its facilities and to provide floral displays, some funding towards the maintenance of the graveyard and to various community organisations, it sets a modest precept of around £32,000 a year which is shared across the households in the ward.

9.6. Thus, in the Community Council's view, bearing in mind the likely financial climate of the future, those living in any new urban village will themselves inevitably be required to manage and maintain most of the facilities, delivered as part of the overall development. It follows from this that the number of dwellings required to generate the necessary funding must be at a level that ensures that the financial burden on individual households, which will be in addition to the Council Tax, is kept at a minimum. Thus, in the Community Council's opinion, the financial and managerial sustainability of community facilities of the kind to be delivered in any new urban village will need to be brokered on larger size developments than just one thousand homes.

9.7. The Community Council would also point out that the district railway line runs close to Felindre and would view this as offering the opportunity to provide a sustainable alternative travel connection between the new urban village and elsewhere.

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	<p>9.8. The Community Council also considers that a further more sustainable option for additional homes is on land adjacent to Tircoed and is aware that a development proposal was submitted at this location during the previous UDP process. The present isolated community of 480 homes has few facilities - a shop and a small hall - with 104 children attending Penllergaer Primary school adding to its accommodation pressures. It notes that currently households are paying as much as £75 per annum towards the running of a Trust which is responsible for the maintenance of the village hall and the general upkeep of the area as a whole. More homes could generate the funding needed to improve village amenities, with the additional benefit of potentially reducing the financial charge on each individual household.</p> <p>9.9. The Community Council believes an enlargement of Tircoed could also provide the opportunity of a direct access to J47 thus reducing the traffic congestion in Penllergaer that occurs along Pontardulais Road. This would mean noise; nuisance and disturbance on what is a long established residential road could be brought down to a more acceptable level. Such a link could be provided directly from an extended Tircoed Village - or off the A48 north of the M4 motorway bridge - to the northern arc of J47 thus taking traffic away from Penllergaer entirely.</p> <p>9.10. In conclusion, the Community Council, with the full support of the Action Committee, believes that any further large scale housing development in Penllergaer should be resisted and that the proposed one thousand new homes can be successfully and more appropriately accommodated elsewhere.</p>
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Stage 3A: Assessment Against LDP Objectives

Objective	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Score	+2	n/a	+1	+2	+2	?	-2	n/a	+2	+1	+1	n/a	n/a	+2	0	n/a	-1	+1	-1	-1	n/a	?	+2	+1

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Stage 3B: Assessment Against SEA/SA Objectives

Objective	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Score	+/-	-	?	++	0	+	++	0	?	+/-	--	+/-	?	-	+/-	X	+/-	?	?	--	?	?

Strategic Masterplan

The vision is to provide an integrated addition to Penllergaer as a sustainable walkable neighbourhood, helping to create an improved focus for the area and enhanced links to new and existing facilities. The initial concept masterplan (opposite) illustrates the potential broad form of the development. Several alternative highway connections to Gorseinon Road are indicated:

- A connection via Phoenix Way;
- A connection via Orchard Grove;
- A connection to the Gorseinon Road/Llewellyn Road junction; and
- A connection to Gorseinon Road opposite the village green

While the body of the development site measures c.50 hectares (125 acres), it is anticipated that around 24 hectares (59.3ac) of residential land will be provided. The strategic allocation would deliver:

- c.1000 new homes;
- a new primary school of c.2 hectares with high quality foot/cycle connections and helping to relieve issues along the A48;
- new community facilities, the make-up of which is to be determined but could include health care, local shops, and a cafe;
- further recreational space for the village; and
- a link between the A4240 Gorseinon Road and the A484 Llanelli Link Road to the south (four connection options illustrated right).

Significant areas will be retained as green infrastructure within the development. These would provide attractive opportunities for recreation, green corridors, new and retained planting and surface water drainage features. This could include additional sports facilities and/or opportunities for local food production as appropriate.

DEVELOPMENT

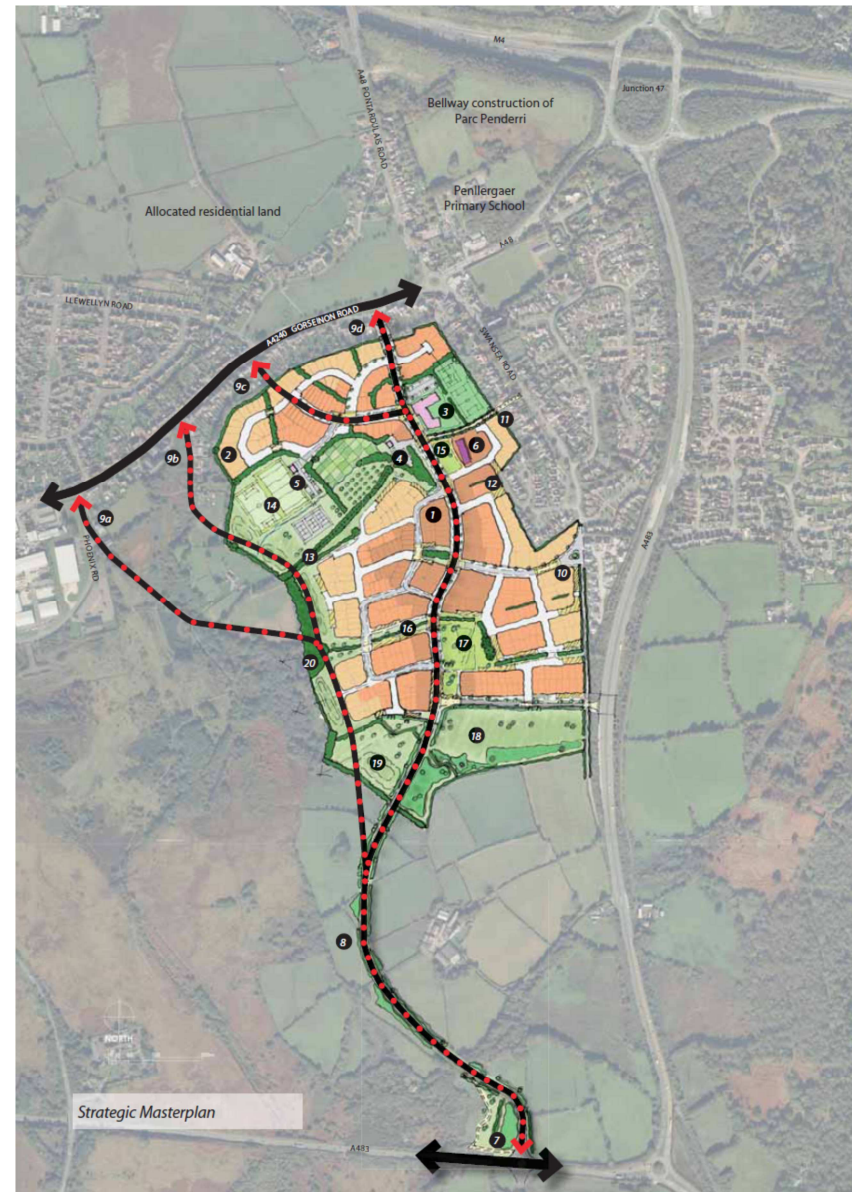
- 1 Higher density residential development to centre of site
- 2 Lower density residential development towards edges of site
- 3 New primary school with good foot/cycle links
- 4 Retained farmhouse with potential for community use
- 5 Changing rooms for sports pitches
- 6 Local centre uses alongside the primary school

