

## DINAS A SIR ABERTAWA

### HYSBYSIAD O GYFARFOD

Fe'ch gwahoddir i gyfarfod

### PWYLLGOR CYNLLUNIO

**Lleoliad:** Siambr y Cyngor, Neuadd y Ddinas, Abertawe

**Dyddiad:** Dydd Mawrth, 5 Medi 2017

**Amser:** 2.00 pm

**Cadeirydd:** Cyngorydd Paul Lloyd

#### **Aelodaeth:**

Cyngorwyr: C Anderson, P M Black, L S Gibbard, M H Jones, M B Lewis,  
R D Lewis, P B Smith, A H Stevens, D W W Thomas, L J Tyler-Lloyd a/ac T M White

Mae croeso i chi ddefnyddio'r Gymraeg. Os dymunwch ddefnyddio'r Gymraeg, rhowch wybod i ni erbyn canol dydd ar y diwrnod gwaith cyn y cyfarfod.

### AGENDA

Rhif y Dudalen.

- 1 **Ymddiheuriadau am absenoldeb.**
- 2 **Datgeliadau o fuddiannau personol a rhagfarnol.**  
[www.abertawe.gov.uk/DatgeliadauBuddiannau](http://www.abertawe.gov.uk/DatgeliadauBuddiannau)
- 3 **Cofnodion.** **1 - 6**  
Cymeradwyo a llofnodi, fel cofnod cywir, gofnodion y cyfarfod(ydd) blaenorol.
- 4 **Eitemau i'w gohirio/tynnu'n ôl.**
- 5 **Gorchymyn Cadw Coed Dros Dro - GCC628 - 24 Heol y Chwarel, Treboeth, Abertawe.** **7 - 8**
- 6 **Gorchymyn Cadw Coed Dros Dro - GCC629 - Tir yn 7 Teras Hadland, West Cross, Abertawe.** **9 - 13**
- 7 **Penderfynu ar Geisiadau Cynllunio o dan Ddeddf Cynllunio Gwlad a Thref 1990.** **14 - 57**
- 8 **2013/0617 - Tir i'r de o Heol Glebe, Casllwchwr, Abertawe.** **58 - 92**

**Cyfarfod Nesaf:** Dydd Mawrth, 3 Hydref 2017 ar 2.00 pm

*Huw Evans*

**Huw Evans**  
**Pennaeth Gwasanaethau Democrataidd**  
**Dydd Mawrth, 29 Awst 2017**

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**Cyswllt: Gwasanaethau Democrataidd - 636923**

# Agenda Item 3

## 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 26<sup>th</sup> 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 25<sup>th</sup> 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.

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**



# Agenda Item 5

## Report of the Head of Planning and City Regeneration

### To Planning Committee

05 September 2017

#### Provisional Tree Preservation Order TPO 628

24 Quarry Road, Treboeth, Swansea, SA5 9DJ (2017)

To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 628: 24 Quarry Road, Treboeth, Swansea, SA5 9DJ (2017)

**Recommendation:**

**That the Tree Preservation Order: 24 Quarry Road, Treboeth, Swansea, SA5 9DJ, be confirmed**

**For Decision**

**1. Introduction**

1.1 The provisional Order was served on 23rd March 2017.

**2. Objections and Representations**

2.1 One letter expressing an objection has been received within the minimum required consultation period. No letters of support have been received.

2.2 Mr Colin Rhys Davies is acting on the land owner's behalf who is his mother. He objects to the tree on his mother's property being protected.

2.3 The property is for sale to release funds for continued nursing home care for Mrs Davies. Mr Rhys Davies in his objection fears that the TPO will discourage potential purchasers if the current agreed sale does not complete and states:

- *"I understand the proposed purchaser has no objection the proposed TPO. However, should the sale fall through for any reason, the implementation of a TPO may potentially adversely affect a future sale."*
- *Hopefully, the current potential purchaser will complete the sale. However, I respectfully request that the TPO be held in abeyance until at least such time as the property has changed hands.*

### **3 Appraisal**

- 3.1 The sale of the property has now been completed.
- 3.2 The purchaser has not objected to the order and has gained planning permission for an extension.
- 3.3 Mr Rhys Davies has not responded to a letter asking him to withdraw his objection now the sale has been completed.
- 3.4 In summary the objector now has no interest in the property following its sale, and his original objection is now not relevant.

### **4. Recommendation**

It is recommended that the Tree Preservation Order: 24 Quarry Road, Treboeth, Swansea, SA5 9DJ (2017); TPO 628 be confirmed without amendment.

**Contact Officer: Alan Webster**  
**Extension No: 5724**  
**Date of Production: 23rd August 2017**

# Agenda Item 6

## Report of the Head of Planning and City Regeneration

### To Planning Committee

05 September 2017

#### Provisional Tree Preservation Order TPO 629

Land at: 7 Hadland Terrace, West Cross, Swansea, SA3 5TT. (2017)

To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 629: Land at: 7 Hadland Terrace, West Cross, Swansea, SA3 5TT. (2017).

**Recommendation:**

**That the Tree Preservation Order: Land at: 7 Hadland Terrace, West Cross, Swansea, be confirmed**

**For Decision**

**1. Introduction**

1.1 The provisional Order was served on 30<sup>th</sup> March 2017

**2. Objections and Representations**

2.1 One letter expressing objections have been received within the minimum required consultation period. No letters of support have been received.

2.2 Mr Summers of 47, Westcross Avenue objects to the tree on his neighbouring property being protected for the following reasons:

1. The tree has a lack of amenity value:

- *“Visibility by the public from public place : This is limited as the tree is landlocked and really only visible by neighbours”*
- *“Size and form: Not a tree of attractive appearance.”*
- *“Future potential as an amenity: Limited”*
- *“Rarity, cultural or historic value: None”*
- *“Contribution to ,and relationship with, the landscape: Little”*

2. *“There is another tree about 4 feet away which I believe is a sycamore which is a similar size in girth and height to the ash, if this is not considered to be suitable for a TPO why is the ash being singled out.”*

3. *“The tree overhangs my property and constantly drops debris onto the roof of my outbuilding, I would like to be able to lop the branches overhanging my property without the need to apply for permission so as to improve the amenity to my property and family. Whilst I agree with the use of TPO's to protect the landscape and visibly attractive trees, I really don't think that a TPO is suitable in this case and would ask that you do not confirm the order.”*

### 3 Appraisal

#### 3.1 Lack of amenity value.

- Visibility by the public from a public place: This is limited as the tree is landlocked and really only visible by neighbours. The tree is clearly visible from Woodburn Drive, Hadland Terrace, Bude Haven Terrace, Riversdale Road and the wider surrounding area. This is shown in the photographs below indicated by the applied arrow.



View 1: TPO 629 T1, Viewed from Woodburn Drive



View 2: TPO 629 T1, Viewed from Woodburn Drive



View 3: TPO 629 T1, Viewed from Hadland Terrace



View 4: TPO 629 T1, Viewed from Bude Haven Terrace



View 5: TPO 629 T1, Viewed from Bude Haven Terrace





View 6: TPO 629 T1, Viewed from Riversdale Road



Views of TPO 629 T1 in immediate area, shown in photographs above.

- ***Size and form: Not a tree of attractive appearance.*** The tree has a well-balanced broadly symmetrical canopy which is typical of the species. The tree has not undergone disfiguring pruning like the adjacent protected tree. For these reasons the tree is considered to have an attractive form.
- ***Future potential as an amenity: Limited.*** The tree already has amenity value and apart from the possibility of future ill health there is little to suggest that this will change in the future.

- Rarity, cultural or historic value: None. Agreed, at present the tree is not rare and it does not have cultural or historic value.
- Contribution to, and relationship with, the landscape: Little. The tree contributes to the wider landscape as it is a mature tree that provides structure and form in the mainly urban environment.

3.2 Adjacent sycamore. There is not a similarly sized sycamore close to the protected ash. The ash is twin stemmed and there is a second protected ash tree close by at 17 Woodburn Drive.

3.3 Overhanging branches. Mr. Summers complains that the tree drops debris on his outbuilding. There will inevitably be some minor dead twigs and leaves that fall on to the said outbuilding; however, these are natural processes that cannot be fully eliminated with any amount of pruning. Since the Order was made no application has been made to prune the overhanging branches which would alleviate some of the problem. A tree works application is relatively easy to complete and is free of charge; therefore I do not see that applying to do work is a great imposition.

3.4 In summary the tree has demonstrable amenity value and pruning work can be applied for which is likely to be approved if reasonable.

#### 4. Recommendation

It is recommended that the Tree Preservation Order: Land at: 7 Hadland Terrace, West Cross, Swansea, SA3 5TT. (2017); TPO 629 be confirmed without amendment.

**Contact Officer:** Alan Webster  
**Extension No:** 5724  
**Date of Production:** 23rd August 2017

# Agenda Item 7

CITY AND COUNTY OF SWANSEA  
DINAS A SIR ABERTAWE

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

DATE: 5<sup>TH</sup> SEPTEMBER 2017

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

**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.**

Phil Holmes  
BS(Hons), MSc, Dip Econ  
Head of Planning & City Regeneration





## 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	2017/1067/FUL	13A Balaclava Street, St Thomas, Swansea, SA1 8BS <b>Change use of property from 3 bed residential property to 3 bedroom HMO</b>	APPROVE
2	2016/3454/FUL	Sunnybank , Reynoldston, Swansea, SA3 1AN <b>Replacement detached dwelling</b>	APPROVE
3	2017/0425/FUL	The Pines , Oxwich, Swansea, SA3 1NA <b>Replacement dwelling</b>	APPROVE
4	2017/1393/S73	Campion Gardens Retirement Village, Clyne Common, Mayals, Swansea, SA3 3JB <b>Variation of condition 1 of planning permission 2011/1278 for the demolition of outbuildings, single storey detached building and flat roof extension and construction of 2 no. three storey side extensions to provide 68 additional care home bedrooms and associated facilities granted 4th July 2012 to allow an additional 5 year period to start the development.</b>	APPROVE
5	2017/1434/S73	Birch Court , 44 Sway Road, Morriston, Swansea, SA6 6HU <b>Variation of condition 6 of planning permission 2006/1109 granted 10th August 2006 to allow occupation by persons of 55 years or older</b>	APPROVE



## PLANNING COMMITTEE – 5<sup>TH</sup> SEPTEMBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/1067/FUL

UDP - HC5 - Houses in Multiple Occupation

Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/1067/FUL	Change use of property from 3 bed residential property to 3 bedroom HMO	PDE	

### APPRAISAL

This application has been called in to Committee for decision at the request of Councillor Joe Hale and has met the threshold set out in the Council's Constitution for call ins due to receipt of a petition with 41 No. signatures.

### RESPONSE TO CONSULTATIONS

Public Response - The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos. 21, 21A, 22, 23, 24 and 25 Delhi Street and No. 14 Balaclava Street. A site notice was also posted within the vicinity of the application site on 30th June 2017.

A PETITION OF OBJECTION of 41 No. signatures has been received although the petition does not identify a reason or reasons for objecting to the application.

2 No. individual LETTERS OF OBJECTION have been received which are summarised below:

- o Concerned that the volume of refuse generated by 4 or more separate occupants would be greater than the capacity for suitable outside storage at the property
- o The planning application form states that there are 2 car parking spaces available. This is incorrect.
- o This is the second property on Balaclava Street for which an application has been made
- o HMOs are inconsistent with the makeup of the community
- o Converting the building is likely to involve considerable building work and associated noise.
- o Once converted the additional noise and activity from additional residents at 13A will be detrimental to my quality of life.
- o The current owner said they would not apply to convert the house into a HMO
- o The property is not suitable to be converted to a HMO given the size of the rooms and the lack of physical amenity in relation to the garden area for storage of bikes and refuse
- o I am aware of at least 3 other HMOs in this street.

## PLANNING COMMITTEE – 5<sup>TH</sup> SEPTEMBER 2017

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1067/FUL

**Highway Authority** - The Head of Transportation and Engineering has been consulted and responded with the following comments:

Change use of property from 3 bed residential property to 3 bedroom HMO.

The original scheme was the change of use to a 4 bed HMO but the scheme has been amended and it is now three bedrooms that are proposed.

The applicant has confirmed (17/8) that no car parking is available to support the proposed HMO. Residents parking is in operation and the dwelling would remain eligible to apply for two permits as a HMO, as is currently the case.

Given that the HMO is for three persons only then in the absence of any SPG it is treated as a single dwelling and there is no requirement to provide any additional car parking. Cycle parking will however be secured by condition in order to encourage non car modes of transport.

I recommend that no highway objections are raised to the proposal subject to:

1. The dwelling being used by no more than 3 persons in the interests of highway safety.
2. The provision of cycle parking in accordance with details to be submitted for approval to the LPA prior to beneficial occupation of the HMO, and maintained as such thereafter.

### **Description**

Full planning permission is sought for the change of use of a residential dwelling (Class C3) to a HMO for 3 people (Class C4) at No. 13A Balaclava Street, St Thomas.

The application property is a two storey mid terraced property currently occupied as a three bedroom dwellinghouse.

No external alterations are proposed and as such the proposal will have no impact on visual amenity.

### **Procedural Matter**

The original application submitted sought approval for the conversion of the residential dwelling (Class C3) to a 4 bedroom HMO. The floor plans indicated that the downstairs living room, other than a connecting door to a rear kitchen, would not have an external window serving the room. In view of concerns raised by officers about the future outlook for residents from the lounge area the applicant altered the proposal to omit bedroom 4 from the ground floor plans and proceed on the basis of a 3 bedroom HMO. The layout of the dwelling would not therefore change from the existing residential dwelling to the use as a HMO and accordingly the application shall be processed on its amended nature.

ITEM 1 (CONT'D)

APPLICATION NO:

2017/1067/FUL

### Main Issues

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety having regard for the provisions of Policies EV1, EV40, AS6 and HC5 of the City and County of Swansea Unitary Development Plan and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

### Principle of Use

Until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in some parts of Swansea which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas and whilst the Local Planning Authority did produce a draft SPG relating to HMOs that went through formal public consultation, at the Planning Committee meeting on 4 July 2017 the document was not formally agreed to or adopted by the Committee. In view of this and the prospect of future changes and consultation the document can carry very little weight in the processing of individual applications. This is a stance taken by Planning Inspectors dealing with individual appeals on similar applications for HMOs.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criterion of the above is addressed below:

**PLANNING COMMITTEE – 5<sup>TH</sup> SEPTEMBER 2017**

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1067/FUL

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

The proposal would not result in an increase to the number of bedrooms. Regard here needs to be given to the fact that a large family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 3 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house. There is no evidence to suggest that this proposal would result in any harm to neighbouring occupiers by virtue of noise, nuisance or other disturbance.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the City and County of Swansea Unitary Development Plan.

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales. The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study revealed common problems associated with high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation: Practice Guidance' (February 2016). Within this it is identified that HMOs provide a source of accommodation for certain groups which include students and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

In terms of the character of the area Balaclava Street extends from Mackworth Terrace in the north through towards Fabian Way in the south and is dissected by Delhi Street approximately halfway from north to south. The upper half of the street, within which the application property falls, contains 33 properties whilst the lower section contains 29 properties. Properties are predominately terraced although there are examples of semi-detached properties and a detached property housing flats in the upper section of Balaclava Street.

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**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1067/FUL

Following consultation some comments have been received expressing concerns that there are already HMOs in the street although no specific property references have been made. In terms of licensing it is noted from the Councils own HMO register that there are no registered HMO properties on Balaclava Street (as of 21st August 2017). However, outside of the Castle and Uplands Wards, only larger properties are captured by Mandatory Licencing. It can be noted in terms of planning applications in the area that the Council has issued planning permissions for new HMO uses on properties at No. 32 Balaclava Street (Ref: 2017/0842/FUL - 3 bedroom HMO) and No. 54 Balaclava Street (Ref: 2017/0075/FUL - 4 bedroom HMO).

