

CITY AND COUNTY OF SWANSEA

MINUTES OF THE PLANNING COMMITTEE

**HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON TUESDAY,
1 AUGUST 2017 AT 2.00 PM**

PRESENT: Councillor P Lloyd (Chair) Presided

Councillor(s)

P M Black

R D Lewis

D W W Thomas

Councillor(s)

M H Jones

P B Smith

L J Tyler-Lloyd

Councillor(s)

M B Lewis

A H Stevens

T M White

Also Present:

Councillors B Hopkins, I M Mann & P N May

Apologies for Absence

Councillor(s): L S Gibbard and E J King

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

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

Councillor P M Black – Agenda Item 6 (Planning Applications 2017/1164/FUL & 2017/1248/LBC) – Personal – My wife works at Swansea University.

Councillor T M White – Agenda Item 6 (Planning Application 2017/0787/S73 – Personal – I have dealt with other constituency matters with residents living in the development.

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21 **MINUTES.**

RESOLVED that the Minutes of the Planning Committee held on 4 July 2017 be approved as a correct record.

22 **ITEMS FOR DEFERRAL/WITHDRAWAL.**

None.

23 **PUBLIC RIGHTS OF WAY - PROPOSED PUBLIC PATH DIVERSION ORDER RELATING TO FOOTPATH NO.35 AT PERRISWOOD.**

Sandie Richards, Principal Lawyer presented a report on behalf of the Head of Legal, Democratic Services & Business Intelligence.

The background details to the previous history relating to the application, as well as the evidence submitted, the statutory legal tests to be applied, the issue of compensation, and the informal conclusions reached were all detailed and outlined in the report. The matter had needed to be consulted on again due to issues around whether the correct plans had been used after the initial decision in 2016. All consultees had now been issued with the correct version.

RESOLVED that

1. The Public Path Diversion Order made on the 26th July 2016 be withdrawn;
2. A new Public Path Diversion Order be made on the same terms as the previous order; and
3. Should formal objections be made to any such order made and the Council becomes unable to confirm the order, to refer the order to the Planning Inspectorate for determination.

24 **DETERMINATION OF PLANNING APPLICATIONS UNDER THE TOWN & COUNTRY PLANNING ACT 1990.**

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

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

RESOLVED

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

#(Item 1) Planning Application 2016/3704/FUL – 17-18 The Kingsway, Swansea

Mr T Rocke (agent) addressed the Committee.

A visual presentation was provided.

Approved subject to the applicant entering into a Section 106 Agreement to provide for a Car Parking Management clause and a financial contribution to the sum of £97,415 to fund Highway Infrastructure works and in subject to conditions in accordance with recommendation.

#(Item 3) Planning Application 2017/0962/FUL - 38 Ffynone Drive, Uplands, Swansea

Mr Ripley(objector) addressed the Committee.

Councillor P N May and I E Mann (Local Members) addressed the Committee and spoke against the application.

A visual presentation was provided.

Report updated as follows:

2 additional objections received following drafting of the report. Concerns raised include claim that communal roof space is not owned by applicant.

The information in relation to land ownership has been relayed to the applicant's agent who has confirmed in response that the roof space and the first floor flat are under the same single ownership.

#(Item 4) Planning Application 2017/1164/FUL - Digital Technium & Fulton House , Singleton Park Internal Access Road, Sketty, Swansea

A visual presentation was provided.

Report updated as follows:

Revision to Condition 4 in relation to timing of submission of landscaping scheme as follows:

No superstructure works shall commence until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting and soil details. The scheme shall 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. 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 first beneficial occupation of the building(s) 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.

(Item 5) Planning Application 2017/1248/LBC - Fulton House, University Of Wales Swansea, Singleton Park Internal Access Road, Sketty, Swansea

Application approved subject to any direction by CADW.

2) that the undermentioned planning application **BE REFUSED** for the reasons outlined below:

#(Item 2) Planning Application 2017/0787/S73 - (Former Unit Superheaters Engineering Site New Cut Road)Landscaping Adjacent 14, 16,18, 20, 22 (Plots 46-50) Pottery Street, Swansea

Mr S Granger (objector) addressed the Committee.