ACCESS

- 7 New junction with the A484 and connection to the link road southwest to the Alcoa candidate site
- 8 New link following topography and lined by new planting
- 9a Connection option 1 to Gorseinon Road via Phoenix Road
- 9b Connection option 2 to Gorseinon Road via Orchard Grove
- 9c Connection option 3 to Gorseinon Road/Llewellyn Road
- 9d Connection option 4 to Gorseinon Road and village green
- 10 Bus access from Swansea Road, with vehicular access to a limited number of dwellings
- 11 Foot/cycle access from Swansea Road
- 12 Foot/cycle connections to Brynrhos Crescent
- 13 Foot/cycle connections to Public Right of Way to the west

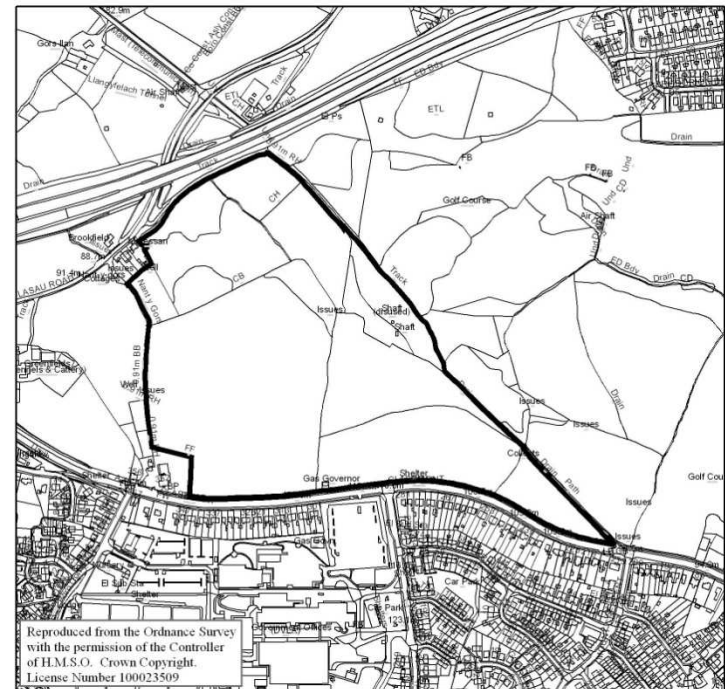
GREEN INFRASTRUCTURE

- 14 Potential recreation complex – sports pitches/changing rooms/allotments/community orchard/natural play as part of a northern west–east green corridor
- 15 Village green providing focal space along primary street within development
- 16 Retained planting within southern west–east green corridor
- 17 Pocket park with play area providing a focal space
- 18 Green edge creating parkland setting
- 19 Drainage features as part of a network of blue infrastructure on the lower slopes
- 20 New and retained planting on development edge



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Reference	MB005 (partly in Llangyfelach Ward)
Name	Land off Clasemont Road, Morriston
Description	Extensive wedge –shaped area of land comprising a number of field parcels sloping down between Clasemont Road and the M4 west of Morrison Golf Club. Approx. 15ha is being proposed for development as part of strategic site release for up to 750 primarily terrace style dwellings, plus new build primary school and some mixed commercial uses fronting Clasemont Rd and a nature reserve/wetland area to the north abutting the motorway
Size	21.5 Ha
Existing Land use	Agricultural
Proposed Land Use	Residential and Local Wildlife Area
Location Plans	OS Plan and Aerial (not to scale)



Candidate Site Public Consultation: Summary of Representations

The Candidate Site application was advertised on site in the form of site notices.

12 letters of objection were received which are summarised below:

- Increased traffic on already congested roads
- Main access route to crematorium, Morriston hospital and DVLA
- Loss of green space
- Already overcapacity of residential properties
- Loss of agricultural land
- Old mine workings including capped mine shafts on site
- Adverse visual impact
- Highway safety
- Lack of local services e.g. schools, medical practices and utilities etc.
- Adverse impact on wildlife/habitat
- Increase pollution
- Possible flood risk
- Inappropriate size and scale
- Three streams on site and land is essentially wet
- Loss of open space
- Possible increase in crime
- Would seriously affect quality of life
- Provides a significant 'green lung' in the area

LDP Preferred Strategy Consultation: Summary of Representations

No comments were received specifically regarding this site.

LDP Draft Proposals Map Consultation: Summary of Representations

32 letters of objection were received which are summarised below:

- increased traffic onto the busy, heavily congested Clasemont Road – causing safety issues and further delays to those already associated with DVLA and Morriston Hospital
- Increased traffic will increase pollution
- Inadequate highways surrounding the site
- The land forms a green wedge between communities.
- Local services already oversubscribed
- Infrastructure unable to cope with population increase
- Local schools are overflowing
- Provision for secondary school children unclear
- Impact on/loss of greenspace and wildlife
- Suggested wildlife conservation area is patronising
- Local flooding issues

Response to Representations

- Upon commencement of preparation of a new development plan all existing policies and previous decisions (e.g. current UDP designations) are subject of review and moreover the UDP policies will have no status upon expiry of that plan from Nov 2016. Consultation on an initial review of green wedge, open countryside and settlement boundaries has recently been undertaken and will inform the LDP Deposit Plan
- Green wedges unlike Green Belts are only temporary in nature and around 40% the new housing to be allocated in the LDP will have to be on land currently designated as green wedge, as there is insufficient land available within existing settlement boundaries to meet all future demand.
- Acknowledge traffic congestion is an issue along the frontage and leading to J46 at peak times and also at Morriston cross. A full Transport Assessment is required to determine effect on local congestion issues. With regard to highway safety, access will need to be carefully located and will likely require a right turn lane. Individual plot access directly from Clasemont Road frontage should be avoided. No major constraints identified.

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- Its development would not constitute a loss in Fields in Trust provision. Opportunity to make parts of the land accessible open space as part of the development. Site is not classed as Accessible Natural Greenspace and its loss would not result in a deficiency of provision.
- The SHMA identifies that around 2100 homes are needed within this strategic housing policy zone over the LDP period. There is a requirement for affordable housing across all areas of Swansea and it will be important to maximise affordable housing delivery wherever possible.
- The site is grade 4 agricultural land. There is no indication that the sites loss would undermine the viability of the farm holding.
- As part of any development proposal being brought forward, a ground conditions survey would need to be undertaken on this site in order to ensure all evidence of ground instability/former mining activity is identified.
- Any development would need to comply with adopted residential design guidance SPG. <http://www.swansea.gov.uk/spg> which seeks to encourage and support the creation of more sustainable communities and addresses issues such as size, scale, density and visual and environmental impact.
- The LDP is being prepared in close liaison with the Local Education Authority (LEA) who are fully aware of the potential additional pupil numbers likely to be generated and have made provision accordingly within the 21st century schools programme. Existing schools will be expanded where possible and new schools built as appropriate to accommodate the projected increase in pupil numbers.
- The site is located more than 1 km from local services. Development of this scale would necessitate the provision of local services, facilities and infrastructure in order to develop new sustainable communities.
- No major constraints identified. This site contains Species-rich Purple Moor-grass and Lowland Mixed Deciduous Woodland, which are habitats of principal importance for the conservation of biological diversity in Wales under the natural environment and rural communities act (2006). Proposed development seeks to mitigate ecological impact, retaining some of area as a nature reserve. Public open space, paths and cycleways will also be included within the development.
- No indication of significant pollution (including noise) issues. The planning application process would not permit development that would result in harmful levels of pollution.
- Some surface water flooding identified, but not a major constraint. All new development needs to demonstrate greenfield run-off. No increase in surface water run-off would be permitted. Mitigation measures required in the drainage design to minimise impacts on the hydrology of the wetland areas. Attenuation ponds connected to the wetlands are recommended by the supporting Hydrogeological Study.
- Any new development would be built to design out crime in accordance with the Council's Planning for Community Safety SPG <http://www.swansea.gov.uk/spg>