Another source of information is Rent Smart Wales which provides a public register for all landlords in Wales who rent properties and this identifies that 5 properties (including the application property) are registered as being rental properties. On the basis of there being 62 properties in the street this would represent a low ratio of rental properties. Furthermore this register does not indicate whether or not the properties are used as a HMO or rented out and occupied as a single dwellinghouse.

Taking into account the existence of 2 approved HMOs in Balaclava Street the street percentage of HMOs would change from approximately 3.22% to approximately 4.8% on approval and implementation of the application. It is not considered that this change would result in harm to the character or nature of the area and accordingly in the absence of a percentage or other similar calculation based approach, it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. Given there are fairly limited numbers of HMOs in this area, without empirical evidence, it is regarded that this is not a harmful concentration such that it complies with the aims of this criterion.

There would be no adverse effect upon the external appearance of the property and the character of the locality

There are no external alterations proposed at the property.

There would be no significant adverse effect on local car parking and highway safety

Whilst the objections received from local residents are noted, regard needs to be given to the Adopted SPG Parking Standards. For a HMO for up to 6 persons there is no requirement for additional parking over and above that of a dwelling house. The submitted planning application form indicates that 4 cycle spaces are proposed, however no details have been provided for cycle storage, there is adequate space at the rear of the property to provide such provision which can be secured by planning condition.

In view of the above, subject to an appropriately worded condition in respect of cycle parking, the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5, EV40 and AS6.

Appropriate refuse storage arrangements can be provided

As above, the refuse storage can be provided within the rear yard and can be controlled via a condition.



ITEM 1 (CONT'D)

APPLICATION NO:

2017/1067/FUL

### Conclusion

It is considered that the Local Authority has no evidence to suggest that the use of this property as HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, EV40, AS6 and HC5 of the Swansea Unitary Development Plan.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act. 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, block plan, received 19th June 2017. Existing and proposed floor plans, received 1st August 2017.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The development shall not be occupied until facilities for the secure storage of 3 bicycles and refuse storage have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall be retained as approved at all times.  
Reason: In the interests of providing facilities for sustainable transport and general 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, EV40, AS6 and HC5.
-



## PLANNING COMMITTEE – 5<sup>TH</sup> SEPTEMBER 2017

### ITEM 2 (CONT'D)

APPLICATION NO:

2016/3454/FUL

#### UDP - EV19 - Replacement Dwellings/Chalets

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)

#### UDP - EV26 - Area of Outstanding Natural Beauty

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)

### SITE HISTORY

App Number	Proposal	Status	Decision Date
2016/3454/FUL	Replacement detached dwelling	PDE	
2016/0375	(Pre-application) Replacement dwelling	PREMI X	22.03.2016
2007/1604	Demolition of existing dwelling and construction of detached dwelling house	APP	16.10.2007
2002/1580	Change of use of repair workshop to a tea room (Class A3) with holiday flat (Class C3) at first floor and associated external alterations	APP	17.01.2003

### RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press as development not in accordance with the development plan and one neighbouring property consulted. One letter of SUPPORT received which is summarised as follows:

- o No objection to the proposed building.
- o The plans indicated that the new property will be further away from the neighbouring property thus preventing overlooking

**The Gower Society** - OBJECT - We have inspected this application and we comment as follows:

1. We refer to the previous application 2007/1804 for this site that was finally approved.
2. This proposal is considerably different and in our opinion does not comply with the Design Guide. This must be implicitly followed because this site is clearly visible from the main A4118.
3. We are particularly concerned about the large areas of glass on the frontal and side elevations that will produce a large amount of light scatter and pollution at night.

## PLANNING COMMITTEE – 5<sup>TH</sup> SEPTEMBER 2017

**ITEM 2 (CONT'D)**

**APPLICATION NO:**

2016/3454/FUL

4. We note the use of stone filled gabions, that in our opinion, could produce a harsh and unattractive feature.

We find that we have no alternative but to object to this application and would be obliged if you would take the above into account when arriving at your decision.

**Dwr Cymru Welsh Water** - No Objection

**Head of Drainage and Coastal Management** - No Objection

**Head of Transportation and Engineering** - No Objection

**Ecology Officer** - No objection

### **APPRAISAL**

This application is reported to Committee for decision as the proposal is a departure from the Development Plan and a recommendation of approval is being made.

Full planning permission is sought for the erection of a replacement dwelling at Sunnybank, Reynoldston. The site lies to the south of Reynoldston, off the A4118 highway. The site lies to the north and west of a residential dwelling known as Compass Cottage (converted from the former Compass coffee shop), which is a one and half storey dwelling fronting onto the A4118.

The application site comprises a small bungalow and detached garage and a generous associated curtilage. The application dwelling and the neighbouring Compass Cottage are isolated dwellings which are surrounded by open countryside.

The proposals seek the demolition of the existing bungalow and its replacement with a new contemporary 2 storey dwelling incorporating a gabled roof form and an attached feature wall coming off the front of the dwelling.

The main issues for consideration during the determination of this application are the impact of the proposal upon the visual amenity of the immediate and the wider area, the impact upon the Gower AONB, the impact upon the residential amenities of the neighbouring occupiers and highways safety, having regard for the provisions of both Planning Policy Wales (PPW) and the prevailing Development Plan. As the site lies within the designated Gower AONB the provisions of the Gower AONB Design Guide SPG applies. It is not considered that the provisions of the Human Rights Act or the content of the submitted Design and Access Statement raise any additional issues.

### Policy Context

The site is situated within the Gower AONB and as such Policies EV22 and EV26 of the UDP require development to first and foremost preserve and enhance the character and appearance of this highly protected area. Policies EV1 and EV2 are also relevant, although they are more generic policies relating to all types of development.

**PLANNING COMMITTEE – 5<sup>TH</sup> SEPTEMBER 2017**

**ITEM 2 (CONT'D)**

**APPLICATION NO:**

2016/3454/FUL

Policy EV19 of the UDP specifically relates to replacement dwellings in the countryside (which this site clearly is) and states that:

Replacement dwellings in the countryside, including residential chalets, will only be permitted where:

- (i) The residential use has not been abandoned.
- (ii) The proposed new dwelling is similar in terms of siting, scale, design and character with the dwelling it is to replace.
- (iii) The development complements the character of the surrounding area.

The main objective of these policies is to avoid the replacement of rural dwellings with inappropriate new development that detracts from the character of the countryside to which it relates.

The proposal is discussed against criteria i) and ii) of Policy EV19 below. Criterion iii) is discussed in the 'Visual Amenity' section of this report.

Following an Officer visit to the site, it is clear that the dwelling is in use and therefore it is not considered that any abandonment issues arise, and as such the proposal is considered to satisfy criteria (i) of Policy EV19.

Criterion ii) of Policy EV19 requires replacement dwellings to be similar in terms of siting, scale, design and character to the dwelling it is to replace. The scale, form and design of the building is distinctly different to that which it is to replace, and therefore the proposal is not considered to comply with criterion (ii) of Policy EV19. On the basis, the application has therefore been advertised as a departure from the provisions of the Development Plan.

The Supplementary Planning Guidance document entitled 'A Gower Design Guide' provides additional clarification with respect to proposals which depart from the provisions of Policy EV19 of the UDP. The Design Guide states that "it is not the intention of the UDP... to restrict proposals which would complement the character of the Gower in accordance with Policies EV19 (iii) and EV26."

The Design Guide also states "it would be a missed opportunity not to replace an existing nondescript or poorly designed dwelling with a better designed dwelling that enhances the appearance and character of the locale and the AONB." Furthermore, paragraph A1.29 of the Gower Design Guide states that "proposals may be considered an exception to the policy where the scheme is considered to be high quality in terms of sustainability and design exhibiting due regard for its rural location in the countryside."

Paragraph A1.35 of the Gower AONB Design Guide also states that "in addition to being high quality, proposals which wish to depart from the provisions of Policy EV19 should also be exemplars of sustainability. In this regard schemes which are high quality and... achieve at least Code for Sustainable Homes Level 4 in all criteria, may be considered favourably."

The design merits of the scheme are discussed below in the 'Visual Amenity' section of this report, together with the compliance of the scheme against the Gower AONB Design Guide.

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3454/FUL

Visual Amenity

The site lies within the open countryside to the south of the village of Reynoldston and as such the proposal will be assessed against the provisions of the 'Residential: new houses in the countryside' section of the Gower AONB Design Guide SPG. Paragraph A1.25 of this section sets out the need for new dwellings to integrate with their rural surroundings, taking into account the character of both adjacent buildings as well as the landscape within which they sit.

In addition to this, it is important to take into account views of local and Gower wide importance, as well as the landscape characteristics of the site (such as the sense of 'openness' or 'containment'). Due to existing mature vegetation around the road edge, views of Compass Cottage are limited on approach from either direction until passing directly by this dwelling. In comparison, views of the application site are more open due to the lesser amount of vegetation surrounding this dwelling and there one or two glimpsed views of the roof of the existing dwelling on approach from the east from sections of the A4118 where the hedges are lower. Similarly there are views of the side elevation and roof of the exist dwelling on approach from the west, between the junction to Reynoldston and the site itself. The site therefore has a relatively contained nature.

The existing dwelling to be replaced is not considered to be of any particular architectural merit and as such the approach of providing a new contemporary replacement dwelling is acceptable subject to this meeting the requirements of the Gower AONB Design Guide SPG.

The siting of the proposed dwelling is similar to but set further to the rear (north) and west of the existing bungalow. As such the siting is relatively similar to the existing dwelling to be demolished and accords with the guidance set out in para. A1.30 of the Design Guide. By setting the new dwelling back further into the site, this also helps to better mitigate the increased amenity impact that the new two storey dwelling would have on the existing Compass Cottage in comparison to the existing bungalow to be replaced.

Paragraph A1.31 of the Design Guide states that larger replacement dwellings may be considered favourably where the design can be demonstrated to be high quality and that every scheme will be considered on its merits. It is noted in the Design & Access Statement submitted in support of the application that the concept for the dwelling is that of a 'deconstructed Gower Cottage' whereby the ground floor wall is unwrapped from the dwelling and folded out to create a boundary wall. Whilst this approach is considered acceptable in principle, the original submitted plans gave rise to some concerns with regards to the scale of the proposed 'cottage' which was initially indicated as being 17m wide and 8.3m in height.

The applicant therefore amended the proposal (in accordance with Officer advice) by reducing the first floor wall height and lowering the roof pitch to 30°. The amendments to the roof are considered to reduce the original top heavy appearance of the proposal and hence lessen the overall visual impact of the dwelling. The design and character of the proposals are now considered appropriate to provide a high quality contemporary replacement to the existing relatively non-descript bungalow currently located on the site. The proposal is therefore considered to be acceptable to the visual amenities of this countryside location and do not detract from the natural beauty of the Gower AONB.

## PLANNING COMMITTEE – 5<sup>TH</sup> SEPTEMBER 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3454/FUL

Therefore, whilst as stated above, the proposed dwelling does not comply with criteria (ii) of EV19 of the Unitary Development Plan, it is in keeping with the credentials set out in the Gower AONB Design Guide and is not considered to have a harmful impact on the surrounding area.

To accord with the sustainability criteria set out in the Gower AONB Design Guide, the development should achieve at least Code for Sustainable Homes Level 4 in all criteria. To ensure compliance with this, three planning conditions are included within the recommendation below.

Therefore, it is considered that the proposal will be high quality in terms of design and will be conditioned to be a highly sustainable dwelling, and therefore qualifies as an 'exception' scheme to Policy EV19, as permitted by the Gower AONB Design Guide.

### Residential amenity

Given that the proposed replacement dwelling achieves a greater separation distance from Compass Café than the existing (some 30m) it is not considered that the proposal would have an unacceptable impact upon the residential amenities of the neighbouring property over and above that of the existing dwelling. It is noted that that occupier of this neighbouring dwelling has lodged support for the proposal.

### Highways

The Head of Transportation and Engineering has not raised any objection to the proposal, as it is noted that the proposal is to replace an existing building and the proposed dwelling is situated on a large plot with a sizeable driveway from the adopted highway. The existing garage is to be retained and adequate parking requirement can be achieved.

### Ecology

Having consulted the Council's Ecologist (who in turn liaised with Natural Resource Wales), in relation to the submitted proposal, a protected species survey was requested, as the existing building has features which are potential bat roost sites. The applicants duly submitted a full protected species survey which found no evidence of bat use at the building. The Ecologist is satisfied with the findings of this survey and raises no objection to the proposal. The survey is therefore considered sufficient and no further work is required. As a precaution, a standard bat and nesting bird informative is recommended.

### Drainage

The applicant was requested to demonstrate how the site will be drained using modern methods supported by infiltration tests. The applicant provided the necessary information - including infiltration tests - and the Head of Drainage and Coastal Management raises no further objection to the proposal subject to an appropriately worded surface water condition.

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3454/FUL

Conclusion

For the reasons set out above, it is considered that the development accords with Policies EV1, EV2, EV22 and EV26 of the UDP and will complement the character and natural beauty of the AONB.

In overall design terms, the proposed scheme is considered to be high quality in terms of its design, which demonstrates how well considered contemporary design can respond positively to the sensitive and cherished landscape of the Gower AONB.

The scheme clearly does not comply with criterion (ii) of Policy EV19, as it is not similar in terms of its scale, design and character with the dwelling it replaces. However, the scheme is considered to be of a high quality and will achieve Code Level 4, which it is considered justifies a departure from the provisions of UDP Policy EV19, in accordance with the Gower AONB Design Guide.

On this basis therefore the proposal is regarded as an acceptable departure from the provisions of Policy EV19 of the City and County of Swansea UDP (2008). Approval is, therefore, 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: 1610 VHR Location Plan, 1610VHR 202 Rev A Proposed Ground Floor Plan, 1610 VHR 2013 Rev A Proposed First Floor Plan, 1610 VHR 102 Rev A Proposed Site and Landscaping Plan received on 19th November 2016., 1610 VHR 400 Rev A Existing and Proposed Front Elevations, 1610 VHR 402 Rev A Existing and Proposed Site Elevations (w), 1610 VHR 403 Rev A Existing and Proposed Elevations (e), 1610 VHR 401 Rev A Existing and Proposed Rear Elevations, received 28th April 2017.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development hereby approved commencing and retained thereafter for the lifetime of the development  
Reason: To protect the integrity of the Public Sewerage System and to ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.



## PLANNING COMMITTEE – 5<sup>TH</sup> SEPTEMBER 2017

### ITEM 2 (CONT'D)

APPLICATION NO:

2016/3454/FUL

- 4 No development shall commence until details and/or samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.  
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
- 5 The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 4 and achieve a minimum of 3 credits under category Ene1 - Dwelling Emission Rate, in accordance with the requirements of the Code for Sustainable Homes Technical Guide, November 2010 (as amended).  
Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.
- 6 The construction of the dwelling hereby permitted shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 4 and a minimum of 3 credits under Ene1 - Dwelling Emission Rate, has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes Technical Guide, November 2010 (as amended).  
Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.
- 7 The dwelling hereby approved shall not be occupied, until a Code for Sustainable Homes 'Final Certificate' is submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 4 and a minimum of 3 credits under Ene1 - Dwelling Emission Rate has been achieved for the dwelling, in accordance with the requirements of Code for Sustainable Homes Technical Guide, November 2010 (as amended).  
Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.
- 8 Details of any new external lighting to be provided within the site shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.  
Reason: In the interest of visual 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, EV19, EV22 and EV26.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3454/FUL

- 3 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).

