

PLANNING COMMITTEE – 8TH MARCH 2016

ITEM 1

APPLICATION NO.

2015/2544

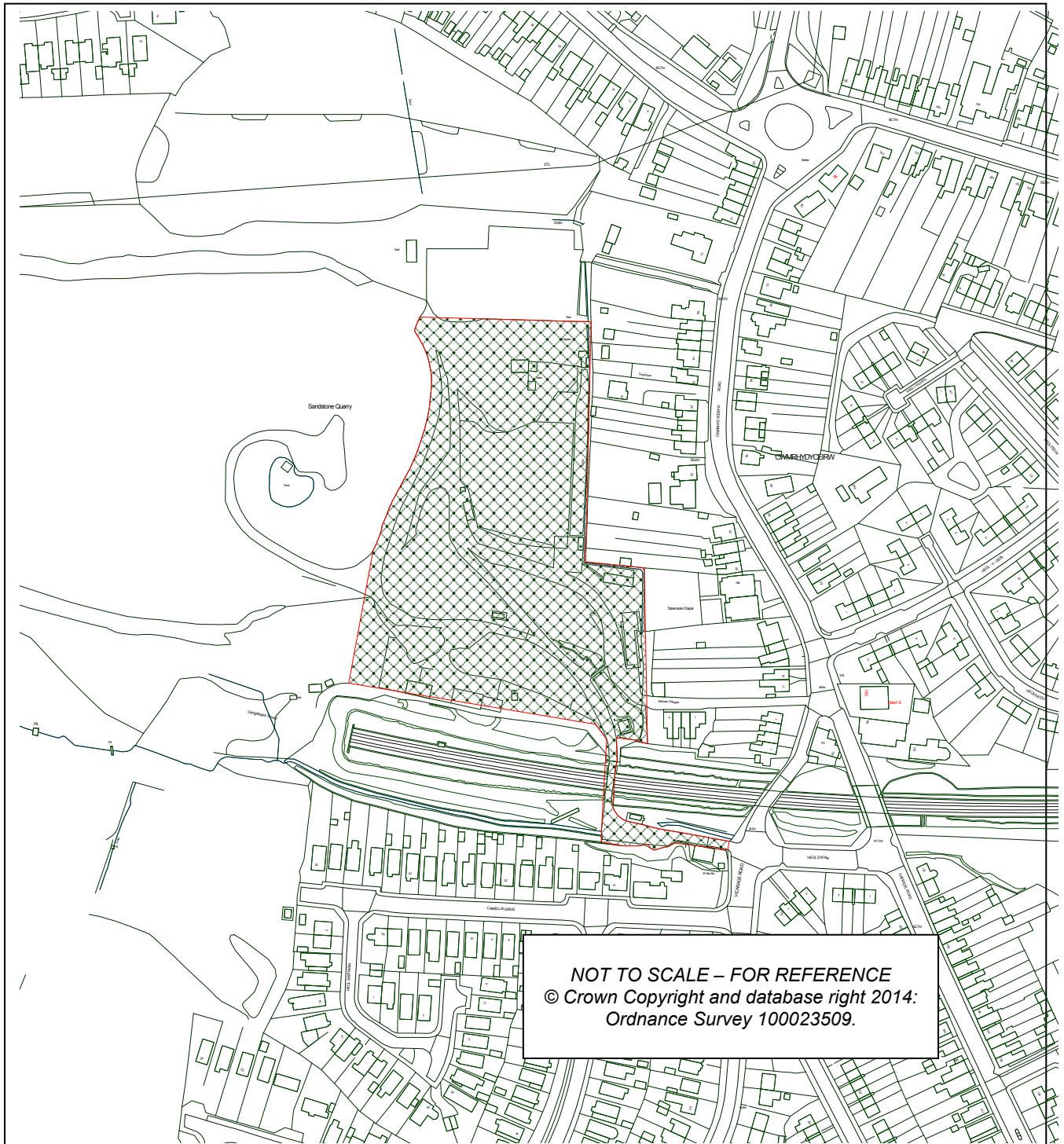
WARD:

Morrison

Location: Cwmrhydyceirw Quarry Vicarage Road Cwmrhydyceirw Morrison Swansea SA6 6DR

Proposal: Variation of condition 1 of planning permission 2010/0825 granted 12th January 2011 to extend the period of time in which to start work

Applicant: SI Green UK Ltd



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BACKGROUND INFORMATION

This application is reported to Committee for determination as the site area exceeds the development threshold.

POLICIES

Policy	Policy Description
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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).

SITE HISTORY

App No.	Proposal
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2001/1223	Erection of detached storage building Decision: Grant Permission Conditional Decision Date: 30/10/2001
2010/0825	Construction of site offices, mess facilities, weighbridge, wheel cleaning facility, resurfacing of car parking areas and access roads, creation of surface water attenuation pond, fuel store and acoustic fencing to a maximum height of 4m Decision: Grant Permission Conditional Decision Date: 12/01/2011
2014/0977	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (outline) Decision: CALLED IN Application (Swansea) Decision Date: 07/08/2014

RESPONSE TO CONSULTATIONS

This application was advertised in the local press, by site notice and twenty five neighbours were consulted. ONE LETTER OF COMMENT has been received which is summarised below:

1. The original planning permission has lapsed – a new application should be made.
2. Operational requirements may have changed since the original planning application was submitted.

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Other consultation responses are summarised below:

Highways Observations 6.01.16

There are no highway objections to the extension of time.

Natural Resources Wales 25.01.16

We do not object to the variation of the above condition.

Natural Resources Wales 25.02.16

The Environmental Permit continues to require the production of a surface water management plan as a pre-operational condition of the permit. Therefore, our position / comments would remain the same as those laid down in the 2010 EA response.