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- Development may improve quality of life for residents by providing a range and choice of houses to enable people to stay within the community, improve community facilities/services, contribute to new open space provision and establish a new sustainable community in the area.
- The proposed nature reserve would provide a facility which does not currently exist and would provide additional and improved opportunities to access the area. Local residents have no rights to use the land as recreational space at present apart from the right of way along the northern boundary of the site

Key Stakeholder Consultations

Internal Stakeholder	Comments
CCS Transportation	<p><u>Means of Access:</u> The site can be accessed from Clasemont Road.</p> <p><u>Local Highway Conditions:</u> Traffic congestion is an issue along the frontage and leading to J46 at peak times. Traffic congestion is also an issue at Morriston cross.</p> <p><u>Accessibility:</u> There is a 10 min and 60 min frequency service past the site.</p> <p><u>Wider Issues / Combined effect:</u> Possible traffic issues at J46 and at Morriston cross.</p> <p><u>Restrictions:</u> Access will need to be carefully located and will likely require a right turn lane. Individual plot access directly from Clasemont Road frontage should be avoided. A full Transport Assessment will be required to determine effect on local congestion issues.</p> <p><u>Transport Proposals:</u> None identified.</p>
CCS Housing	<p>The SHMA identifies that around 2100 homes are needed within this strategic housing policy zone over the LDP period</p> <p>There is a requirement for affordable housing across all areas of Swansea and it will be important to maximise affordable housing delivery wherever possible.</p>

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CCS Biodiversity	This site contains Species-rich Purple Moor-grass and Lowland Mixed Deciduous Woodland, which are habitats of principal importance for the conservation of biological diversity in Wales under the natural environment and rural communities act (2006).
CCS Environmental Health	No comments
CCS Education	<u>Llangyfelach Primary</u> : There is Limited surplus capacity and no scope to extend. This site would generate a new school <u>Morrison Comprehensive</u> : New build has been completed. There is some capacity to take increase in pupil numbers, however all the developments proposed for Morrison catchment will take this school over capacity. Therefore investment required
External Stakeholder	Comments
Natural Resources Wales	No sewer. Outside sewer catchment area. Nearest STW is Gowerton -MOU issues. <i>(NB: see DCWW comments – site actually drains to Swansea Bay STW)</i> Possible BAP Habitat. Hedgerows and boundaries tend to be made up of mature trees. Some rush dominated areas and one small block of woodland. Provides good connectivity. Nearby records for badger. The Phase 1 map classifies the site are a mixture of improved & semi-improved grasslands. Likely to be utilised by bats for foraging and flight lines. The Phase 1 map classifies the site are a mixture of improved & semi-improved grasslands. Land drainage -watercourses on site. Possible contamination from former uses (shaft, etc.).
Dwr Cymru	<u>Water Supply</u> : <u>Initial Comments for Candidate Sites in the Ward</u> : The local water supply network for this ward is sufficient to meet the projected growth promoted. However, for the large sites in particular, some modest off-site mains will be required to service the sites.

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	<p><u>Site Specific Comments on the Draft Proposals Map:</u> The proposed development site is in an area where there are water supply problems for which there are no improvements planned within our current AMP Programme. In order to establish what would be required to serve the site with an adequate water supply, an assessment on the water supply network will be required. The site is crossed by a water main for which protection measures, either in the form of an easement and / or diversion may be required.</p> <p><u>Waste:</u> <u>Initial Comments for Candidate Sites in the Ward:</u> Proposed developments in this ward ultimately drain to our Swansea Bay Waste Water Treatment Works. Based on the cumulative growth information provided for the residential, employment and the residential element of mixed sites, our assessment equates to a population in excess of circa 40,000 people. If all this growth is to be promoted in its entirety, then we will need to plan for future investment plans at the appropriate time.</p> <p><u>Site Specific Comments on the Draft Proposals Map:</u> Due to the size of the public sewerage system in this area and the likely demands from the proposed allocation it is unlikely the public sewers will be adequate to accommodate the site. A hydraulic modelling assessment will be required to understand the point of connection and/ or any potential improvements required.</p> <p>Swansea Bay Waste Water Treatment Works capacity – ok.</p>
Western Power	No comments received
Coal Authority	<p>Mining legacy - PRUG – Unrecorded probable historic underground workings at shallow depth And approximately 2 mine entries in centre of east</p> <p>Partly in Coal Referral Area – affects wetland and nature reserve area</p>

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Llangyfelach Community Council	The site is part of the green wedge which includes Morryston Golf Course and is situated on the north side of Clasemont Road which forms a green wedge between Llangyfelach, Morryston and the commons to the North of the site. Clasemont Road is the principal access road and with the volume of traffic from and to the DVLA and Morryston Hospital is extremely busy. Additional vehicles from this proposal would exasperate this problem. Any development of this size would have an adverse effect on the provision of educational facilities, which are stretched to the limits in this area.
Councillor Gareth Sullivan	<p>Again, this site straddles the Llangyfelach Ward boundary, in that encroaches on to properties on Pantlassau Road. The area of land outlined, is a vast green area and the area butting Nant Y Gors cottage properties is common land. As such, it is the responsibility of Local Common Land owners, administered on their behalf by a local Agent.</p> <p>The indication that 750 properties could be built on this area of land beggars belief. The present traffic management infrastructure would never sustain such a development. The development on such a large scale will result in the loss of a buffer between communities.</p>