- 4 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.
-

## PLANNING COMMITTEE – 5<sup>TH</sup> SEPTEMBER 2017

ITEM 3

APPLICATION NO:

2017/0425/FUL

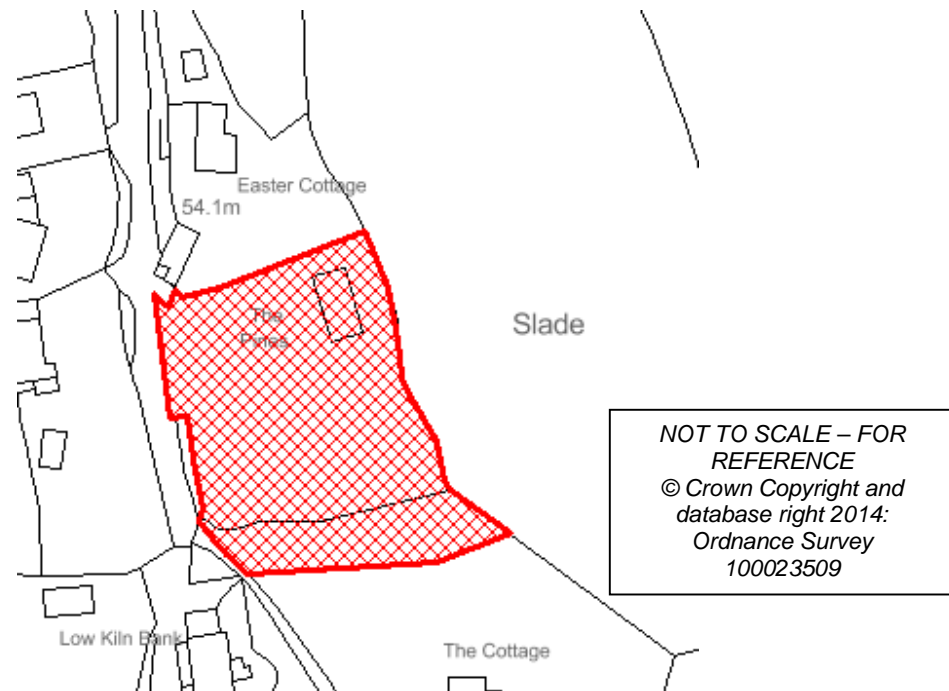
WARD:

Gower - Area 2

Location: The Pines , Oxwich, Swansea, SA3 1NA

Proposal: Replacement dwelling

Applicant: Mr & Mrs Ian & Helen Doble



### **BACKGROUND INFORMATION**

#### **POLICIES**

UDP - EV22 - Countryside General Policy

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:

- i) The control of development, and
- ii) Practical management and improvement measures.

(City & County of Swansea Unitary Development Plan 2008)

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - EV26 - Area of Outstanding Natural Beauty

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)

## PLANNING COMMITTEE – 5<sup>TH</sup> SEPTEMBER 2017

### ITEM 3 (CONT'D)

APPLICATION NO:

2017/0425/FUL

#### UDP - EV19 - Replacement Dwellings/Chalets

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)

#### UDP - EV2 - Siting

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).

#### SITE HISTORY

App Number	Proposal	Status	Decision Date
2016/3697/PRE	PRE APP for a replacement dwelling	POSP RE	20.01.2017
2017/0425/FUL	Replacement dwelling	PDE	
ENQ2005/0727	Extensions, Outbldgs	REC	
2008/1189	Part two storey part three storey side extension, double bay windows to existing dwelling and associated works	REF	14.07.2008
2007/1633	Three storey side extension incorporating two front dormers and a two storey front glazed extension	REF	20.09.2007

#### RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press as development not in accordance with the Development Plan. No response was received from local residents.

**Penrice Community Council** commented that they thought that there was not enough information for them to make a decision at the meeting. They also commented that there is no application for the demolition of the existing property.

**The Gower Society** commented as follows:

1. The proposal is a radical change from what exists at present.
2. We are concerned about the amount of glass and inevitable light pollution from such a structure.
3. The footprint is greater than the existing and we query the loss of any additional trees. There is an assumed dependency on the screening by existing trees and this concerns us. What guarantees are there of retaining tree screening?
4. Examples of existing architecture within the valley are selective and do not include for instance Betty's Meadow an award winning barn restoration close by.

ITEM 3 (CONT'D)

APPLICATION NO:

2017/0425/FUL

We are far from happy with this proposal and ask that you take these points into consideration when arriving at your final decision

**APPRAISAL**

This application is reported to Committee for decision as the proposal is a departure from the Development Plan and a recommendation of approval is being made.

Main Issues

The main issues for consideration in this instance relate to the principle of a replacement dwelling at this location and the scale, design and appearance of the proposal having regard to Policy EV19 of the Swansea Unitary Development Plan (2008 UDP), the visual impact of the proposal upon the character and appearance of the area and the wider Gower AONB, the impact upon the residential amenities of the neighbouring properties, the impact upon the ecology of the site and highway safety, having regard to the provisions of the UDP and the Council's adopted Supplementary Planning Guidance document entitled 'A Gower AONB Design Guide'.

Policy Context

Policies EV1 and EV2 of the UDP require a development to relate satisfactorily to its local context and existing development patterns, integrate effectively with adjacent spaces and public realm, protect the amenities of the surrounding area including residential amenity, take into account and where possible retain landscape features, trees and hedgerows and have regard to visual and residential amenity and highway safety. Policies EV22 and EV26 of the UDP seeks to conserve and enhance the countryside and in particular the Gower AONB for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value.

Policy EV19 of the UDP relates to replacement dwellings in the countryside and permits such development 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.

The main aim of these policies is to prevent the replacement of rural dwellings with inappropriate new development that detracts from the character of villages and the countryside in which they are set.

The proposal is discussed against criteria i) and ii) of Policy EV19 below. Criterion iii) is discussed in the 'Visual Amenity' section of this report.

Following an Officer visit to the site, it is clear that the dwelling is in use and therefore it is not considered that any abandonment issues arise, and as such the proposal is considered to satisfy criteria (i) of Policy EV19.

ITEM 3 (CONT'D)

APPLICATION NO:

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Whilst it is acknowledged that the dwelling may comply with criterion (i) of Policy EV19, it is not similar to the existing dwelling in terms of its footprint, scale and height and therefore is not considered to comply with criterion (ii). On the basis, the application has therefore been advertised as a departure from the provisions of the Development Plan.

The Supplementary Planning Guidance document entitled 'A Gower Design Guide' provides additional clarification with respect to proposals which depart from the provisions of Policy EV19 of the UDP. The Design Guide states that "it is not the intention of the UDP... to restrict proposals which would complement the character of the Gower in accordance with Policies EV19 (iii) and EV26."

The Design Guide also states "it would be a missed opportunity not to replace an existing nondescript or poorly designed dwelling with a better designed dwelling that enhances the appearance and character of the locale and the AONB." Furthermore, paragraph A1.29 of the Gower Design Guide states that "proposals may be considered an exception to the policy where the scheme is considered to be high quality in terms of sustainability and design exhibiting due regard for its rural location in the countryside."

Paragraph A1.35 of the Gower AONB Design Guide also states that "in addition to being high quality, proposals which wish to depart from the provisions of Policy EV19 should also be exemplars of sustainability. In this regard schemes which are high quality and... achieve at least Code for Sustainable Homes Level 4 in all criteria, may be considered favourably."

The design merits of the scheme are discussed below in the 'Visual Amenity' section of this report, together with the compliance of the scheme against the Gower AONB Design Guide.

Visual Amenity

The proposal relates to a new contemporary replacement dwelling. Slade itself is characterised by a variety of dwelling forms and architectural styles with houses set off either side of the access lane in plots of varying size and shape which are defined in part by the local topography which slopes relatively steeply downwards towards the beach. Much of the hamlet is covered with existing mature trees and as such the character of Slade is defined as much by its natural setting as it is by its varied built form.

The existing two storey dwelling is relatively suburban in appearance and includes an existing large, part finished side extension. Neither of these elements is considered to be of any particular architectural merit nor do they enhance the local settlement or wider Gower AONB area. Given the above there is an opportunity to provide a new high quality replacement dwelling to improve the character and appearance of the locality. Paragraph A1.4 of the Gower AONB Design Guide SPG states that:

A1.4 Whether traditional, modern vernacular or contemporary in design, all proposals will need to demonstrate that they are:

- Of the highest design quality;
- Sensitive to their surroundings in terms of layout, scale and massing, and;
- The choice of materials and detailing is appropriate to its context, form and function.

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As such an assessment of the dwelling will be made against the relevant paragraphs pertaining to layout, scale and massing within the 'Residential: new houses in the countryside' section as well as the choice of materials and detailing as set out in the 'Residential: development detailing' section of the Gower AONB Design Guide.

Paragraph A1.25 of the Design Guide states that as with residential development within villages, new dwellings in the countryside must successfully integrate with their rural surroundings, taking into account not only the character of any adjacent buildings but also the landscape in which they sit. Paragraph A1.28 states that it is not the intention of the UDP to stifle appropriate modern or innovative designs which are sensitive to the AONB, as such a contemporary replacement dwelling will be considered acceptable in this location provided that it passes the quality tests as set out in the relevant sections of the Gower AONB Design Guide SPG.

**Siting**

Paragraph A1.30 of the Design Guide sets out the criteria for the siting and scale for new residential dwellings in the countryside and states that in all cases it is still expected that siting will be similar to the existing house in order to maintain the overall landscape character. The proposal seeks the demolition of an existing two storey detached dwelling and its replacement with a new two storey detached contemporary dwelling which in part lies on the same footprint but which would extend further south than the existing. Given this approach the proposals broadly meet the criteria set out in paragraph A1.30.

It is noted that the proposed dwelling will be at a lower overall height and there is sufficient distance from neighbouring properties such that there will unlikely be any overbearing or overshadowing impacts. However the application site does lie on a raised plateau above the neighbouring dwelling to the south and the closer distance of the proposals to this, as well as the introduction of large glazed areas and a first floor terraced area facing southwards, at the southernmost part of the building offer the potential for overlooking impact to the existing neighbouring property. This issue is discussed below in the Residential Amenity section of this report.

Paragraph A1.35 of the Design Guide states that in addition to being high quality, proposals that wish to depart from the provisions of Policy EV19 should also be exemplars of sustainability. In this regard, schemes which are high quality and exceed the Sustainable Building Standards achieving at least Code Level 4 may be considered favourably. Given the proposed 3 storey glass atrium/glass house as well as the large areas of south facing glazing, a statement has been provided as part of the application indicating how passive solar design solutions have been incorporated into the proposals. The proposed scheme will act as an exemplar development for low energy design. PassiveHaus standards in insulation levels, air permeability and thermal bridging are proposed and the proposal will meet a minimum of Code Level 4 under the Code for Sustainable Homes standard. Planning conditions will be used to ensure that the building complies with Code Level 4.

**Scale**

Paragraph A1.31 of the Design Guide states that whilst larger replacement dwellings may be considered favourably where the design can be demonstrated to be high quality, there is a limit to the visual /environmental capacity of every site.

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The locality is characterised by a variety in building heights (1-2 storeys) and footprint sizes and as such there is greater scope to provide a dwelling of different form provided that this is of sufficiently high quality and is within the general parameters of the scale and massing of the existing buildings within the area.

The proposals seek to utilise the topography of the site to provide a split level house which comprises of two 2 storey elements comprising of a longer lower ground floor (providing access from the driveway) and ground floor element to the northern end of the dwelling and a shorter ground and first floor element to the southern end. The first floor element of this comprises solely of a master bedroom and en-suite as well as an outdoor terraced area. It is proposed to connect these two elements via a 3 storey (LGF - FF levels) glass atrium feature which will act as an internal glass house for plants and trees as well as the vertical circulation space for the dwelling.

The proposals provide for a split level 2 storey dwelling with a linking section of 3 storeys, including lower ground floor areas, and as such, from the site plateau on which the current dwelling sits, this would appear as a combination of single and 2 storey elements which is considered appropriate to the locality. The proposed maximum ridge height of the proposals lies below that of the existing dwelling and as such is considered to be acceptable. As previously stated, there are a number of plots of varying size in the locality and the proposals would fit with the local pattern of site coverage in this instance. As a result of the variety of built form in the area, there is also a variety of dwelling sizes and forms, including a number of longer linear form dwellings and as such the proposals would also fit within the existing character of the village in terms of dwelling size and form.

It is important also that development should respond to site topography to avoid skyline locations, and consider any significant changes in level across the site and whether the topography can be utilised to minimise the impact of the development. The approach to the design is one which effectively utilises the topography to minimise its overall height and mass and which successfully nestles the dwelling into the site and avoids any skyline impact.

### Massing

Paragraph A1.37 of the Design Guide sets out the criteria for the massing of buildings and states that where there may be no immediate built context, the scale and mass of a proposal should be considered with regard to the landscape setting and key principles are set out as a guide. Part A of paragraph A1.37 states that replacement dwellings should not have a more significant visual impact than the existing building.

The proposals provide for a split level house with a connecting glass house/atrium element and as such the overall house is broken down into a series of unified yet visually distinct elements which work with the topography and landscape setting of the site. This approach is acceptable.

Part E of paragraph A1.37 states that large, square shaped plans should be avoided as these result in single, boxy building forms. As highlighted above, the proposals seek to provide a linear building form which is broken down into distinct elements with different floor levels and roof heights. As such, whilst the proposals are flat roofed and contemporary in nature, these do not result in a single, boxy form.



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Part F of paragraph A1.37 states that roof forms should be uncomplicated and should illustrate the hierarchy of spaces within the building. The contemporary approach to the design introduces flat sedum roofs as well as the glass topped atrium space. This flat roofed approach reduces the mass and height of the building and the proposed sedum finish helps to nestle the dwelling better into the green, vegetated environment in which it sits. Similarly the glass atrium space is lightweight and transparent and will allow views through to the greenery and backdrop behind this, thus reducing the visual impact and perceived mass of this. By introducing a variety of roof heights, this also helps to reduce the mass of the proposals.

Materials & Detailing

The proposed materials for the scheme include external blue pennant sandstone cladding to the lower ground floor and vertical timber cladding for the main 'body' of the building at ground and first floor levels. In addition to the full height (3 storey) glass atrium space it is proposed to provide large full height picture windows to punctuate parts of the ground and first floor of the dwelling. Solid timber doors and a timber clad chimney are also proposed to match the main house cladding.

Broadly speaking the materials and detailing of the proposals are considered appropriate to provide a high quality contemporary appearance to the dwelling which will help to nestle it into the natural setting of the site and its surroundings. Given this approach, it is not considered that the proposals would have a detrimental impact upon the Wales Coastal Path which runs nearby. Despite the large areas of glazing, it is not considered that there would be any detrimental light spill pollution given that the proposals seek to provide a replacement dwelling in an established small hamlet cluster of dwellings. In addition to this, the site and surrounding topography would aid in reducing any potential impact in this regard. Whilst the use of stone is welcomed to anchor the dwelling to the site, there are concerns with regards to the use of blue pennant sandstone in this southern Gower location. Paragraph 2.41 (pg. 26 - and also reiterated in para A1.87 (pg. 66)) of the Gower AONB Design Guide states that:

"Traditional construction techniques used locally available materials. Buildings were generally constructed by those who were going to use or live in them. In south and north-west Gower, limestone from the local quarries would have been used, pennant sandstone predominated in the north-east, and old red sandstone and quartz conglomerate within the more central areas and around Cefn Bryn."

As such a more locally contextual limestone should be used and this will be controlled by an appropriately worded condition.

Residential Amenity

As indicated above, the proposed dwelling will be of a lower overall height than the existing dwelling and there is sufficient separation distance from neighbouring properties such that there will unlikely be any overbearing or overshadowing impact. However the application plot does lie on a raised plateau above the neighbouring dwelling to the south and the closer distance of the proposals to this property, as well as the introduction of large glazed areas and a first floor terraced area facing southwards at the southernmost part of the building, offering the potential for overlooking impact to the existing neighbouring property.

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Supporting information in the form of sectional drawings show the relationship and impact upon the neighbouring property to the south. The glazing and raised terraced area are acknowledged in this supporting information. However, the distance and relationship between the proposals and the neighbouring property, coupled with the ground contours/topography, dictate that the line of vision from the terrace will be well above the roof plane of the neighbouring property as well as being distant and screened by existing mature planting.

Highways

The Council's Head of Transportation and Engineer has not raised any objection to the proposal. The proposal is therefore considered to be acceptable in highway terms.