Councillor B Hopkins and T M White (Local Members) addressed the Committee and spoke in support of the residents request for the developer to adhere to the original scheme.

A visual presentation was provided.

Reasons for Refusal

The amended landscaping scheme, due to the omission of planting, does not meet the same visual amenity standards as set out in the remaining part of the development site and accordingly fails to provide landscaping of a suitable form and quality to respect the character of the street scene and soften the built form of development contrary to the requirements of policies EV1, EV2 and EV4 of the City and County of Swansea Unitary Development Plan (Adopted 2008).

25 **LAND OFF BRITHWEN ROAD, WAUNARLWYDD, SWANSEA - RESIDENTIAL DEVELOPMENT (OUTLINE) 2008/0512.**

The Team Leader on behalf of the Head of Planning & City Regeneration presented a report which outlined the previous decision of the Committee regarding the granting of residential development at the above location subject to Section 106 agreement, relating to the provision of 30% affordable housing, the details of which were detailed in the report.

Copies of the original planning committee report were appended for information.

He further reported on the notification from the applicant's advisors outlining their difficulties in meeting the affordable housing aspect of the S106 agreement. They had indicated that unless a lower affordable housing contribution could be agreed, the scheme will not be financially viable, and will not proceed.

Officers had reviewed the evidence submitted and following negotiations with the applicant and Housing Department a revised provision of 15% affordable housing had been proposed.

RESOLVED that the application be approved subject to the conditions as approved at Area 2 Development Control Committee on 25th June 2013 and subject to the applicant entering into a S106 planning obligation in respect of:

1) The provision of 15% Affordable Housing, with an ACG of 42% which shall be "pepper potted" throughout the site and will include a range of house types and mix of affordable housing to include social rent and intermediate rent and sale such as low cost home ownership (to be determined/negotiated) and shall not be used other than for affordable housing in accordance with a phasing scheme to be agreed with the Local Planning Authority.

2) Prior to beneficial use of the site commencing, the provision of road safety enhancements shall be undertaken on Swansea Road – a contribution of £10,000 towards new signage and road markings.

If the Section 106 planning obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Economic Regeneration and Planning to exercise discretion to refuse the application on the grounds of non-compliance with policies HC17 and HC3 of the City and County of Swansea Unitary Development Plan (November 2008).

26 **PLANNING COMMITTEE APPEAL DECISIONS.**

The Team Leader on behalf of the Head of Planning & City Regeneration presented a “for information” report which outlined the recent outcomes of three appeal decisions of the Planning Inspectorate against decisions made by the Planning Committee.

A summary to the background of the three decisions were outlined in the report along with their implications for future decisions of the committee and the possible awarding of costs.

RESOLVED that the report be noted.

27 **EXCLUSION OF THE PUBLIC.**

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

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

It was **RESOLVED** that the public be excluded for the following items of business.

(CLOSED SESSION)

28 **ENFORCEMENT AUTHORISATION REPORT.**

The Head of Planning & City Regeneration presented a report which detailed and summarised the background history relating to the unauthorised occupation of a dwelling in Pennard.

The condition of the original planning application granted in 1968 restricting the use of the dwelling to persons employed/formally employed in agriculture was outlined, and he indicated that the current occupiers had failed to meet the criteria required.

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Cont'd

Mrs W (occupant) addressed the Committee relating to the matter and outlined the personal circumstances of her case. Councillor L James (Local Member) also addressed the Committee and spoke in support of Mrs W.

RESOLVED that authorisation be given to serve an Enforcement Notice that requires the cessation of the unlawful occupation of the premises with a compliance period of 24 months, commencing from the date on which the Enforcement Notice takes effect. The Enforcement Notice to take effect 1 month after it is served (unless an appeal is made against the Enforcement Notice before it takes effect).

The meeting ended at 3.50 pm

CHAIR