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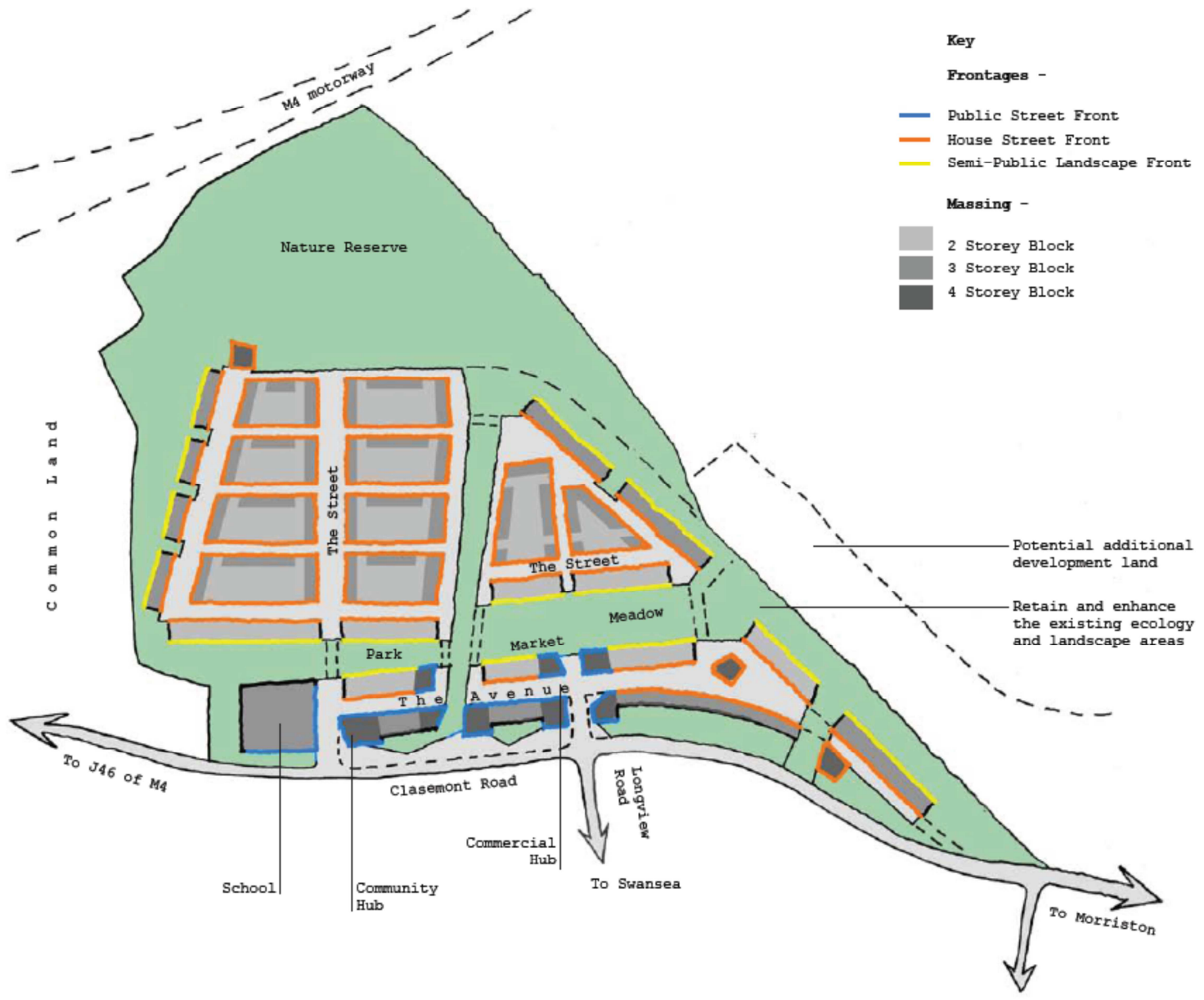
Stage 3A: Assessment Against LDP Objectives

Objective	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Score	+1	n/a	?	+1	n/a	?	-2	n/a	+2	+1	n/a	n/a	+1	+2	0	n/a	-2	0	-1	-1	n/a	?	+1	+1

Stage 3B: Assessment Against SEA/SA Objectives

Objective	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Score	+/-	+/-	?	+/-	0	+	+	0	?	+/-	-	?	?	+	+	x	+/-	?	?	--	0	+/-

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Proposed massing and streetscape plan

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Reference	GO007
Name	Parc Melyn Mynach
Description	The site is situated within the urban area of Gorseinon, to the north of the district centre. The site is enclosed by Pontardulais Road to the west and Heol Mynydd Mynach to the north and east which loops around the site. As such the road provides a physical barrier from the site and the wider countryside and Green Wedge. A large proportion of the site is allocated for housing under the provisions of the extant Unitary Development Plan with the remainder allocated for Greenspace.
Size	16.5Ha
Existing Land use	Part UDP Housing Allocation and part greenspace
Proposed Land Use	Residential development of up to 175 units and greenspace
Location Plans	OS Plan and Aerial (not to scale)



Candidate Site Public Consultation: Summary of Representations

The Candidate Site application was advertised on site in the form of site notices.

20 letters of objection were received which are summarised below:

- SINC
- Loss of recreational space
- Adverse impact on wildlife/loss of habitat
- Increased traffic
- Highway safety
- Site of historical importance
- Devaluation of property
- Adverse impact on drainage
- Already densely populated area
- Lack of local facilities

In addition to this one letter of comment was received which is summarised below:

- Cycle and walkway should have a crossing over the main road to link with the cycle track to Grovesend (the crossing is currently on a dangerous fast blind bend)

LDP Preferred Strategy Consultation: Summary of Representations

No comments were received specifically regarding this site

LDP Draft Proposals Map Consultation: Summary of Representations

1 letter of objection received, summarised below:

- Housing pressure on local infrastructure (particularly roads, but also schools, surgeries and other key facilities)

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- Impact of additional sewage outflows on Burry Inlet SAC
- Presence of UKBAP Priority habitats on site (Wet woodland)

Response to Representations

- 100% priority habitat sites have been filtered out of the site selection process. For all other sites an extended phase1 habitat survey would need to be undertaken to determine the habitat classifications, species lists and for the presence of protected species. Important features highlighted may require further survey at planning application stage, but do not preclude allocation at this stage. For example, most hedgerows will be protected under the Hedgerow Regulations (1997). A hedgerow assessment would need to be undertaken to determine the hedgerow quality and the findings would be taken into account when considering a site's development capacity. When wider issues need to be taken into account any impact on European protected sites will be fully assessed as part of the Habitat Regulations Assessment (HRA). Woodland areas and key features, hedgerows, bridleways, etc should be retained as part of any development proposal and form natural defensible boundaries
- Any development would include greenspace public open space provision/play areas, particularly to the western and southern sides of the site where past underground workings preclude development
- Development will result in an increase in traffic. Traffic speeds past the site will need to be reduced. Improvements alterations to the traffic signal junction at High Street may be necessary. Local highway improvements may be necessary. No objection relating to highway safety issues
- The site is a landscape of historic interest, with features of industrial heritage. Cadw would be consulted during the planning application stage
- Devaluation of property is subjective and not a material planning consideration
- Sustainable urban drainage scheme (SUDS) will be incorporated into any development scheme. All new development needs to demonstrate greenfield run –off. No increase in surface water run-off would be permitted
- Any development would need to comply with adopted residential design guidance SPG <http://www.swansea.gov.uk/spg> which seeks to encourage and support the creation of more sustainable communities and addresses issues such as size, scale and density of development
- Gorseinon is a district centre, with many facilities and services