Drainage

There are drainage services in place which currently service the existing dwelling. The replacement dwelling would see this arrangement largely maintained. Nevertheless, the design proposals have taken steps to reduce surface water drainage and therefore limit its dependency on the public sewer. The sedum flat roofs will attenuate on site rainfall, retaining the water in situ before slowly releasing it in a controlled discharge to the surface water sewer. Thus, during periods of heavy rainfall, the building alleviates peak demand on the public sewer. Due to the nature of the site, the majority of ground water generated will naturally discharge within the site. No adverse comments have been received from the Head of Drainage and Coastal Management and no objection has been raised by Dwr Cymru/Welsh Water.

Ecology

The application is accompanied by a full protected species survey. The preliminary roost inspection, dusk emergence survey and dawn re-entry survey found one common pipistrelle roosting and one soprano pipistrelle roosting within the building. Lesser horseshoe droppings were also found in the shed at the rear of the property. Suitable avoidance, mitigation compensation and enhancement measures are proposed within the submitted Bat Survey Report by Acer Ecology dated June 2017 and a licence to disturb in respect of bats will be required. An application can however, only be made when planning consent has been granted.

The Council's Ecologist was consulted on the submitted surveys but has not commented on their acceptability. In the absence of a response, it is assumed that the Ecologist has no adverse comments to make on the application.

Protected Trees

The proposed site has several dozen trees concentrated along the eastern and western boundaries. The proposal is to demolish the existing property and replace it with a structure that extends further south. Several of the pine trees along the western boundary are in poor condition with a couple of dead stems remaining. The proposed demolition works have the potential to adversely impact on some of the pine trees close to the existing building. It is also noted that the proposed building will be within the root protection area of a sycamore situated on the eastern boundary of the site.

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### ITEM 3 (CONT'D)

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As several of the pines will undoubtedly be removed, the retention of as many of the native trees as possible is important. Access to the site also has potential to require tree removal or significant pruning. On this basis a number of appropriately worded tree protection conditions are recommended.

#### Response to Consultation Responses

The comments made by Penrice Community Council are noted. However, the submitted application contains more than adequate information for it to be determined. Similarly, the Gower Society comments are noted and are addressed in detail above.

#### Conclusion

For the reasons set out above, it is considered that the development accords with Policies EV1, EV2, EV22 and EV26 of the UDP and will complement the character and natural beauty of the AONB.

In overall design terms, the proposed scheme is considered to be high quality in terms of its design, which demonstrates how well considered contemporary design can respond positively to the sensitive and cherished landscape of the Gower AONB.

The scheme clearly does not comply with criterion (ii) of Policy EV19, as it is not similar in terms of its scale, design and character with the dwelling it replaces. However, the scheme is considered to be of a high quality and will achieve Code Level 4, which it is considered justifies a departure from the provisions of UDP Policy EV19, in accordance with the Gower AONB Design Guide.

On this basis therefore the proposal is regarded as an acceptable departure from the provisions of Policy EV19 of the City and County of Swansea UDP (2008). Approval is, therefore, 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: L001 Aerial Location Plans, L002 OS Map, S50 Rendered Elevation, received on 24th February 2017. S01 C Site Plan, S10C Lower Ground Floor Plan, S11C Ground Floor Plan, S12C First Floor Plan, S13C Roof Plan, S20 C West Elevation, S21C North Elevation, S22C East Elevation, S23C South Elevation, S30C Typical Section A, S31C Typical Section B, S32C Typical Section C, S40C Contour Section, Tree Constraints Plan, Tree Survey, received on 30th June 2017.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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**ITEM 3 (CONT'D)**

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- 3 Where any species listed under Schedule 2 and 4 of the Conservation (Natural Habitats) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a license to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.

Reason: In the interest of protecting species listed under Schedule 2 and 4 of the Conservation (Natural Habitats) Regulation 1994.

- 4 The scheme shall be implemented in accordance with the mitigation measures described in Section 6 of the submitted document entitled 'Bat Survey Report' produced by Acer Ecology dated June 2017. The mitigation measures shall be retained thereafter.

Reason: In the interest of protecting species listed under Schedule 2 and 4 of the Conservation (Natural Habitats) Regulation 1994.

- 5 Notwithstanding the details hereby approved, no development shall commence until details and/or samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 6 No development 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 scheme shall include indications of all existing trees (including spread and species, exact location and diameter of tree boles) 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 landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner. 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.

The approved tree protection measures shall be implemented during the construction phase of the development.

Reason: To ensure that reasonable measures are taken to safeguard trees and in the interests of visual amenity.

- 7 The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 4 and achieve a minimum of 3 credits under category Ene1 - Dwelling Emission Rate, in accordance with the requirements of the Code for Sustainable Homes Technical Guide, November 2010 (as amended).

Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.

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**ITEM 3 (CONT'D)**

**APPLICATION NO:**

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- 8 The construction of the dwelling hereby permitted shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 4 and a minimum of 3 credits under Ene1 - Dwelling Emission Rate, has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes Technical Guide, November 2010 (as amended).  
Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.
- 9 The dwelling hereby approved shall not be occupied, until a Code for Sustainable Homes 'Final Certificate' is submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 4 and a minimum of 3 credits under Ene1 - Dwelling Emission Rate has been achieved for the dwelling, in accordance with the requirements of Code for Sustainable Homes Technical Guide, November 2010 (as amended).  
Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.
- 10 Details of any new external lighting to be provided within the site shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.  
Reason: In the interest of visual amenity.
-



**PLANNING COMMITTEE – 5<sup>TH</sup> SEPTEMBER 2017**

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1393/S73

UDP - EV22 - Countryside General Policy

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:

- i) The control of development, and
- ii) Practical management and improvement measures.

(City & County of Swansea Unitary Development Plan 2008)

UDP - EV23 - Green Wedges

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**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2017/1149/FUL	Replacement windows and front dormer	PCO	
2017/1393/S73	Variation of condition 1 of planning permission 2011/1278 for the demolition of outbuildings, single storey detached building and flat roof extension and construction of 2 no. three storey side extensions to provide 68 additional care home bedrooms and associated facilities granted 4th July 2012 to allow an additional 5 year period to start the development.	PDE	
A00/0876	CONVERSION OF EXISTING DINING-ROOM, GUEST DINING-ROOM AND LOUNGE TO A RESTAURANT FACILITY (CLASS A3) IN ASSOCIATION WITH NURSING/RESIDENTIAL HOME	APP	25.07.2000
2016/1421	Single storey kitchen extension and conservatory area	APP	07.09.2016
2012/0779	Rear conservatory	APP	21.08.2012

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ITEM 4 (CONT'D)		APPLICATION NO:	2017/1393/S73
2011/1278	Demolition of outbuildings, single storey detached building and flat roof extension and construction of 2 no. three storey side extensions to provide 68 additional care home bedrooms and associated facilities	APP	06.07.2012
2010/1181	Replacement window with additional glazed panel to south facing elevation at 2nd floor level	APP	30.09.2010
2009/1032	One double sided freestanding for sale sign for a temporary period of nine months	REF	19.11.2009

### PUBLICITY:

The application was publicised by sending notification letters to neighbouring properties and by displaying a site notice within the vicinity of the site. No response was received to this publicity exercise from the neighbouring occupants. However, responses have been received from Bishopston Community Council and the Gower Society.

**Bishopston Community Council** - The Community Council objects to the proposal on the following grounds:

1. Site overdevelopment;
2. Lack of parking facilities;
3. Lack of infrastructure;
4. Overlooking of children's play scheme; and
5. Traffic generation.

**The Gower Society** - The following comments have been made:

1. The application refers to three previous approved applications that we are not totally certain as to whether any have been partially executed.
2. It does concern us that this site has a finite limit to what it can be extended to without compromising the ambience of what is already present.
3. This is a conspicuous location adjacent to the AONB, and appears to have 'suffered' from tree removal or surgery over recent years. We do wonder what the overall end product will look like. An over development and urban appearance could be the end result
4. We urge you, therefore, to look most carefully at this application in order to ensure that a grossly overdeveloped site that impinges upon the open countryside

### CONSULTATION

**Council's Ecology Officer** - No objection subject to the imposition of conditions



## PLANNING COMMITTEE – 5<sup>TH</sup> SEPTEMBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

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### APPRAISAL

Full planning permission was granted for the demolition of outbuildings, single storey detached building and flat roof extension and construction of 2 no. three storey side extensions to provide 68 additional care home bedrooms and associated facilities at Campion Gardens Village, Clyne Common, Swansea on the 4th July 2012 (planning permission 2011/1278 refers).

Condition 1 of the 2011/1278 permission required the commencement of development works within 5 years of the planning permission being granted ie by the 4th July 2017.

This Section 73 application seeks to vary Condition 1 of the 2011/1278 planning permission in order to extend the period of time to commence development works for a further 5 years.

### Section 73 Procedures

As a Section 73 application, the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and-

- a) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- b) If they decide that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Any new planning permission should include all the previous conditions (where necessary) to avoid the possibility of the new permission being interpreted as having no conditions other than those applied to vary.

An application under Section 73 may only be made where the original permission is still live. Where an application has expired, a fresh application for planning permission is required and the Authority would not be restricted to considering the conditions only. Case law has established however that determination of a S73 application beyond the expiry of the application can be made, provided the application was made prior to the expiry of the application. In this instance the application was received within five years of the date of the last decision.

### Issues

It has previously been demonstrated that the scale of the development is an acceptable form of development for the site. The approved three storey extensions form additions to the existing complex and lie within the curtilage of the 'retirement village'. As such, it is not considered that the development represents an unjustified encroachment into the Green Wedge, rather it provides a consolidation of the existing facility. Furthermore the existing nursing home is screened from the adjoining open countryside and Fairwood Common by existing mature hedging and trees. Mindful of the above, the development would not have an unacceptable impact upon the openness and rural character of the green wedge.

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Issues of visual and residential amenity, together with highway safety were fully considered during the determination of the original application and overall the proposal was considered an appropriate form of development that would have a limited impact upon the visual and residential amenity of the area and would not compromise or prejudice highway safety standards.

Subject to all conditions deemed necessary during the consideration of the previous application being reiterated, it is considered that the approved design is acceptable and complies with the relevant Development Plan Policies.

The Three Tests relating to Renewal Applications

Section 73 applications of this nature - which seek to extend the life period of a planning permission - seek to renew a planning permission. Welsh Government Circular 16/2014 (The Use of Planning Conditions for Development Management) sets out three tests which should be taken into consideration when renewing an application before the time-limit for the commencement of development has expired, under section 73 of the 1990 Act. The tests are indicated in italics below:

- o There has been some material change in planning circumstances since the original permission was granted (e.g. a change in some relevant planning policy for the area, or in relevant highway considerations, or the publication by the Government of new planning policy guidance, material to the renewal application).
- o Continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area.
- o The application is premature because the permission still has a reasonable time to run.

These three tests are assessed below.

There have not been any material changes in planning policy since the granting of the previous permission. It is noted however that temporary planning permission has been granted for a climbing frame on land adjoining the application site at Gower Play (planning permission 2016/1670). This however has no material bearing on the determination of the application subject of this report, particularly as the climbing frame has now been removed from the neighbouring site.

It is not considered that the continued failure to begin the development leads to unacceptable uncertainty about the future pattern of development of the area. The local pattern of development is already established and the future pattern of development will not be prejudiced by a further delay in the implementation of the proposal.

This application was not submitted prematurely.

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1393/S73

Other issues

As the development involves demolition of existing buildings on the site, a bat survey was submitted during the course of the previous planning application. An initial external and internal inspection survey of these buildings was undertaken in March 2012 and identified historical evidence of roosting bats (likely to be Pipistrelle based on the droppings found) within the roof spaces above the laundry building (to the east of the main building). No evidence of use by bats was associated with other buildings proposed for demolition.

The confirmed presence of roosting Pipistrelle bats at the laundry required appropriate mitigation to ensure that the favourable conservation status of the species was not adversely affected. The proposed development therefore required a licence to disturb protected species prior to works commencing on the site.

An updated bat survey has been submitted to identify any changes of use by bats. External and internal inspection surveys were undertaken on the 1st June 2017 which identified the laundry building as a bat roost as noted in the 2012 survey. As previously, the development therefore will require a licence to disturb protected species prior to works commencing on the site.

The Council's Ecology Officer has raised no objection to the proposal, subject to the imposition of conditions (similar to those imposed on the previous planning permission).

Response to Letters of Objection

Whilst comments received from Bishopston Community Council and the Gower Society have been noted, this application seeks to renew the previous planning permission and therefore the overarching principles of the development are not being re-considered as part of this application for the reasons explained earlier in this report.

**CONCLUSION**

In conclusion therefore, the variation of condition 01 of planning permission 2011/1278 is considered acceptable and the following recommendation is therefore made.

**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.

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**ITEM 4 (CONT'D)**

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- 2 The development shall be carried out in accordance with the following approved plans and documents: 514.P.01 site location plan, 514.P.02 existing block plan, 514.P.03.C proposed block plan, 514.P.05C proposed ground floor plan, 514.P.06C proposed first floor plan, 514.P.07C proposed second floor plan, 514.P.09B proposed elevations, 514.P.10C proposed ground floor plan, 514.P.11E proposed first floor plan, 514.P.12D proposed second floor plan, 514.P.14F proposed elevations, received on the 23rd June 2017.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works 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, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- 4 The development shall provide an Assisted Living Environment (utilising the Assisted Living Services as defined in Informative No. 4) and shall only be occupied in connection with and ancillary to Campion Gardens and the occupation of these units shall be restricted to those persons so defined and shall at no time be severed and occupied as independent units.  
Reason: To prevent the undesirable establishment of separate independent units not in accordance with the policies for the area.
- 5 Notwithstanding the details as shown on the approved drawings, 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 the development is commenced.  
Reason: In the interests of visual amenity.
- 6 Where any species listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2010 is present on the site (or other identified part) in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.  
Reason: In order to ensure that the development complies with Schedule 2 (European Protected Species of Animals) and Part 3 (Protection of Species) of the Conservation and Habitats Regulations 2010, and to secure the protection of listed European Protected Species on site.
- 7 Prior to the commencement of work, the mitigation measures proposed in the protected species survey report (relating to the proposals) dated 31st May 2012 shall be subject to the approval of the National Assembly for Wales and their scientific advisers, Natural Resources Wales (NRW) via an application for a "licence to disturb" under Regulation 53 of the Habitats Regulations, to allow for the work to be undertaken within the law. The mitigation measures shall be retained as such in perpetuity unless otherwise agreed by the Local Planning Authority.

## PLANNING COMMITTEE – 5<sup>TH</sup> SEPTEMBER 2017

### ITEM 4 (CONT'D)

APPLICATION NO:

2017/1393/S73

Reason: In order to ensure that the development complies with Schedule 2 (European Protected Species of Animal), Part 3 (Protection of Species), and Part 5 (Licences) of The Conservation of Habitats and Species Regulations 2010 and to secure the protection of listed European Protected Species on site.

- 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.

### INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 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, EV22 and EV23.
- 3 The proposed development lies within coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

- 4 Assisted Living means - The provision of residential dwellings owned by way of fixed term leases or available on shorthold tenancies within an integrated environment where Assisted Living Services and Facilities are provided.
- 5 The proposed development site is crossed by a public sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. In order to protect the integrity of the public sewer and avoid damage thereto no part of the building will be permitted within 3metres either side of the centre line of the public sewer.
- 6 If a 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 – 5<sup>TH</sup> SEPTEMBER 2017**

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1393/S73

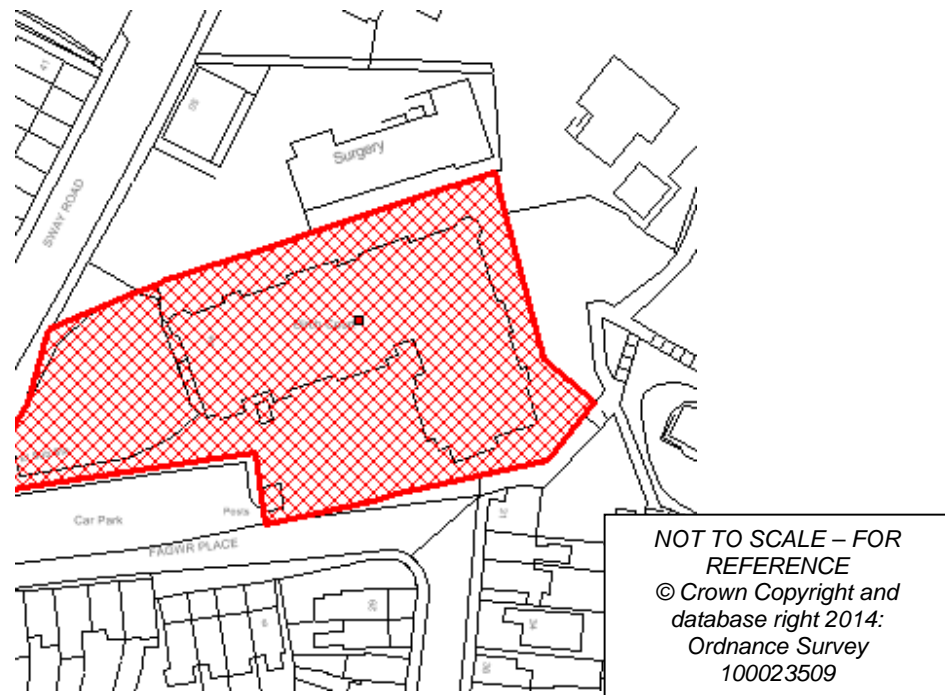
- 7 No development shall take place until the developer has notified the Local Planning Authority of the initiation of the development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that Order.

No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is carried out.

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## PLANNING COMMITTEE – 5<sup>TH</sup> SEPTEMBER 2017

**ITEM 5** **APPLICATION NO:** 2017/1434/S73  
**WARD:** Morriston - Area 1  
**Location:** Birch Court , 44 Sway Road, Morriston, Swansea, SA6 6HU  
**Proposal:** Variation of condition 6 of planning permission 2006/1109 granted 10th August 2006 to allow occupation by persons of 55 years or older  
**Applicant:** Miss Emma Rodgers McCarthy and Stone Retirement Lifestyles Ltd



### BACKGROUND INFORMATION

#### **POLICIES**

##### UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

##### UDP - EV2 - Siting

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).

##### UDP - EV3 - Accessibility

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)

**PLANNING COMMITTEE – 5<sup>TH</sup> SEPTEMBER 2017**

**ITEM 5 (CONT'D)**

**APPLICATION NO:**

2017/1434/S73

**UDP - HC2 - Urban Infill Housing**

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)

**UDP - AS6 - Parking/Accessibility**

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

**SITE HISTORY**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2017/1434/S73	Variation of condition 6 of planning permission 2006/1109 granted 10th August 2006 to allow occupation by persons of 55 years or older	PDE	
2016/0073	Change of use of communal and office facilities into 2 individual apartments.	APP	29.03.2016
2014/1027	Two storey extension along with internal layout reconfiguration of extant scheme consented under planning permission 2009/0996 so as to facilitate the provision of a 90 bedroom care home and associated services	APP	15.09.2014
2014/0899	Change of use from retirement apartments (Class C3) to a residential care home (Class C2) together with external works and the retention of a buggy store (variation of condition 1 of planning permission 2009/0996 granted 21st September 2009) to allow a further five years to commence works	APP	30.07.2014



**PLANNING COMMITTEE – 5<sup>TH</sup> SEPTEMBER 2017**

**ITEM 5 (CONT'D)**

**APPLICATION NO:**

2017/1434/S73

2009/0996

Change of use from retirement apartments (Class C3) to a residential care home (Class C2) together with external works and the retention of a buggy store

APP

23.10.2009

**This application is reported to Committee for decision as the number of dwelling units affected by the proposal exceeds 20.**

**RESPONSE TO CONSULTATIONS**

**Highways Observations** – No objection

**APPRAISAL**

Planning permission was granted in August 2006 for a 49 flat three storey sheltered housing accommodation with a 22 space car park. Due to the level of car parking provided, the following condition was imposed:

“The development shall be occupied by persons of 60 years or older together with any spouse of 55 years or over.

Reason: The proposed parking provision falls below the standard required for unrestricted residential accommodation.”

This actual age limit was suggested by the applicant when the original outline planning permission was approved in April 2006 (Ref: 2005/2455 refers).

The current proposal is to amend the age limit to persons of 55 and over. With regards to development of this nature, the standard condition wording usually makes reference to persons of 55 years and over. This was recently demonstrated in the planning permission granted in October 2015 (Ref: 2015/0217 refers), at 81 Gower Road Sketty for the construction of 45 retirement apartments. Condition 13 stated:

“Each unit of the residential development hereby permitted shall be occupied only by:

- i) persons of age 55 years or over;
- ii) persons living as part of a single household with such a person or persons;
- iii) persons who were living as part of a single household with such a person or persons who have since died.

Reason: The proposed parking provision falls below the standard required for unrestricted residential accommodation”.

It should be noted that the reason for the imposition of both conditions are the same.

## PLANNING COMMITTEE – 5<sup>TH</sup> SEPTEMBER 2017

### ITEM 5 (CONT'D)

APPLICATION NO:

2017/1434/S73

The amendment of the age from 60 to 55 is acceptable and within current working practices for units of this nature. To this end, the Head of Transportation and Engineering also raises no highway objection to the change in the age limit for occupation.

In addition, the siting of the apartment block is well within walking distance of Morryston town centre and the area is also well served by a regular and well used bus service, thus also making it a sustainable location.

As a Section 73 application, consideration has to be given to conditions attached to the original planning permission and whether any need to be attached to any new planning permission granted to ensure they still apply to the development. The only condition that needs to be re-applied relates to the obscure glazing of windows in flats 25 and 42.

Consideration has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WBFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WBFG Act.

In conclusion and having regard to all material planning considerations, the proposal is considered an acceptable form of development at this location and approval is recommended.

### RECOMMENDATION

#### APPROVE subject to the following condition:

- 1 Each unit of the residential development hereby permitted shall be occupied only by:
  - i) persons of age 55 years or over;
  - ii) persons living as part of a single household with such a person or persons;
  - iii) persons who were living as part of a single household with such a person or persons who have since died.

Reason: The proposed parking provision falls below the standard required for unrestricted residential accommodation.

- 2 Notwithstanding the details indicated on Drawing Numbers PL 05, PL 06 and PL 07 dated 15th May 2006, the first and second floor bedroom windows on the southern elevation of the block, associated with Flat Nos 25 and 42 shall be obscure glazed and any part of the window(s) that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.  
Reason : To ensure the privacy of adjoining residents is not adversely affected by the development

**PLANNING COMMITTEE – 5<sup>TH</sup> SEPTEMBER 2017**

**ITEM 5 (CONT'D)**

**APPLICATION NO:**

2017/1434/S73

**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, AS6, HC2.
  - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-

## Report of the Head of Planning & City Regeneration

To Planning Committee – 5<sup>th</sup> September 2017

Planning Application Ref: 2013/0617

### Residential development Residential development comprising up to 92 dwellings with associated access, (outline) Land South of Glebe Road, Loughor

#### 1.0 Background

1.1 The application was reported to Planning Committee on the 10<sup>th</sup> November 2015 with a recommendation that planning permission be approved subject to conditions and subject to the applicant entering into a S106 Planning Obligation to provide:

- 19 units of affordable housing on the site;
- an education contribution of £100, 000
- a highways contribution of £92,100;
- Management plans for the future maintenance and management of the attenuation ponds and the maintenance, management and public access to the public open space and the play areas;

Members also resolved that a S106 management and monitoring fee shall be paid in accordance with the requirements of the Council's adopted SPG entitled "Planning Obligations" (2010).

1.2 It was resolved to provide 19 units of affordable housing on the site (with the units being provided at 42% ACG, social rented tenure and pepper potted throughout the site. The AH should include a range of DQR compliant house types. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units.

1.3 A copy of the report to the Planning Committee and Action Sheet of the 10<sup>th</sup> November 2015 is attached as Appendix A.

1.4 Since the Committee resolution to approve the proposal subject to conditions and signing of S106 Legal Agreement, the Council received notification from the applicants' advisors of the challenges of meeting the affordable housing commitment detailed within the draft S106 while safeguarding the viability of the scheme.

1.5 On this basis a report to the Planning Committee on the 4<sup>th</sup> April 2017 recommended that planning permission be approved subject to the applicant entering into a S106 Planning Obligation to provide:

- 15% of affordable housing on the site; comprising a 50/50 mix of 2 and 3 bedroom properties provided at 42% ACG
- an education contribution of £100, 000

- a highways contribution of £92,100;
  - Management plans for the future maintenance and management of the attenuation ponds and the maintenance, management and public access to the public open space and the play areas;
  - Monitoring fees shall be paid in accordance with the requirements of the Council's adopted SPG entitled "Planning Obligations" (2010).
- 1.6 The recommendation was accepted (subject to the first bullet point of paragraph being amended as set out below) and application APPROVED subject to a S106 agreement.
- 15% of affordable housing on the site; comprising a 50/50 mix of 2 and 3 bedroom properties provided at 42% ACG, of social rented tenure and DQR compliant. The design and specification of the AH should be of equivalent quality to those used in the Open Market Units
- 1.7 A copy of the report to the Planning Committee and Action Sheet of the 4<sup>th</sup> April 2017 is attached as Appendix B
- 1.8 Since the Committee resolution to approve subject to conditions and with the revised terms to the S106, the Council has received notification from the applicants' legal advisors that a small portion of the application site as edged red within the planning application does not fall with the applicants' ownership thus causing extreme difficulties in finalising the S106.
- 1.9 On this basis, a revised red line plan has been submitted omitting the land in question, which is a small area some 35m long and some 25m deep situated some 85m south of the junction of the existing footpath located along the western site boundary with Glebe Road.
- 1.10 As the revision effectively reduces the site area; the application description has been amended to refer to residential development of "up to" 92 dwellings, to provide flexibility in the event that the loss of this area compromises the ability of the site to comfortably accommodate 92 units on any subsequent proposed layout.
- 1.11 The current proposed amendment has been advertised on site and no response received.

## **2.0 Conclusion**

- 2.1 My original report to Planning Committee on the 10<sup>th</sup> November 2015, and subsequent report dated 4<sup>th</sup> April 2017 recommended approval of the application, and the revised viability studies and resultant revised Affordable Housing provision within the site. This current revision does not compromise or prejudice all other issues relating to visual impact, impact upon residential amenity and highway safety standards as considered and addressed in detail in my report to Planning Committee on the 10<sup>th</sup> November 2105. The complexities of finalising a legal agreement which currently requires signatures from several parties is fully acknowledged and approval of this revision will ensure the completion of the S106 Agreement can be expedited and is therefore justified such that there is no reason to change this recommendation.

### **3.0 Recommendation**

3.1 The application be approved subject to the applicant entering into a S106 Planning Obligation to provide:

- 15% of affordable housing (AH) on the site; comprising a 50/50 mix of 2 and 3 bedroom properties provided at 42% ACG, of social rented tenure and DQR compliant. The design and specification of the AH should be of equivalent quality to those used in the Open Market Units;
- an education contribution of £100, 000;
- a highways contribution of £92,100;
- Management plans for the future maintenance and management of the attenuation ponds and the maintenance, management and public access to the public open space and the play areas;
- Monitoring fees shall be paid in accordance with the requirements of the Council's adopted SPG entitled "Planning Obligations" (2010).

And in accordance with the conditions set out in Appendix A.

**PLANNING COMMITTEE – 10<sup>TH</sup> NOVEMBER 2015**

ITEM 10

APPLICATION NO.

2013/0617

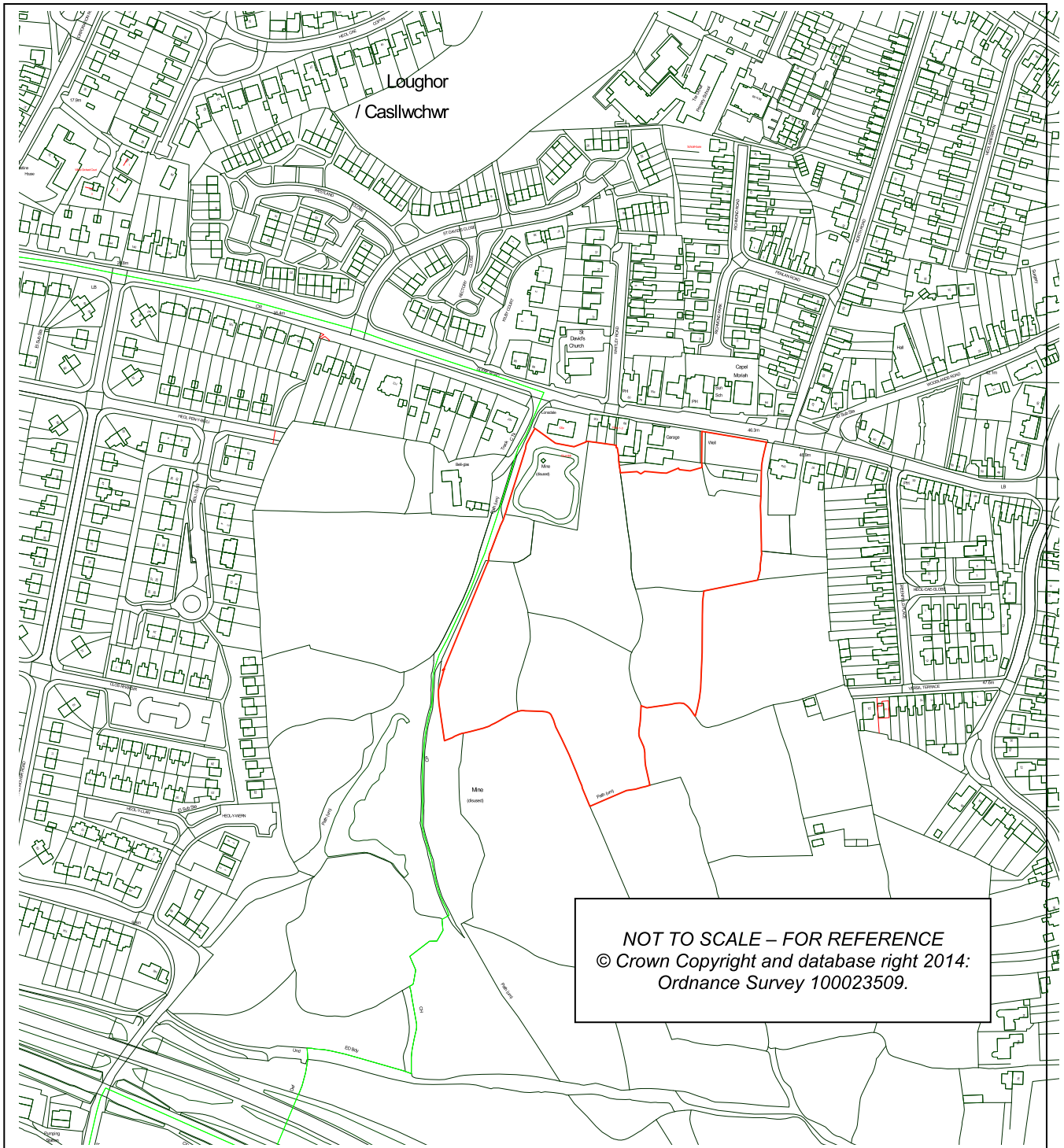
WARD:

Upper Loughor

**Location:** Land south of Glebe Road, Loughor, Swansea

**Proposal:** Residential development comprising 92 dwellings with associated access, drainage and public open space (outline)

**Applicant:** Trustees of T J Thomas



**PLANNING COMMITTEE – 10<sup>TH</sup> NOVEMBER 2015**

ITEM 10 (CONT'D)

APPLICATION NO.