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- Impacts on water/sewerage infrastructure must be addressed through improvements incorporated into any development. DCWW have invested in a new hydraulic model for the Gowerton catchment which has identified solutions throughout the catchment which would have to be delivered prior to development occurring. In combination with this there is an ongoing programme of surface water removal (from the foul sewerage system) throughout the County to increase capacity and help alleviate flooding. DCWW are statutorily required to include all necessary improvements to support new development in their statutory improvement plan and hydraulic modelling assessment will be required at application stage required to establish the potential impact on the water supply network and necessary improvements
- The LDP is being prepared in close liaison with the Local Education Authority (LEA) who are fully aware of the potential additional pupil numbers likely to be generated and have made provision accordingly within the 21st century schools programme. Existing schools will be expanded where possible and new schools built as appropriate to accommodate the projected increase in pupil numbers. In West Swansea an ageing population profile and limited opportunities for new build housing/ under occupation of housing by increasingly elderly population will likely see a reduction in demand for school places from within existing catchments
- The local health authority has not identified any capacity issues at local medical practices. If new facilities are required they could be delivered in conjunction with development being brought forward. New development also has a positive impact by increasing local populations, adding to the vitality/viability of settlements and helping to sustain and improve local services, facilities and businesses. Services at capacity will expand to meet demand. If improvement of facilities is required contributions can be sought from site developers

Key Stakeholder Consultations

Internal Stakeholder	Comments
CCS Transportation	<p><u>Means of Access:</u> Access can be constructed from Heol y Mynydd. It may be necessary to consider a small roundabout access to assist in controlling movements and vehicle speed. This can be combined with access requirements for the site opposite. Access from Pontarddulais Road should be restricted. Query if there could be a secondary access through Ffordd Eira</p> <p><u>Local Highway Conditions:</u> Traffic speeds past the site will need to be reduced. Improvements alterations to the traffic signal junction at High Street may be necessary</p>

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	<p><u>Accessibility:</u> There is an hourly frequency service past the site</p> <p><u>Wider Issues / Combined effect:</u> All sites in this Ward will add to existing traffic congestion along the route from Gorseinon up to Penllergaer and M4 J47. Some traffic is also likely to add to congestion at Victoria Road in Gowerton where the Llanelli Link crosses the route. Significant improvements may be required with contributions to major improvements by each of the Gorseinon sites</p> <p><u>Restrictions:</u> Provided that both local improvements and wider major improvements are achievable, no restrictions will be necessary</p> <p><u>Transport Proposals:</u> Schemes to address congestion on the major arterial routes in the area will be necessary to support any significant development</p>
CCS Housing	<p>There is a requirement for affordable housing across all areas of Swansea and it will be important to maximise affordable housing delivery wherever possible. The SHMA identifies that over 4,700 homes are needed within this strategic housing policy zone over the LDP period</p>
CCS Biodiversity	<p>This site contains Lowland meadow, which is a habitat of principal importance for the conservation of biological diversity in Wales under the natural environment and rural communities act (2006). Priority species recorded on this site; Bullfinch, Brown-banded carder-bee, The cinnabar, Kestrel, Small Heath, Song thrush, are species of principal importance for the conservation of biological diversity in Wales under the natural environment and rural communities act (2006). Species of contributory concern; Bee Orchid, Goldcrest, Golden-ringed Dragonfly, Green woodpecker, meadow crane's-bill and stone chat</p>

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<p>CCS Environmental Health</p>	<p>Overlays site 48 former Mountain colliery 049 former Gorseinon & Grovesend tinplate, Grovesend steelworks, Monarch Vitriol works: site investigation condition</p> <p>Opposite Toyoda: noise conflict? Subsequent comments from Environmental Health re GO001 which is 135m from Toyoda boundary 17/04/2014: Toyoda Gosei is currently regulated under the Environmental Permitting (England & Wales) Regulations 2010 (as amended) and has a Part B Permit. The Part B permit is concerned with the release to air only from the site due to the use of solvent in the coating activity carried out at the site. There is the potential for growth at the site and they are projecting an increase in solvent usage as the business grows and so there is the possibility that the Part B Permit will have to be surrendered and an A2 permit applied for instead. An A2 permit covers release to land, water and air from the activity and so is a marked step up in regulatory requirements. The potential nuisance from the site could relate to noise from access to the facility due to deliveries, shift patterns, noise from operations at the facility, potential odour issues from activities etc... With experience surrounding this type of industry, residential development within the distances stated previously would likely result in nuisance and should be avoided</p>
<p>CCS Education</p>	<p><u>Gorseinon Primary</u>: School rebuild is proposed at its current capacity. The increase in pupil numbers for this area would require this 'new' build to be extended</p> <p><u>Penyrheol Comprehensive</u>: Has recently been rebuilt; however, the cumulative impact of all developments in the catchment area of Penyrheol Comp would need further careful consideration in order to determine increased secondary provision, including a rebuild of the Annex that was not part of the original rebuild.</p>
<p>External Stakeholder</p>	<p>Comments</p>
<p>Natural Resources Wales</p>	<p>Consider MOU. Only partially falls within sewered area. Gowerton STW. Capacity issues and potential to impact on Carmarthen Bay SAC. Further consultation with DCWW strongly recommended. Compensatory surface water removal may be required. The site is mainly composed of grassland, woodland and scrub, with some areas of hardstanding. Possible BAP habitat. Records for a number of BAP species, nearby. Potential contamination from nearby tinplate works (Maerdy). Potential for solvent contamination/impacts on water quality. Former area of quarrying</p>

PLANNING COMMITTEE – 14TH JULY 2015

<p>Dwr Cymru</p>	<p><u>Water Supply:</u> <u>Initial Comments for Candidate Sites in the Ward:</u> Although there are currently no problems with the water supply network, the promotion of these developments will result in the area having mains water pressure problems. It is therefore inevitable that network improvements and potentially a new water pumping station will be required</p> <p><u>Site Specific Comments on the Draft Proposals Map:</u> A water supply can be made available to service the proposed development site</p> <p><u>Sewerage:</u> <u>Initial Comments for Candidate Sites in the Ward:</u> DCWW has records of isolated incidents of flooding in this ward and dependant on the location of the confirmed sites, these flooding issues would need to be resolved to promote the development. A 225mm diameter sewer traverses the centre of the site</p> <p><u>Waste:</u> <u>Initial Comments for Candidate Sites in the Ward:</u> Proposed developments in this ward ultimately drain to our Gowerton Waste Water Treatment Works. Based on the cumulative growth information provided for the residential, employment and the residential element of mixed sites, our assessment equates to a population in excess of circa 35,000 people. If all this growth is to be promoted in its entirety, then we will need to plan for future investment plans at the appropriate time. Query with DCWW.</p> <p><u>Site Specific Comments on the Draft Proposals Map:</u> Due to the size of the public sewerage system in this area and the likely demands from the proposed allocation it is unlikely the public sewers will be adequate to accommodate the site. A hydraulic modelling assessment will be required to understand the point of connection and/ or any potential improvements required</p> <p>Gowerton Waste Water Treatment Works - Limited capacity</p>
<p>Western Power</p>	<p>Across the County there is currently spare transformation capacity at each of the substations, which may be able to accommodate future load growth</p>

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Coal Authority – areas currently reserved for greenspace protection coincide with main Coal Referral Areas.	Mining legacy – Approximately 5 mine entries at south and west
Gorseinon Town Council	Strong public opposition to wholesale development for housing. The site should be retained for open greenspace/nature reserve and parkland for the adjoining community to enjoy. There are rare plant species and Nature conservation designations within the overall site and much of the site is currently allocated as nature reserve in the current UDP.