2013/0617

**BACKGROUND INFORMATION**

**POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (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 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 EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (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 HC1	Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)



## PLANNING COMMITTEE – 10<sup>TH</sup> NOVEMBER 2015

ITEM 10 (CONT'D)	APPLICATION NO.	2013/0617
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)	
Policy HC24	Provision of public open space within new residential developments. (City & County of Swansea Unitary Development Plan 2008)	

### SITE HISTORY

App No.	Proposal
2015/0088	Two storey side extension and single storey rear extension Decision: Refuse Decision Date: 16/03/2015

### RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press. 5 LETTERS OF OBJECTION were received which can be summarised as follows:

- As a result of its role in the 140-5 religious revival and association with the evangelist Evan Roberts, Moriah Chapel is an internationally important centre of pilgrimage for tens of thousands of visitors, for this reason there is concern over the impact of the proposed development on parking in the vicinity.
- The proposal is likely to result in reduced parking opportunity in the vicinity, leading to a poor visitor experience, fewer tourists and less income for the local economy.
- Moriah Chapel is widely used and often attracts large numbers of visitors. All visitors currently park along Glebe Road.
- Coaches often visit – stopping outside the chapel
- It is imperative that the Christian Heritage of the area is safeguarded.
- The proposal will have a significantly harmful effect on the local environment
- The proposal does not comply with one of the key principles of 'planning for nature conservation' in that development should provide a net benefit for biodiversity conservation with no significant loss of habitat or population of species ( TAN 5)
- The submitted Planning Statement "did not highlight any specific wildlife rarity or exception, but the existence of many hedgerows with intermittent trees add biodiversity value to the site and these have been integrated into the development so that over time they will increase their environmental benefits" – these two statements are considered untrue and misleading
- The development site supports a significant number of birds
- Bats are present on the development site
- The detailed aboricultural report shows the rural nature of this site with an abundance of trees, hedges and wildlife.

## PLANNING COMMITTEE – 10<sup>TH</sup> NOVEMBER 2015

ITEM 10 (CONT'D)

APPLICATION NO.

2013/0617

- The state of nature report 2013 provides stark warning that far more species are declining than increasing in the UK and if this residential development of 92 houses is permitted then the City and County of Swansea will be contributing to this decline.
- The proposal will disturb the tranquillity currently afforded by this Greenfield site to the detriment of nearby residents.

**Llwchwr Town Council** – No Objection

**Glamorgan Gwent Archaeological Trust** – No Objection subject to standard condition.

**Dwr Cymru/Welsh Water** – No Objection subject to standard conditions and advisory notes.

**Natural Resource Wales** – No Objection subject to standard conditions and advisory notes.

**The Coal Authority** – No Objection subject to standard condition

**Head of Environmental Management and Protection** – No Objection subject to standard conditions

### **Head of Transportation and Engineering -**

#### 1 Background

1.1 This proposal is for the erection of up to 92 dwellings on land south of Glebe Road, Loughor. This is one of 3 sites that have been considered in Transport Assessments for developments along the Glebe Road/Loughor Road corridor. Each of the sites has included the impact of all others so that the combined impact of traffic from all 3 sites can be properly assessed.

1.2 The site has a frontage to Glebe Road of approximately 50m opposite the Moriah Chapel and it is intended to provide a mini roundabout at the access junction which will assist in keeping vehicle speeds low along that section of the highway.

#### 2 Traffic Impact

2.1 Whilst this proposal is for up to 92 dwellings, the transport assessment has assumed to test the impact of up to 120 dwellings. This indicates a traffic generation of 13 arrivals and 50 departures in the am peak with 45 arrivals and 24 departures in the pm peak. The impact of this number of movements has then been assessed at a number of key junctions along the Loughor Road corridor.

2.2 The junctions assessed include;

#### Site Access

Loughor Road/Belgrave Road  
Loughor Road/West Street

## PLANNING COMMITTEE – 10<sup>TH</sup> NOVEMBER 2015

ITEM 10 (CONT'D)

APPLICATION NO.

2013/0617

These are the junctions where impact is considered to be highest especially when combined with the other development sites on the corridor.

2.3 All junctions are shown to operate within their theoretical capacity. There are indications that the ratio to flow capacity at Belgrave Road and West Street junctions will approach 0.9 and therefore some queuing will take place. This concurs with the assessments submitted on the other development sites.

### 3 Site Access

3.1 Access would be from Glebe Road opposite Moriah Chapel. Road realignment is indicated and a mini roundabout installed. The realignment of the road to accommodate the necessary geometry for a mini roundabout would result in spare road space outside the chapel. Part of the road works therefore will include a bus layby that will accommodate the dropping off and picking up of church goers. The application is in outline form and therefore detailed design will be required. However indicative plans show that this scenario can be accommodated.

3.2 An indicative layout plan also indicates a possible internal road layout and whilst some minor amendment would be necessary, the proposal to serve the indicated number of dwellings is feasible.

### 4 Accessibility

4.1 There are footways along Glebe Road and Loughor Road that adequately serve the development. In addition there are two public footpaths present. Footpath LC39 runs along the western boundary of the development and LC 40 which runs through the site. LC 40 will need to be rerouted to follow the internal road alignment. Both footpaths connect to Culfor Road.

4.2 Bridleway LC 38 traverses east/west to the south of the site joining Culfor Road with Waun Road. The bridleway emerges opposite a proposed footpath from the Cae Duke development.

4.3 The National Cycle Network Route 4 utilises Culfor Road and is within reasonable distance of the site.

4.4 There is a 30 min frequency bus service past the site.

### 5 Road Safety

5.1 The allocated development sites on Glebe Road/Loughor Road have been required to contribute to a range of road safety enhancements in the area. These were identified as requirements under the safer routes in the community scheme and included, traffic calming, a pedestrian crossing and TROs in the wider area. The school drop off facility was a separate issue required to enable improvement to traffic flow along the Loughor Road corridor. This development could generate traffic movements along Waun Road which is in need of traffic calming and there needs to be better linkage with the public rights of way through and adjacent to the site.

## PLANNING COMMITTEE – 10<sup>TH</sup> NOVEMBER 2015

ITEM 10 (CONT'D)

APPLICATION NO.

2013/0617

To that end, the developer is offering a contribution of up to £92,000 and this sum should be apportioned appropriately towards the range of works identified in mitigation of the additional traffic being generated.

5.2 The site access works, which includes the provision of a mini roundabout and bus layby I consider to be a separate issue and a consequence of providing access to the site. These works therefore will require full funding by the development in addition to the indicated contribution towards safer routes in the community.

### 6 Conclusions and Recommendation

6.1 The impact of the development traffic when added to existing and proposed traffic flows in the area is shown to be able to be accommodated on the surrounding highway network. Access improvements will be of general benefit to through traffic and potentially improve highway safety. Highway safety improvements in the area will ensure that development traffic does not have an adverse affect on identified issues and to that end a developer contribution towards mitigating the effects of additional development traffic is recommended.

6.2 I recommend no highway objection subject to the following;

i. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.

ii. The site shall not be brought into beneficial, use until a contribution towards local road safety enhancements has been made. This will require a sum of £92,000 to be deposited with the City and County of Swansea Council secured through a Section 106 Agreement.

iii. The site shall not be brought into beneficial use until the access works, including a mini roundabout and associated lay-by have been completed in accordance with engineering details to be submitted and approved.

iv. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

Management and Maintenance of Estate Streets - Note

The applicant is advised that to discharge this condition, the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

- v. All internal roads, footpaths and public areas shall be laid out and constructed to Highway Authority standards and Specification.

Note: 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 mark.jones@swansea.gov.uk , tel. no. 01792 636091.

## **APPRAISAL**

### **Introduction**

Outline planning permission is sought for the construction of 92 residential units. Although the application is in outline form with all matters reserved, some significant supporting information has been submitted relating to amount of development, layout, access and landscaping arrangements.

The application is supported further by:

- Extended Phase 1 Habitat Survey
- Aboricultural Survey and Hedgerow Assessment
- Aboricultural Implications Assessment
- Transport Assessment
- Drainage Strategy

### **Site and Surroundings**

The site is located centrally within the urban settlement of Loughor and is accessed via one vehicle access point from Glebe Road. The northern site boundary backs onto houses and a petrol station, the western boundary is heavily wooded and runs along a public footpath, the eastern boundary abuts an area of open land and the southern boundary adjoins an area of green wedge. The application site extends to five fields, four of which benefit from a land allocation for housing development, the fifth is not allocated and lies within the adjoining green wedge and will be used to provide an attenuation pond and wetland habitat for the development.

Capel Moriah, the adjacent School building and the railings, are all Grade II listed with separate records (LB 479/479/480) and face Glebe Road directly opposite the site. They are constructed of local pennant stone with slate roofs and are largely unaltered and provide a heritage anchor to an area otherwise lacking in features of interest. Much of the significance of these buildings lies in the connection to Evan Roberts and the Welsh Revival in the early 1900's, and for this reason the Chapel attracts many visitors.

ITEM 10 (CONT'D)

APPLICATION NO.

2013/0617

The general built character of the area is of irregular suburban blocks with dwellings fronting the street but with some instances of internal road and cul-de-sacs. The variety of block forms coupled with the difference in architectural styles found in the locality suggests an area which has grown incrementally in phases over time. This is further supported by the variety of housing types which range from traditional stone fronted Victorian terraces and public buildings through to larger, more recent house types incorporating modern suburban features such as shallow pitched or hipped roofs with overhangs and integrated garages.

The 3.81 ha site is irregular in shape and falls steadily downwards in a southerly direction providing vistas out from the site to the hillsides on the opposite side of the estuary. As the land slopes down from Loughor, it meets the railway line and A484 bypass at the bottom of the valley where the Afon Lliw River flows out to the Loughor Estuary to the west.

The patchwork of fields which make up the site is defined by well-established trees and hedgerows which are in themselves a significant constraint. A group Tree Preservation Order has been placed on a number of hedgerows and trees that cross the site.

A former mine shaft sits in the North West corner of the site and no development is intended within this area.

The site is allocated as a housing site under Policy HC1 (105) of the City & County of Swansea Unitary Development Plan 2008 (UDP) and although this land allocation extends to an adjoining additional enclosure, this is in separate ownership and the owners have no immediate inclination to bring the site forward for development. Notwithstanding this, the application site forms the majority of the land allocation.

### **The Proposal**

The proposal seeks a residential development of up to 92 dwellings and associated infrastructure. It is acknowledged that the proposal are largely indicative due to the application being in outline form, however, it is considered that any consent issued should inform any future development that the design concept contained within the information submitted with this application should inform any detailed application. A suitably worded informative will be used to communicate this.

The application site layout includes 90 dwelling comprising a mix of 6 different house types. The scale parameters range from 7m – 10m in length; 5m -10m in width and 7m – 10.5m in height.

### **Main Issues**

The main issues for consideration with regard to this application relate to the acceptability of residential development at this greenfield site in terms of the impacts of the development on the character and appearance of the area, residential amenity impacts on neighbouring occupiers, impact of the development on access, parking, highway safety and impacts upon environmental interests having regard to the provisions of the policies of the City and County of Swansea Unitary Development Plan 2008 (UDP). There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

### **Principle of Development**

The site forms part of an allocated housing site within the current UDP under Policy HC1 (Housing Sites) (105) 'Land South of Glebe Road, Loughor Road' where the potential for 110 homes is indicated. This site represents approximately 3.8ha of the wider allocation and with up to 92 homes being proposed, it has a density of approximately 24 homes per hectare.

It is allocated within the Greater North West Swansea housing policy zone. The amplification to the policy confirms that it is not necessary to phase the release of Greenfield land given the relatively low levels of release proposed. These Greenfield sites (including this site) are all within this housing policy zone where there would otherwise be a housing land shortage due to the lack of available alternative sites within existing settlements. Having regard to Policy HC1, the principle of residential development on this Greenfield site is acceptable and in accordance with the UDP housing strategy.

It is noted however that the scheme does not include the whole of the housing allocation site HC1 (105) as it excludes a smaller area of land to the east of the allocation. However it is noted that within the proposed layout, provision is made for future access to this land.

### **Visual Amenity and Urban Design**

The submitted design proposals show the scheme in its wider context which helps to show its relationship to the existing settlement pattern. The site currently comprises open fields lying to and accessed from the southern side of Glebe Road, behind existing properties and with very limited connections in other directions. Given these constraints the scheme integrates as well as possible into the existing community to the north. Given the limited connectivity of the site, it is well served by local facilities (within 175m distance) including 2 pubs, a chapel and petrol station with some local shop facilities. In addition to this there are a number of facilities within half a mile of the proposed site entrance which include Tre Uchaf Primary Scholl as well as a large green space for recreation nearby, Loughor RFC, Gower College Swansea (Gorseinon Campus) and Penuel Chapel. Further afield both Pontybrenin Primary School and Ysgol Gynradd Gymraeg Pontybrenin (Welsh Medium) are located less than a mile from the site. Public transport is within a short walk of the site entrance. It is also intended to provide a pocket park within the scheme for residents' use. Given the limited connections around the site boundaries, as well as the proximity to local facilities, the approach of a single vehicular access point to connect to the existing community is considered acceptable.

The site layout plan presents a scheme which has a mixture of house types and sizes, as well as varying plot sizes, which is a welcomed approach to a housing scheme of this size, as it helps create a mixed community with a good range of housing options as well as visual interest with an increase legibility and sense of place. The area around the site entrance to the north presents a higher density than the remainder of the scheme as a result of the use of terraced dwellings in this location. This succeeds in maximising access to the local facilities and allows for lower density detached houses on the edges which aids integration with the surrounding landscape. Some terraces are present elsewhere within the site but are generally short in nature. The remainder of the site appears suburban in scale and layout with detached or semi-detached properties in plots of varying sizes. Overall the proposal represents a scheme which incorporates a mixture of dwellings types and densities which helps create small character areas.

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Although the scheme is wholly residential, the proximity of the site entrance to a number of established local facilities offsets this.

The indicative layout scheme provides a hierarchy of streets with a main access street running through the scheme, supplemented by minor and shared streets coming off this to serve smaller groups of dwellings. The winding nature of the streets within the scheme respond to the natural/suburban location on the edge of the settlement abutting the countryside, and also aids in reducing traffic speeds whilst providing interest and legibility to the scheme. The proposed shared space areas around the linear green neighbourhood (a landscaped area of retained trees and hedgerows within the site) will also help to reduce traffic speeds and create a more pedestrian friendly environment. The building layout is well structured with perimeter blocks and dwelling fronting the streets. Also plots 1 and 13 address Glebe Road at the site access creating a gateway to the site and positive relationship to the established street scene.

Overall the scheme provides well defined streets and spaces as a result of the structure of the building layout providing a visually interesting townscape. Generally views along the street are terminated well at the front elevation of houses, a notable exception to this however, is the initial view into the site from the entrance at Glebe Road which terminates at a row of parking spaces. However, this area is acknowledged as the connecting access point to the future development land to the east. The layout of the scheme appears to be well considered and the proposal presents good definition between the public and private realm with natural surveillance overlooking most publicly accessible areas.

There are no details of the facing materials of the dwellings, but this could draw on a wide palette. Given the proximity of the site entrance to the listed chapel opposite as well as the adjacent pennant stone pub, the character of these buildings will be significant in terms of stitching the character and appearance of the scheme to the wider area. It will therefore be important to ensure a high quality approach at the site entrance, possibly utilising natural stone in order to respond to the setting of the listed chapel.

Overall the indicative scheme is a well thought out response to the site location and its constraints and displays many good principles of urban design, and as such it is considered that the proposed indicative design and layout of the estate is acceptable and complies with the provisions of Policy EV1 and EV2 of the UDP.

### **Residential Amenity**

On the basis that this is an outline application with all matters reserved, the true impact of the proposal on individual households can only be assessed at reserved matters stage. However, some consideration is given below to the indicative layout scheme provided. However, when the reserved matters application is submitted, this issue can be addressed in detail at that stage.

With regard to the amenity of existing residents along Glebe Road, the closest property within the indicative scheme would be Plot 33, however this achieves a separation distance in excess of 40m from the rear of 101 Glebe Road. Whilst Plot 32 is situated closer to the site boundary, it is neighboured by the commercial petrol filling station/garage and as such residential amenity is not a consideration.