Stage 3A: Assessment Against LDP Objectives

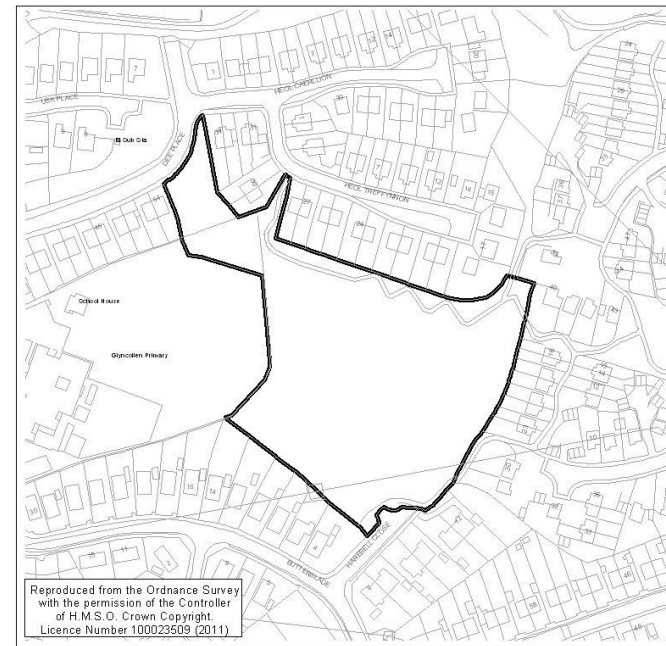
Objective	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Score	+2	+2	+1	+2	+1	?	-1	n/a	+1	+1	+1	n/a	+1	+2	0	n/a	-1	+1	-1	+1	n/a	?	+2	+1

Stage 3B: Assessment Against SEA/SA Objectives

Objective	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Score	+/-	-	?	+	0	+	+/-	0	?	+/-	-	+/-	?	+/-	+/-	x	+	?	?	-	+/-	?

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Reference	MR015
Name	Land at rear of Glyncollen Primary School, Morriston
Description	Urban greenspace with environmental enhancement opportunities adjoining eastern side of Glyncollen Primary School. The site is also bounded by residential properties along Radnor Drive to the east, Butterslade Grove to the south and Heol Treffynnon to the north. HV overhead line crosses the southern boundary of the site and a lattice tower support is located to the rear of properties on Butterslade Grove. This tower has consent to be relocated adjoining Harbell Close entrance to the site
Size	1.7Ha
Existing Land use	Open Greenspace with Woodland
Proposed Land Use	Residential
Location Plans	OS Plan and Aerial (not to scale)



Candidate Site Public Consultation: Summary of Representations

The Candidate Site application was advertised on site in the form of site notices

45 letters of objection were received which are summarised below:

- Loss of recreational space
- Safe school route for children
- Increased traffic on already busy roads
- Adverse impact on wildlife/habitat
- Underground streams, if disturbed may cause flooding
- Green belt
- Proposed entrance point for site on Harbell Close conflicts with the proposal to move and lift the pylon that carries the overhead lines
- Adding more houses to existing sewerage system could lead to further drainage issues
- Increased noise
- Loss of privacy
- Local school overcrowded
- Additional strain on local services
- Devaluation of property
- Adverse impact on crime and anti-social behaviour
- Increased pollution
- Adverse impact to local residents/quality of life
- Inappropriate site access
- Public Right of Way
- Area has historic value
- Adverse visual impact
- Highway safety
- Oil and water pipes running through site

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- Protected trees on site
- Educational resource used by local school
- Should be no net loss of woodland to ensure ecological networks are maintained and enhanced
- Buffer zones are essential to reduce damaging edge effects and ensure that their sustainability is to be improved

1 letter of support was received which is summarised below:

- Would welcome affordable housing

LDP Preferred Strategy Consultation: Summary of Representations

No comments were received specifically regarding this site

LDP Draft Proposals Map Consultation: Summary of Representations

1 letter of objection was received which is summarised below:

- The area is already saturated with traffic throughout the day and the infrastructure would not cope with any increase
- This area is also home to over 20 Oak trees and Sycamore trees which would need to be felled to create this potential development
- This area has a lot of underground streams which if disturbed would flood the properties that back on to this green land
- This area has been used recreationally by locals for over 50 years

Response to Representations

- Site forms part of the urban greenspace system – it is not Green Belt land
- No highway objection in principle but further assessment needed of the affect of more detailed proposals on peak time congestion. There are two potential points of access which are considered suitable on highway grounds. The proposed relocation of the pylon would need to be taken in any detailed assessment relating to future layout and means of access
- Surplus capacity at Comp school. No current surplus at primary but potential to increase through development funding replacement of substandard demountables. No requirement for expansion of adjoining primary school to provide additional land for education purposes
- DCWW have no drainage/sewer capacity concerns
- Scrub and mature trees have the potential for associated protected flora and fauna and ecological studies will be required if proposals for development of the site are progressed

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-
- TPO protected trees/features of historic importance would need to be retained
- PROW crossing site would need to be retained and as part of any development proposal and to retain a safe route to schools
- Utilities infrastructure expected to be crossing underneath site and would be used/diverted to serve any new development
- Any new development would be required to achieve greenfield run off rates (i.e. not cause any surface water flooding)
- Key issue is impact on greenspace provision – need to ensure minimum FIT and accessible open space standards are maintained
- Devaluation of property is subjective and not a material planning consideration
- Any new development would be built to design out crime in accordance with the Council's Planning for Community Safety SPG <http://www.swansea.gov.uk/spg>
- Compliance with the Council's adopted design guidance for new residential development would ensure there is no loss of privacy or pollution issues arising (waste, light, noise, etc) <http://www.swansea.gov.uk/spg>
- Local health authority have not identified any capacity issues at local medical practices. New development helps to sustain local services and/or provide additional funding. Not a constraint to development
- The viability of affordable housing provision is considered for all new development sites

Key Stakeholder Consultations

Internal Stakeholder	Comments
CCS Transportation	<p><u>Means of Access:</u> There appears to be potentially two points of access. Dee Place to the north and Harbell Close to the south</p> <p><u>Local Highway Conditions:</u> Peak time traffic congestion may be an issue</p> <p><u>Accessibility:</u> There is a 2 hourly frequency bus service 40m from the site</p> <p><u>Wider Issues / Combined effect:</u> Peak time traffic congestion is an issue in the locality</p> <p><u>Restrictions:</u> Assessment of the affect of development traffic on peak time congestion will need to be undertaken to determine any necessary restriction on development</p> <p><u>Transport Proposals:</u> None identified</p>
CCS Housing	<p>The SHMA identifies that around 2100 homes are needed within this strategic housing policy zone (North) over the LDP period</p> <p>There is a requirement for affordable housing across all areas of Swansea and it will be important to maximise affordable housing delivery wherever possible.</p>
CCS Biodiversity	<p>The area contains scrub and mature trees, which may fall into the SINC category of Diverse scrub. Scrub and mature trees have the potential for associated protected flora and fauna. An extended phase1 habitat survey to determine the habitats, species and for the presence of protected species. Important features highlighted may require further investigation</p>

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CCS Environmental Health	No comments
CCS Education	<p><u>Glyncollen Primary</u>: Limited surplus capacity. Extension provided 2014 to remove temporary accommodation. An increase in pupil numbers will leave the school with No Surplus capacity</p> <p><u>Morrison Comprehensive</u>: New build has been completed. There is some capacity to take increase in pupil numbers, however all the developments proposed for Morrison catchment will take this school over capacity. Therefore investment required</p>
External Stakeholder	Comments
Natural Resources Wales	<p>Aerial photographs suggest BAP Habitat comprising of: woodland, grassland and scrub. Likely to support and provide foraging for bats. Site provides good connectivity. A PRow crosses the north-west corner of the site</p> <p>Groundwater vulnerability</p>
Dwr Cymru	<p><u>Water Supply</u>: <u>Initial Comments for Candidate Sites in the Ward</u>: The local water supply network for this ward is sufficient to meet the projected growth promoted. However, for the large sites in particular, some modest off-site mains will be required to service the sites.</p> <p><u>Site Specific Comments on the Draft Proposals Map</u>: A water supply can be made available to service the proposed development site. The site is crossed by a water main for which protection measures, either in the form of an easement and / or diversion may be required.</p> <p><u>Waste</u>: <u>Initial Comments for Candidate Sites in the Ward</u>: Proposed developments in this ward ultimately drain to our Swansea Bay Waste Water Treatment Works. Based on the cumulative growth information provided for the residential, employment and the residential element of mixed sites, our assessment equates to a population in excess of circa 40,000 people. If all this growth is to be promoted in its entirety, then we will need to plan for future investment plans at the appropriate time.</p> <p><u>Site Specific Comments on the Draft Proposals Map</u>: No problems envisaged with the public sewerage system for domestic foul flows from this proposed development site.</p> <p>Swansea Bay Waste Water Treatment Works capacity – ok.</p>
Western Power	There is currently spare transformation capacity at each of the substation, which may be able to accommodate future load growth
Coal Authority	No coal mining legacy features identified by the Coal Authority.

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Stage 3A: Assessment Against LDP Objectives

Objective	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Score	+1	n/a	n/a	+1	n/a	?	+1	n/a	+1	0	n/a	n/a	n/a	+1	0	n/a	-1	0	-1	-1	n/a	?	+1	+1

Stage 3B: Assessment Against SEA/SA Objectives

Objective	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Score	+/-	-	?	+	0	+	+/-	0	?	+/-	-	?	?	?	+/-	x	+	?	?	++	?	?

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Reference	BM012
Name	Land North of Cefn Hengoed School
Description	Former school playing fields, but now rough grazing land. Site slopes down from SE to NW. Designated as open countryside/green wedge in UDP. Developed around three sides including Cwm Glas primary school to the west and adjoined to the south on the opposite side of Cefn Hengoed Rd by in part Bonymaen RFC and part open countryside
Size	4.57 Ha
Existing Land use	Greenspace/Grazing
Proposed Land Use	Residential
Location Plans	OS Plan and Aerial (not to scale)



Candidate Site Public Consultation: Summary of Representations

The Candidate Site application was advertised on site in the form of site notices.

202 letters of objection were received which are summarised below:

- Inappropriate size and scale
- Adverse impact on character and amenity
- Inadequate road infrastructure and site access
- Adverse impact on privacy, noise and pollution
- Inadequate sewerage system
- Loss of green space
- Inadequate water system, would exacerbate existing problems
- Local schools at capacity
- Adverse impact on crime levels
- Inadequate drainage, would exacerbate existing flooding issues
- No local facilities for children
- Adverse impact on environment
- Adverse impact on standards of living
- Adverse impact on wildlife and habitat
- Adverse visual impact
- Building near pylons inappropriate
- Building would be above skyline recommendations
- Loss of sports area for school
- Inadequate utilities systems
- Area has mining implications
- Details submitted on form are inaccurate
- Green belt site
- Over intensification of a heavily populated area
- Against current policy
- Local area some of the most deprived in Wales

LDP Preferred Strategy Consultation: Summary of Representations

No comments were received specifically regarding this site.

LDP Draft Proposals Map Consultation: Summary of Representations

1 letter of support was received.

2 letters of objection were received which reiterated previous comments and made the following additional observation:

- UDP allocations in this area remain undeveloped (category 3) and it is inappropriate to allocate further sites (needs response)

Response to Representations

- The Strategic Housing Market Assessment (SHMA) has identified that in Swansea East there is a need for up to 4200 houses
- The development will include an appropriate level of affordable housing to contribute to meeting local needs
- Development of this site would represent a logical infill of development within the existing settlement pattern in keeping with the character of the area.
- Insufficient information to be able to judge density and scale – this is a matter for planning application stage. Any development would need to be in keeping with context of adjoining development
- Local highway improvements required, which could be funded through development.
- Privacy issues can be resolved at the detailed design stage.
- No indication of significant pollution (including noise) issues. The planning application process would not permit development that would result in harmful levels of pollution.
- Development of this site will involve the loss of 'Fields in Trust' (FiT) land (although not currently used for such purposes) and is also within an area deficient in accessible natural greenspace (ANGS). Therefore accessible greenspace/recreation space to a satisfactory level will need to be incorporated within any development proposal. This should not affect the viability of the site.
- Limited capacity available in the local schools, as existing. A contribution towards education provision will be required and a physical link between the schools would need to form part of any development proposal

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- South Wales Police will be fully consulted during the LDP preparation process - crime prevention measures will be considered as part of the design process <http://www.swansea.gov.uk/spg>
- No constraints identified with regard to flooding/surface water drainage. All new development needs to demonstrate greenfield run –off. No increase in surface water run-off would be permitted
- No biodiversity issues have been identified that would represent a significant constraint to development. The impact on Crymlyn Bog (European protected site) will be fully assessed as part of the Habitat Regulations Assessment (HRA)
- It is hoped that by providing new homes in the area to meet the assessed level of need, living standards would improve. In addition new development should add to the vitality/viability of the existing settlement and stimulate the development of existing housing allocations that remain undeveloped.
- The site fits in well with the existing settlement pattern and should not have a damaging visual impact or extend beyond the skyline.
- A minimum clearance distance for pylons and overhead cables will need to be satisfied.
- All relevant utility providers are consulted as part of the LDP preparation process and no significant utility constraints have been identified
- As part of any development proposal being brought forward, a ground conditions survey would need to be undertaken on this site in order to ensure all evidence of ground instability/former mining activity is identified.
- Not part of a green belt
- Information presented in the candidate site form is checked for accuracy and the assessment is based on extensive additional evidence gathered by the local planning authority
- Upon commencement of preparation of the a new development plan (LDP process currently underway) all existing policies and previous decisions, e.g. current UDP Inspector’s findings, are the subject of review and moreover the UDP policies will have no status upon expiry of that plan from Nov 2016.
- The UDP housing allocations on vacant land within the existing settlement have been omitted from the LDP but will remain as white land and could still be brought forward as windfall sites. The LDP allocations propose a different offer and scale of release; they are generally larger edge of settlement greenfield sites with the potential to establish their own identities. Non-allocation of sites due to lack of interest in previous allocations within an area is not an option. There is demand for new housing in all areas