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In terms of the residential amenities of the future occupiers of the development, overall the proposed garden size for most plots are sufficient for the size of the proposed dwellings, with more generous gardens provided to the larger dwellings in the southern part of the site and less significant gardens for the smaller dwellings to the north around the site entrance. It is in this northern area that some of the plots fall marginally below minimum separation distances

Having regard to the above, it is considered that the proposed development would not result in any significant impacts on the amenities of existing residents in Glebe Road and would not raise adverse impacts in respect of the residential amenities of the future occupiers of the proposed development. The proposal would therefore be in accordance with Policy EV1 of the UDP.

### **Highways Impacts**

The following self-explanatory comments have been made by the Head of Transportation and Engineering

#### **1 Background**

This proposal is for the erection of up to 92 dwellings on land south of Glebe Road, Loughor. This is one of 3 sites that have been considered in Transport assessments for developments along the Glebe Road/Loughor Road corridor. Each of the sites has included the impact of all others so that the combined impact of traffic from all 3 sites can be properly assessed.

The site has a frontage to Glebe Road of approximately 50m opposite the Moriah Chapel and it is intended to provide a mini roundabout at the access junction which will assist in keeping vehicle speeds low along that section of the highway.

#### **2 Traffic Impact**

Whilst this proposal is for up to 92 dwellings, the transport assessment has assumed to test the impact of up to 120 dwellings. This indicates a traffic generation of 13 arrivals and 50 departures in the am peak with 45 arrivals and 24 departures in the pm peak. The impact of this number of movements has then been assessed at a number of key junctions along the Loughor Road corridor.

The junctions assessed include;

- Site Access
- Loughor Road/Belgrave Road
- Loughor Road/West Street

These are the junctions where impact is considered to be highest especially when combined with the other development sites on the corridor.

All junctions are shown to operate within their theoretical capacity. There are indications that the ratio to flow capacity at Belgrave Road and West Street junctions will approach 0.9 and therefore some queuing will take place. This concurs with the assessments submitted on the other development sites.

### 3 Site Access

Access would be from Glebe Road opposite Moriah Chapel. Road realignment is indicated and a mini roundabout installed. The realignment of the road to accommodate the necessary geometry for a mini roundabout would result in spare road space outside the chapel. Part of the road works therefore will include a bus layby that will accommodate the dropping off and picking up of church goers. The application is in outline form and therefore detailed design will be required. However indicative plans show that this scenario can be accommodated.

An indicative layout plan also indicates a possible internal road layout and whilst some minor amendment would be necessary, the proposal to serve the indicated number of dwellings is feasible.

### 4 Accessibility

There are footways along Glebe Road and Loughor Road that adequately serve the development. In addition there are two public footpaths present. Footpath LC39 runs along the western boundary of the development and LC 40 which runs through the site. LC 40 will need to be rerouted to follow the internal road alignment. Both footpaths connect to Culfor Road.

Bridleway LC 38 traverses east/west to the south of the site joining Culfor Road with Waun Road. The bridleway emerges opposite a proposed footpath from the Cae Duke development.

The National Cycle Network Route 4 utilises Culfor Road and is within reasonable distance of the site.

There is a 30 min frequency bus service past the site.

### 5 Road Safety

The allocated development sites on Glebe Road/Loughor Road have been required to contribute to a range of road safety enhancements in the area. These were identified as requirements under the safer routes in the community scheme and included, traffic calming, a pedestrian crossing and TROs in the wider area. The school drop off facility was a separate issue required to enable improvement to traffic flow along the Loughor Road corridor. This development could generate traffic movements along Waun Road which is in need of traffic calming and there needs to be better linkage with the public rights of way through and adjacent to the site. To that end, the developer is offering a contribution of up to £92,000 and this sum should be apportioned appropriately towards the range of works identified in mitigation of the additional traffic being generated.

The site access works, which includes the provision of a mini roundabout and bus layby I consider to be a separate issue and a consequence of providing access to the site. These works therefore will require full funding by the development in addition to the indicated contribution towards safer routes in the community.

## 6 Conclusions and Recommendation

The impact of the development traffic when added to existing and proposed traffic flows in the area is shown to be able to be accommodated on the surrounding highway network. Access improvements will be of general benefit to through traffic and potentially improve highway safety. Highway safety improvements in the area will ensure that development traffic does not have an adverse effect on identified issues and to that end a developer contribution towards mitigating the effects of additional development traffic is recommended.

I recommend no highway objection subject to the following;

- i. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
- ii. The site shall not be brought into beneficial use until a contribution towards local road safety enhancements has been made. This will require a sum of £92,000 to be deposited with the City and County of Swansea Council secured through a Section 106 Agreement.
- iii. The site shall not be brought into beneficial use until the access works, including a mini roundabout and associated lay-by have been completed in accordance with engineering details to be submitted and approved.
- iv. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

### **Management and Maintenance of Estate Streets – Note**

The applicant is advised that to discharge this condition, the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

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- v. All internal roads, footpaths and public areas shall be laid out and constructed to Highway Authority standards and Specification.

Note: 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, tel. no. 01792 636091.

### **Affordable Housing**

UDP Policy HC3 (Affordable Housing) highlights that where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on suitable sites. The evidence base for this need is the Local Housing Market Assessment which assessed the dynamics of the housing market in Swansea and underpins the Council's Housing Strategy. The affordable housing provisions has been subject to extensive negotiations which has resulted in a total of 19 affordable housing units being agreed equating to 20% provision rather than the 30% advocated within adopted Policy and SPG. However, there are a number of unknown costs associated with this development site. As host to a disused mineshaft there is an inevitable degree of grouting going to be required on the site which is currently unquantified but is estimated to be a minimum of £350,000. This figure is considered to offset the slightly exaggerated land value of £1,493,579,000 and the estimated cost per dwelling of sprinkler systems (likely to be a mandatory requirement on all new dwellings from 2016 onwards) of £3,075.00 per unit (£282,000 total). Having regard to this, on balance the provision of 20% affordable housing is considered acceptable and can be secured by a S106 planning obligation.

### **Education**

The Director of Education has requested a financial contribution. The following schools are within the catchment of the application site:

English Medium Primary – Tre Uchaf Primary

English Medium Secondary - Penyrheol Comprehensive

Welsh Medium Primary - YGG Pontybrenin

Welsh Medium Secondary - Ysgol Gyfun Gwyr

The development will generate the following pupils with the associated cost:

Primary – 28.52 (£295.810)

Secondary – 20.24 (£320.764)

In January 2013, the surplus capacity at Tre Uchaf Primary was 59 with the projection figures for September 2019 being 59 also. However the Welsh Medium primary school YGG Pontybrenin is already over capacity with the projection figures for September 2019 indicating an overcapacity of 65.

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In terms of secondary education English medium Penyrheol Comprehensive currently has capacity and the projection figures up to 2019 indicate a surplus capacity of 122. However, YG Y Gwyr has a 2019 projection figure of 168 overcapacity. On this basis a request of £295,810 has been made towards YGG Pontybrenin and £320,764 towards YG Y Gwyr.

The applicant has however contested these figures, based on there being sufficient English medium places and only a shortfall of Welsh medium places, and therefore the contribution should be linked to the anticipated number of Welsh Medium places required. The draft 'Welsh in Education Strategic Plan 2014-17' issued in December 2013 cites the Welsh Medium percentage in the City growing from 10.5% in 2013 to 16.4% in 2019 (year 6 pupils) or staying around the 14% level for Year 2 pupils. It is therefore argued that a fair and reasonable related contribution would be in the order of:

**92 dwellings x 0.31 primary aged children x 14% requiring Welsh Medium Places x £10,372 = £41,413.**

A similar argument is applied in terms of secondary education, namely that the contribution should only apply to the likely proportion of children that will require Welsh medium provision. The draft 'Welsh in Education Strategic Plan 2014-17' cites Welsh medium percentages in the City growing from 9.45% in 2013 to 13.4% in 2019 (year 9 pupils) . Therefore it is argued that a fair and reasonable contribution would be in the order of:

**92 dwellings x 0.22 secondary aged children x 13.4% requiring Welsh medium places x £15,848 = £42,982.**

The applicant's rationale that it cannot be accepted that 100% of pupil generated by the proposal will require Welsh medium education is considered reasonable and the estimated figures for Welsh medium education take-up in the City are based on sound Welsh Government Guidance. On this basis, the applicant's suggested contribution of £100, 000.00 is considered acceptable and can be secured by a S106 planning obligation.

### **Open Space / Play Space Provision**

UDP Policy HC24 (Play Areas / Public Open Space) requires new housing developments where the level and nature of open space provision in the locality is inadequate, to: make provision for open space within or near to the development or: to contribute towards the provision or improvement of existing off-site facilities.

A request was received from the Parks Department requesting a contribution of £75,000 towards capital construction costs for the upgrading and increasing the size and items of play equipment at Childrens Corner, Loughor Road and Parc William, west of Loughor Road.

In justifying requests for Section 106 Obligations, the Authority is required to have regard to the following tests:

- Necessary to make the development acceptable in planning terms,
- Directly related to the development and

- Fairly and reasonably related in scale and kind to the development

Welsh Office Circular 13/97 (Planning Obligations) also advises that “developers may reasonably be expected to pay for or contribute to the cost of infrastructure which would not have been necessary but for their development. The effect of such infrastructure investment may be to confer some wider benefit but payments should be directly related in scale to the benefit which the proposed development will derive from the facilities to be provided. Developers should not be expected to pay for facilities which are needed solely in order to resolve existing deficiencies”.

To meet the aforementioned tests, the facility needs to be accessible to young families from the proposed development. It is considered that upgrading existing play facilities more than 1km distant from the site would not achieve this. Additionally, the scheme includes two designated play areas as well as significant green corridors/neighbourhood greens. The adopted residential Design Guide seeks to ensure that the starting point for public spaces and play areas is an on-site provision within 5 minutes' walk or 400m from homes, which this scheme provides. As such the request for £75,000 towards improving existing facilities within the wider community is considered unjustified.

The play and open space provision within the application site is considered to be acceptable and complies with the provisions of Policy HC24 of the UDP.

### **Ecological Issues**

The applicant has submitted an extended Phase 1 Habitat Survey which highlights that the trees and hedgerows have an intrinsic interest in a local context and are likely to function as important sources of shelter and corridors for both bats and birds. Additionally the site provides appropriate habitat for terrestrial mammals. The Council's Ecologist has confirmed that the loss of a number of the trees and hedgerows within the site is acceptable as long as measures are taken to mitigation for this loss. As such it is considered appropriate to recommend conditions ensuring habitat species enhancement, the retention and protection of trees, and that hedgerows are not removed as part of the scheme. It is considered that the recommendations in section 6 of the ecological report should be followed.

### **Trees**

Due to the presence of a number of TPO trees on the site, the proposed indicative site layout incorporates a number of areas of existing vegetation to be retained. These areas relate to historic field boundaries and are well integrated into the scheme and provide character and a level of maturity to the scheme. Retained trees and hedgerows help to create 'green corridors' for ecology, provide structure to the development and highlight and create focal areas for open space. These retained features also help to soften views of the development from the wider countryside to the south. The retention of individual trees hedgerows as well as the existing vegetation covering the mineshaft provides good opportunities for biodiversity which helps to partially offset the impact of the development.

The submitted Arboricultural Survey and Hedgerow Assessment provides clear and accurate details regarding the quality, condition and constraints of the trees and hedgerows. Further to this, the Arboricultural Implication Assessment provides a detailed impact assessment of the trees and hedgerows.

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Overall the proposal provides adequate space for many of the trees and hedgerows on this site and many of the high quality trees are retained, an example of which is the high quality native oak tree retained as part of the "Pocket Park." It is considered that the proposal is acceptable in arboricultural terms subject to the inclusion of the planning conditions and informatives.

### **Coal Mining Issues**

The Coal Authority considers that the content and conclusions of the submitted Mining and Contamination Assessment are accurate and recommend that a planning condition should be imposed requiring that further intrusive investigation works be undertaken, to confirm shallow coal mining condition within the southern part of the site prior to commencement of development. Subject to this, the Coal Authority has no objection to the proposed development.

### **Archaeological Issues**

Glamorgan Gwent Archaeological Trust have confirmed that they have no objection to the positive determination of this application, provided a condition be attached to any consent granted requiring the applicant to commission an archaeologist to conduct a watching brief during ground works, as there is still the potential to encounter as yet unrecorded remains of Roman date.

### **Drainage**

This development will separate surface water and land drainage from foul water, so the only drainage impact on the existing sewerage drainage system to Llannant WWTW will be a foul connection. Surface water will be managed and the proposal includes for an attenuation pond in the adjoining enclosure

Dwr Cymru Welsh Water has not objected to this scheme. Whilst Natural Resources Wales raised concerns last autumn regarding the impact of new residential development on the water quality of the estuary, there is no conclusive evidence that supports this view, and the application will discharge between manhole numbers SS57987001 and SS57985101 located in Glebe Road, which ultimate discharges via Llannant WWTW, which is unaffected by the ongoing issues surrounding water quality and surface water discharge in the area. In any event, as indicated above, foul and surface water discharges will be separated.

The arrangements for surface water drainage have been submitted and have been considered by the Council's Drainage Officer and NRW. Surface water from the roofs, hard surfaces and roads will be discharged via an attenuation pond and reed bed system at Greenfield rates.

The details provided are considered to be satisfactory in principle, but it is considered necessary to secure further details of the drainage arrangements via conditions, prior to the commencement of development on site, to ensure there is no potential future harm to the water environment of the estuary or the amenities of existing and future residents.

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The current application if approved will be subject to planning conditions controlling drainage, including the use of SUDs. On this basis, there is no known evidence to justify refusal on drainage grounds. Subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and can meet the overarching aims of sustainable development in this area, and satisfy the provisions of Policies EV33, EV34, and EV35 of the UDP.

### **Other Material Considerations**

The concerns raised by third parties are summarised above and have been addressed within the above appraisal. This includes reference to the current status of this Greenfield site, its acceptability for development and impacts upon the highway access, parking and public safety concerns relating to traffic, all of which are considered in the Highways section above. The indicative design and layout considerations have been carefully assessed and amendments have been made to the indicative scheme to ensure that the design and layout would be acceptable. The impact on trees, local wildlife and ecology has been properly assessed by NRW, the Council's Ecologist and the Council's Arboricultural Officer and subject to conditions are considered to be satisfactory in this respect.

Additionally, the site is crossed by a Public Right of Way, the initial part of which currently runs through a narrow un-lit alleyway. As part of the scheme, it is proposed to realign the public footpath which is considered acceptable in principle however, upon planning approval a formal submission to obtain both temporary and permanent diversion will be necessary.

### **Conclusion**

The proposal is for residential development of up to 92 dwellings on a site allocated for housing in the UDP. The proposal is considered to be acceptable in terms of its impacts on the character and appearance of the area, impacts on residential amenity and impacts on access, parking and highway safety.

The indicative layout and design of the development will create a distinctive development that has had regard to the hedgerows bounding the site and will enable land not previously accessible to the public to be used as open space / informal recreation, and will provide connections to the wider sections of the allocated housing site.

The drainage proposals have been considered in the above report including the foul connections and the hydraulic capacity issues, as well as the land / surface water drainage issues.

### **RECOMMENDATION**

**APPROVE, subject to the following conditions and the applicant entering into a S106 Planning Obligation to provide:**

- **19 units of affordable housing on the site;**
- **an education contribution of £100, 000**
- **a highways contribution of £92,100;**



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- **Management plans for the future maintenance and management of the attenuation ponds and the maintenance, management and public access to the public open space and the play areas;**

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.

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: Drwg No 1107-TP01 Rev A - Existing Site Plan, received 1st May 2013.

Reason: To define the extent of the permission granted.

5 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

Reason: In the interests of the ecology and amenity of the area.