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Key Stakeholder Consultations

Internal Stakeholder	Comments
CCS Transportation	<p><u>Means of Access</u> The main access to the site is off Cefn Hengoed Road.</p> <p><u>Local Highway Conditions</u> Cefn Hengoed Road is single carriageway with one footpath along the development land side.</p> <p><u>Accessibility</u> There is bus provision at 10-15 minute frequency but it is unclear how close this is to the site.</p> <p><u>Wider Issues/Combined Effect</u> Identified need for upgrade at Carmel Road/Crymlyn Road. Plus Cefn Road/Cefn Hengoed Road.</p> <p><u>Restrictions</u> Possible restricted access to public transport provision.</p> <p><u>Transport Proposals</u> It is likely that the development of this site for residential purposes will require a financial contribution to upgrade the junction improvements identified as being required at the Carmel Road/Crymlyn Road Junction. In addition there are concerns regarding the junction of Cefn Road and Cefn Hengoed Road regarding lack of footways and inadequate carriageway widths so improvements may be required there also.</p>
CCS Housing	The SHMA identifies that around 4,200 homes are needed within this strategic housing policy zone over the LDP period.
CCS Biodiversity	No issues.
CCS Environmental Health	Former waste disposal site on other side of Cefn Hengoed Rd to the SE- site 235 Llanwilks Farm
	Site investigation/gas condition to be applied
CCS Education	<p><u>Cwm Glas Primary:</u> Cwm Glas Primary has little surplus space, having just gone through a recent reorganisation with the former Cwm Primary. There is concern over the condition of the building and the suitability of some areas, particularly the Early Years</p> <p><u>Cefn Hengoed Comprehensive:</u> Cefn Hengoed has recently undergone major remodelling, and there is limited surplus capacity to take any increased pupil numbers. However, the site is capable of expansion..</p>
External Stakeholder	Comments
Natural Resources Wales	Area marked as playing fields, with occasional mature trees along the boundary of the site. Records of bat species close to the site.
Dwr Cymru	<p><u>Water Supply:</u></p> <p><u>Initial Comments for Candidate Sites in the Ward:</u> The local water supply network for this ward is suffice to meet the projected growth promoted. However, for the large sites in particular, some modest off-site mains will be required to service the sites.</p> <p><u>Site Specific Comments on the Draft Proposals Map:</u> A water supply can be made available to service the proposed development site. The site is crossed by a water main for which protection measures, either in the form of an easement and / or diversion may be required.</p>

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	<p><u>Sewerage:</u> <u>Initial Comments for Candidate Sites in the Ward:</u> DCWW has records of isolated incidents of flooding in this ward and dependant on the location of the confirmed sites, these flooding issues would need to be resolved to promote the development.</p> <p><u>Waste:</u> <u>Initial Comments for Candidate Sites in the Ward:</u> Proposed developments in this ward ultimately drain to our Swansea Bay Waste Water Treatment Works. Based on the cumulative growth information provided for the residential, employment and the residential element of mixed sites, our assessment equates to a population in excess of circa 40,000 people. If all this growth is to be promoted in its entirety, then we will need to plan for future investment plans at the appropriate time.</p> <p><u>Site Specific Comments on the Draft Proposals Map:</u> No problems envisaged with the public sewerage system for domestic foul flows from this proposed developments site. The site is crossed by a public sewer for which protection measures, either in the form of an easement and / or diversion may be required. Swansea Bay Waste water treatment works capacity – ok.</p>
Western Power	There is currently spare transformation capacity at each of the substation, which may be able to accommodate future load growth
Coal Authority	Mining legacy - Shallow – Recorded shallow coal workings

Stage 3A: Assessment Against LDP Objectives

Objective	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Score	+1	n/a	n/a	+1	n/a	?	-2	n/a	+2	0	n/a	n/a	n/a	+2	n/a	n/a	-1	0	-1	-1	n/a	?	1	1

Stage 3B: Assessment Against SEA/SA Objectives

Objective	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Score	+/-	++	?	+	0	+	0	0	?	+/-	-	?	?	?	+	x	+	?	?	--	0	?

Report of the Head of Legal, Democratic Services & Procurement

Planning Committee – 14 July 2015

EXCLUSION OF THE PUBLIC

Purpose:	To consider whether the Public should be excluded from the following items of business.	
Policy Framework:	None.	
Reason for Decision:	To comply with legislation.	
Consultation:	Legal.	
Recommendation(s):	It is recommended that:	
1)	The public be excluded from the meeting during consideration of the following item(s) of business on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.	
	Item No's.	Relevant Paragraphs in Schedule 12A
	11	17
Report Author:	Democratic Services	
Finance Officer:	Not Applicable	
Legal Officer:	Patrick Arran – Head of Legal, Democratic Services and Procurement (Monitoring Officer)	

1. Introduction

- 1.1 Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.
- 1.2 Such a resolution is dependant on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

2. Exclusion of the Public / Public Interest Test

- 2.1 In order to comply with the above mentioned legislation, **Council / Cabinet / Committee** will be requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendation(s) to the report on the grounds that it / they involve(s) the likely disclosure of

exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

- 2.2 Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in **Appendix A**.
- 2.4 Where paragraph 16 of the Schedule 12A applies there is no public interest test. Councillors are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

3. Financial Implications

- 3.1 There are no financial implications associated with this report.

4. Legal Implications

- 4.1 The legislative provisions are set out in the report.
- 4.2 Councillors must consider with regard to each item of business set out in paragraph 2 of this report the following matters:
 - 4.2.1 Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.
 - 4.2.2 If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test as set out in paragraph 2.2 of this report.
 - 4.2.3 If the information falls within paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test but must consider whether they wish to waive their privilege in relation to that item for any reason.

Background Papers: None

Appendices: Appendix A – Public Interest Test

Public Interest Test

No.	Relevant Paragraphs in Schedule 12A
12	Information relating to a particular individual.
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 12 should apply. His view on the public interest test was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest in requiring the disclosure of personal data he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
13	Information which is likely to reveal the identity of an individual.
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 13 should apply. His view on the public interest test was that the individual involved was entitled to privacy and that there was no overriding public interest which required the disclosure of the individual's identity. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
14	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. His view on the public interest test was that:</p> <ul style="list-style-type: none"> a) Whilst he was mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts. <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
15	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. His view on the public interest test was that whilst he is mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them he was satisfied that in this case disclosure of the information would prejudice the discussion in relation to labour relations to the disadvantage of the authority and inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
16	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
	No public interest test.
17	Information which reveals that the authority proposes: (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) To make an order or direction under any enactment.
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
18	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
18c	The deliberations of a Standards Committee or of a sub committee of a Standards Committee established under the provisions of the Local Government Act 2000 in reaching any finding of a matter referred to it.

By virtue of paragraph(s) 17 of Schedule 12A
of the Local Government Act 1972
as amended by the Local Government (Access to
Information) (Variation) (Wales) Order 2007.

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