6 Notwithstanding the Mining and Contamination Assessment (Ref 10986/PB/12) submitted in support of this planning application, before development works commence on site, a more detailed investigation of the contamination within the site shall be conducted and the results of this (in the form of a Phase 2: Detailed Investigation Assessment Report) shall be submitted to and approved in writing by the Local Planning Authority.

This Phase 2 Assessment shall;

- a. Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater

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- b. Provide for a more detailed investigation (Human Health Risk Assessment) of the site in order to confirm the presence or absence of those potentially significant source-pathway-receptor pollutant linkages identified in the originally submitted Mining and Contamination Assessment.

Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Environment Agency in order to agree any further investigations required.

In the event that the need for remediation is identified, the applicant/developer shall submit a subsequent detailed report (Phase 3 - Remediation Strategy Options Appraisal) to the Local Planning Authority for its written approval before development works commence on site.

This Phase 3: Remediation Strategy Options Appraisal shall indicate all measures to be taken to reduce the environmental and human health risks identified in the Mining and Contamination Assessment and Phase 2 Assessment, to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

The agreed remediation measures shall be implemented in full.

Reason: To ensure that the safety of future occupiers is not prejudiced.

- 7 Prior to the occupation of any residential unit, a verification report demonstrating completion of the works set out in the approved remediation strategy required by Condition 6 and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long term monitoring and maintenance plan') for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and the reporting of this to the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced.

- 8 If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the safety of future occupiers is not prejudiced.

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- 9 Any topsoil (natural or manufactured), or subsoil to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only materials approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed in writing by the Local Planning Authority.

Reason: To ensure the safety of future occupiers is not prejudiced.

- 10 Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported material is free from contamination and shall be undertaken in accordance with a scheme agreed in writing with the Local Planning Authority.

Reason: To ensure the safety of future occupiers is not prejudiced.

- 11 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;
- 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

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- 11 k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.  
l) A community and stakeholder liaison process.  
Note: items g - j inclusive need to take particular account of the potential for statutory nuisance from site related activities [see Informatives].  
Reason: To ensure minimal nuisance impact on local residents/businesses from construction activity.
- 12 Prior to the beneficial occupation of any building the appropriate basic Radon protective measures shall be installed and appropriate validation reports provided to the Local Planning Authority.  
Reason: In the interests of ground stability and safety.
- 13 Prior to commencement of works on site, further intrusive investigation works shall be undertaken to confirm shallow coal mining conditions within the southern part of the site. In the event that the site investigation confirms the need for remedial works to treat any areas of shallow mine workings and/or any other mitigation measures to ensure the safety and stability of the proposed development, any such works should be undertaken prior to commencement of any works on site.  
Reason: In the interests of ground stability and safety.
- 14 No development including demolition works shall commence on site until a scheme for the retention and protection of trees of British Standard 5837:2012 - Trees in relation to design, demolition and construction has been submitted to and approved in writing by the Local Planning Authority. This shall include full details on all works that impact on the original ground conditions within the root protection areas, as detailed in BS5837:2012 and in particular details of protective fencing, ground protection and construction method, required tree surgery operations, service trenching positions and any changes in ground level within the root protection areas of all retained trees. No development shall take place except in complete accordance with the approved scheme, and the works required by that scheme are in place. All protective fencing, ground protection etc shall be retained intact for the full duration of the construction phase of the development hereby approved, and shall only be removed, or altered in that time with the prior written approval of the Local Planning Authority.  
Reason: To ensure the protection of retained trees on site during construction works.
- 15 No development including demolition work shall commence until all tree protection measures as detailed in the approved scheme have been implemented, inspected and approved in writing by the Local Planning Authority.  
Reason: To ensure the protection of retained trees on site during construction works.

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- 16 No retained trees shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner with 5 years from the date of the first occupation of any building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.  
Reason: To ensure as possible that the landscaping scheme is fully effective.
- 17 If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such a size and species and planted at such a time as may be specified in writing by the Local Planning Authority.  
Reason: To ensure as far as is possible that the landscaping scheme is fully effective and in accordance.
- 18 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.
- 19 Prior to the commencement of any development, a scheme relating to the maintenance of the surface water system shall be submitted and agreed in writing with the Local Planning Authority. The surface water system shall be maintained in accordance with the agreed scheme thereafter.  
Reason: To ensure the satisfactory long-term operation to prevent the increased risk of flooding.
- 20 Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made between manhole reference numbers SS57987001 and SS57985101 located in Glebe Road as indicated on the extract of the Sewerage Network Plan (attached to this decision notice).  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 21 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.

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- 22 The development shall be carried out in accordance with the recommendations contained within Section 6 of the approved Extended Phase 1 Habitat Survey Report by Middlemarch Environmental received on the 30th July 2013.  
Reason: In the interest of protecting the ecology of the site and surrounding area.
- 23 Any open excavations during construction phase shall either be covered or fitted with ramps to prevent any terrestrial mammals that may be present from becoming trapped in open excavations. Details of any ramps or covers to be used shall be submitted to and approved in writing by the Local Planning Authority prior to their use on site.  
Reason: In the interest of protecting the ecology of the site and surrounding area.
- 24 Before the development hereby permitted is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) together with any changes proposed in the levels of the site shall be submitted to and agreed by the Local Planning Authority in writing.  
Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.
- 25 No part of the development hereby permitted shall be occupied until street lighting has been installed in accordance with a detailed scheme to be agreed with the Local Planning Authority.  
Reason: To ensure a convenient and safe form of development.
- 26 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.  
Reason: In the interest of highway safety.

### INFORMATIVES

- 1 The reserved matters application shall have regard to the urban design principles, development strategy and structural landscaping principles of the development, as set out in the information submitted in support of this application.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 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: Policies AS1, AS2, AS6, EV1, EV2, EV3, EV33, EV34, EV35, HC1, HC3, HC17 and HC24 of the Swansea Unitary Development Plan 2008.

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- 4 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).
- 5 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.
- 6 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 is in use or being built
  - Take or destroy an egg of any wild bird
- You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.
- 7 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.
- 8 Any culverting of a watercourse requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Environment Agency seeks to avoid culverting, and its consent for such works will not normally be granted except for access crossings. The Environment Agency has no knowledge of flooding in this vicinity. However, you are also advised to consult with your Engineers Department, who may hold records/additional information, prior to the granting of planning consent.
- 9 The Environment Agency and the Local Authority have permissive powers to maintain watercourses depending on the watercourse's definition as "Main River" or "Ordinary Watercourse". The responsibility for general maintenance of the river and its banks rests with the riparian owner. Any bankside trees or vegetation within 3 metres of the watercourse should be protected from development in order to promote conservation and preserve visual amenity.

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ITEM 10 (CONT'D)	APPLICATION NO.	2013/0617
10	Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.	
11	Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste must be licensed waste carriers.	
12	The activity of importing waste into the site for use as, for example hardcore, must re-registered by the Environment Agency Wales as an exempt activity under the Management Licensing Regulations 1994.	
13	Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under over or within 7 metres of the top of a main river i.e. Nant-y-Fendrod & Nant Bran.	
14	Any culverting of a watercourse requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991.	
15	The applicant or his contractor should follow the advice given in BS 3998 (2010) 'Recommendations for Tree Work'.	
16	The developer is advised to contact Dwr Cymru (Welsh Water) Telephone Swansea 772200 Ext. 2562 with regard to adequacy of water supply and position of water distribution mains in the area.	
17	To protect the integrity of the Public Sewerage System, foul water and surface water discharges shall be drained separately from the site.	
18	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, 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.	
19	To prevent hydraulic overload of the public sewerage system and pollution of the environment, land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.	
20	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.	
21	The developer is advised that the Welsh Government are planning to introduce 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 <a href="http://www.dwrcymru.com">www.dwrcymru.com</a> or on the Welsh Government's website <a href="http://www.wales.gov.uk">www.wales.gov.uk</a> .	



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- 22 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.
- 23 All internal roads, footpaths and public areas shall be laid out and constructed to Highway Authority standards and Specification.
- 24 The developer is advised that the Council's Highways Dept will require a Construction Traffic Management Plan prior to construction works commencing on site. The developer must therefore 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 mark.jones@swansea.gov.uk , tel. no. 01792 636091.
- 25 Under the Flood and Water Management Act 2010 the City and County of Swansea is now classed as the Lead Local Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting a watercourse may be required irrespective of any other permission given and we encourage early engagement to avoid any issues.
- 26 It is an offence under the Town and Country Planning Act 1990 to:  
Cut down, uproot, top, lop, wilfully destroy or wilfully damage a tree protected by a Tree Preservation Order.  
Wilful damage to a protected tree includes damage to its surrounding rooting area by; excavation work, storage of materials or machinery, parking of vehicles, deposit of soil or rubble, disposal of liquids, or the mixing of cement.
- 27 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 Monday 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.
- 28 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.

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**AGENDA ITEM NO. 4 DEFERRALS/WITHDRAWALS**

ITEM	APP. NO.	SITE LOCATION	ACTION
None			

**AGENDA ITEM NO. 5 DETERMINATION OF PLANNING APPLICATIONS**

ITEM	APP. NO.	SITE LOCATION	ACTION
1	2015/1760	<p>Old St Nicholas Church Gloucester Place Maritime Quarter Swansea SA1 1TY</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> subject to any Direction from Cadw and to the following additional condition recommended by Glamorgan Gwent Archaeological Trust: <i>No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed with the local planning authority, to be carried out by a specialist acceptable to the local planning authority and in accordance with an agreed written brief and specification.</i> <i>Reason: As the building is of significance the specified records are necessary to mitigate the impact of the proposed development.</i></li> <li>• Amend Condition 3 to read as follows: <i>Samples of all external finishes, including samples of the metal cladding in its weathered state, shall be submitted to and approved in writing the Local Planning Authority prior to the commencement of works. The scheme shall be implemented in accordance with the approved details.</i></li> </ul>	JL
2	2015/1705	<p>Old St Nicholas Church Gloucester Place Maritime Quarter Swansea SA1 1TY</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> subject to the following additional condition recommended by Glamorgan Gwent Archaeological Trust: <i>No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed with the local planning authority, to be carried out by a specialist acceptable to the local planning authority and in accordance with an agreed written brief and specification.</i></li> </ul>	JL/WPO/ JLewis

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ITEM	APP. NO.	SITE LOCATION	ACTION
2	2015/1705 - Continued -	<p>Old St Nicholas Church Gloucester Place Maritime Quarter Swansea SA1 1TY</p> <p><i>Reason: As the building is of significance the specified records are necessary to mitigate the impact of the proposed development.</i></p> <ul style="list-style-type: none"> <li>• Amend Condition 3 to read as follows: <i>Samples of all external finishes, including samples of the metal cladding in its weathered state, shall be submitted to and approved in writing the Local Planning Authority prior to the commencement of works. The scheme shall be implemented in accordance with the approved details.</i></li> </ul>	JL/WPO/ JLewis
3	2015/1903	<p>Furze Bank 34 Hanover Street Uplands Swansea SA1 6BA</p> <ul style="list-style-type: none"> <li>• Application <b>APPROVED</b>, in accordance with the recommendation.</li> </ul>	JLewis/ WPO's
4	2015/1846	<p>Land east of Gorwydd Road, Gowerton, Swansea</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> in accordance with recommendation.</li> </ul>	JLewis/ WPO's
5	2014/1192	<p>Hendrefoilan Student Village Hendrefoilan Drive Killay Swansea SA2 7PG</p> <ul style="list-style-type: none"> <li>• RESOLVED in accordance with recommendation that the application be <b>REFERRED</b> to Welsh Government as a significant residential development which is not in accordance with the provisions of the development plan (in accordance with the Town and Country (Notification) (Wales) Direction 2012 and that subject to any Direction by Welsh Government that it be approved subject to the following conditions and S106 Planning Obligations and the following amendments:</li> <li>• Page 72 final paragraph – Affordable Housing should be to DQR standard.</li> <li>• Page 73 replace the requirement for a landscape management plan as part of the S106 Planning Obligation with the following condition:</li> </ul>	DO

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ITEM	APP. NO.	SITE LOCATION	ACTION
5	2014/1192	<p>Hendrefoilan Student Village Hendrefoilan Drive Killay Swansea SA2 7PG</p> <p><i>No development shall commence (unless otherwise agreed in writing by the local planning authority in relation to specific advanced works) until a management strategy for the maintenance of all areas of formal and informal open space including the woodland and the LEAP, not subject to adoption by the local authority, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of any management company proposed and its terms of reference and shall be carried out as approved.</i></p> <p><i>Reason: To ensure that the landscaped and woodland areas and the LEAP are adequately.</i></p> <ul style="list-style-type: none"> <li>• A S106 management and monitoring fee shall be paid in accordance with the requirements of the Council's adopted SPG entitled "Planning Obligations" (2010).</li> <li>• The report was also updated as follows:</li> <li>• Page 64 first paragraph, second bullet point "0.8 hectares" should read "8.0 hectares".</li> </ul>	DO
6	2015/1584	<p>Land south of Fabian Way and East of River Tawe Swansea</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> in accordance with recommendation subject to a S106 Planning Obligation and to the following:</li> <li>• A S106 management and monitoring fee shall be paid in accordance with the requirements of the Council's adopted SPG entitled "Planning Obligations" (2010).</li> <li>• The report was updated following receipt of late statement from the applicant.</li> </ul>	DO
7	2015/1138	<p>Land to the south of Loughor Road, Gorseinon, Swansea</p> <ul style="list-style-type: none"> <li>• Application <b>REFUSED</b>, in accordance with the recommendation.</li> </ul>	JLewis/ WPO's

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<b>ITEM</b>	<b>APP. NO.</b>	<b>SITE LOCATION</b>	<b>ACTION</b>
8	2015/1529	Llettyr Morfil Farm U/S-Y878 Felindre Swansea SA5 7LU <ul style="list-style-type: none"> <li>• Recommendation of approval <b>NOT ACCPETED</b>. Application <b>REFUSED</b> for the following reason: <ol style="list-style-type: none"> <li>1. <i>The cumulative effects of the proposed development, when viewed in relation to existing infrastructure and solar farms within the area, is considered to have a significant adverse visual impact on the countryside which is not outweighed by the need to provide renewable energy. The development is therefore contrary to Policies EV1, EV21 and R11 of the City and County of Swansea Unitary Development Plan (2008).</i></li> </ol> </li> </ul>	JLewis/ WPO's
9	2015/1611	The Range, Trallwn Road, Llansamlet, Swansea, SA7 9WL <ul style="list-style-type: none"> <li>• Application <b>APPROVED</b> in accordance with recommendation</li> </ul>	JLewis/ WPO's
10	2013/0617	Land south of Glebe Road, Loughor, Swansea <ul style="list-style-type: none"> <li>• Page 194, first bullet point within 'Response to Consultations' should read "1904-05" and not "140-5".</li> <li>• Correspondence has been received from the Council's Housing Service which requests that the affordable "units to be provided at 42% ACG, social rented tenure, pepper potted throughout the site. We ask that the AH units would include a range of DQR compliant house types, 2 &amp; 3 bedroom houses being the preferred property type. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units."</li> <li>• The recommendation is therefore amended, so that the S106 requirements relating to the 19 units of affordable housing is expanded upon as follows;</li> </ul>	JLewis/  0. WPO's

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<b>ITEM</b>	<b>APP. NO.</b>	<b>SITE LOCATION</b>	<b>ACTION</b>
10	2013/0617	<p>Land south of Glebe Road, Loughor, Swansea</p> <ul style="list-style-type: none"> <li>• 19 units of affordable housing on the site (with the units being provided at 42% ACG, social rented tenure and pepper potted throughout the site. The AH should include a range of DQR compliant house types. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units.</li> <li>• A S106 management and monitoring fee shall also be paid in accordance with the requirements of the Council’s adopted SPG entitled “Planning Obligations” (2010).</li> <li>• Application <b>APPROVED</b>, in accordance with the amended recommendation.</li> </ul>	<p>JLewis/ WPO’s</p>

*Circ: PR, PH, RT, KF, ID, CH, PM, JLewis, DC Planning Officers and Technicians, Democratic Services, Legal Services, Chairman and Vice-Chairman.*