The decision as to whether to condition additional surface water details, as requested by your Authority's own Drainage Engineers, would be a matter for you, as the LPA to decide. However, any condition must not contradict the permit condition.

Network Rail 25.01.16

Network Rail objects to this proposal for the following reason.

The land for the construction of the railway at this location was acquired by virtue of two conveyances being effected with John Player dated 30th March 1909 and with David Thomas dated 29th July 1909. Of these the conveyance from John Player required the Great Western Railway Company to construct a bridge over the railway for the benefit of the lands to the north, the bridge being capable of carrying 50 tons gross laden weight and to be at least 12 feet in width between the parapets. Network Rail remains responsible for the maintenance of the bridge and the surface of the roadway there over.

Whilst the applicant may claim to have sole rights of access over the bridge as successor in title to John Player, the right of access does not create a possessory title since the provision of the bridge is a requirement of the original conveyance. Of course they are entitled to include the bridge and the access road within their planning application provided that they give due notice to the owners (Network Rail). Are the applicants aware that we are the owners of the structure and to either exclude our property from their application or serve the correct notice to acknowledge our ownership.

Network Rail 27.01.16

Please notify the applicant that Network Rail owns this structure and they should not assume they have the legal rights to use it.

Therefore whilst we understand this may not be a planning issue and is a civil matter between the applicant and us we would ask that you attach an advice note on any planning granted that Network Rail own this bridge and the applicant will need to reach an agreement with us over its use for this purpose.

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Drainage and Coastal Management 20.01.16

Based on the information provided and this application represents a simple variation of existing permissions, to secure the provision of the attenuation pond as described, recommend further surface water and land drainage details by condition.

Coal Authority 19.01.16

Part of the application site falls within the defined Development High Risk Area. The Coal Authority records indicate that coal outcrops encroach into a small part of the northern edge of the site.

The proposal is for variation of Condition 1 of the issued consent in order to extend the period of time in which to start the development.

The Coal Authority has no comments to make on the variation of Condition 1 as proposed.

Pollution Control 7.01.16

No objection.

Tree Officer 6.01.16

I have no objection to the application to extend the time period for works as the details of the proposed works have not been altered from the original application.

APPRAISAL

This is an application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 1 of planning permission 2010/0825 at Cwmrhydyceirw Quarry, Vicarage Road, Morryston, to extend the period of time in which to start work. The original 2010 planning permission was granted with the following description of development:

Construction of site offices, mess facilities, weighbridge, wheel cleaning facility, resurfacing of car parking areas and access roads, creation of surface water attenuation pond, fuel store and acoustic fencing to a maximum height of 4m.

Condition 1 reads:

The development shall be commenced not later than the expiration of 5 years from the date of this planning permission and shall be completed in accordance with the said application plans and conditions prior to any part thereof being brought into beneficial use, unless otherwise agreed in writing by the Local Planning Authority.

Section 73 Procedures

As a Section 73 application, the only matter which can be considered is the conditions to which the application relates and the permission itself is not a matter for consideration.

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The Section 73 application allows the local planning authority to reconsider conditions other than that which is the subject of the application to modify, and therefore the local planning authority may decide that planning permission should be granted subject to conditions differing from those subject to the previous planning permission. A Section 73 application cannot be used to vary the time limit for implementation if that permission has expired, in this case the Section 73 application was submitted before the original application expired on 11th January 2016, as such the application was submitted within time to allow for the variation of condition 1.

Background

Since the 2010 planning application was approved an outline planning application has been submitted on land within and around the quarry for circa 300 dwellings which encompasses the application site (Planning Ref: 2014/0977). This application is currently under consideration. Furthermore, the quarry and surrounding land have also been put forward as a candidate site for housing within the emerging Local Development Plan (LDP) and has been included as a housing allocation on the LDP draft proposals maps.

Main Issues

The main consideration for this application is whether there have been any material changes in circumstances since the granting of the 2010 planning permission which may direct that a different decision should be reached to that of the original approval.

The previous planning application was considered under the policies of the City and County of Swansea Unitary Development Plan (2008) (UDP), this is still the adopted development plan for the area as such there have been no new local planning policy changes since the 2010 planning permission was granted. Moreover, there have been relevant no changes to national planning policy that would affect the determination of this application.

The LDP has not yet reached the deposit stage as such little weight can be afforded to the inclusion of the site for housing within the emerging plan. Moreover, the outline planning application for a housing development on the site, referred to above, is still under consideration.

It is set out in the supporting information submitted with the application that the long term aim of the applicant is to develop the site for housing, however, the site has an existing use as a landfill site and benefits from an environmental permit for these activities from Natural Resources Wales. As such the current planning application seeks to protect and facilitate the existing use pending consideration of the residential development on the site

It should be noted that the approval of this application would not prejudice any subsequent approval of planning permission for housing on the site. The applicant has stated that they would agree to rescind this planning permission should residential development be granted to ensure the landfilling use is permanently ceased. Such matters could be secured through a Section 106 planning obligation, should planning permission be granted for residential development at the site.

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Other Matters

Statutory consultees and other consultees have raised no objections to the application, other than Network Rail, who have objected to the application on the grounds that they own the railway bridge and should therefore have been served notice of the applicant's intentions. In response to this objection, it is noted that the applicant has signed Certificate D on the application forms and has advertised their intentions in the local press. It is therefore considered that the applicant has satisfied the requirements of the legislation set out in the Town and Country Planning (Development Management Procedure) Wales Order 2012 (as amended). Network Rail have provided an amended response dated 27.01.16 requesting an informative note is included, should planning permission be granted, to advise the applicant that Network Rail are the owners of the bridge and an agreement will need to be reached over its use. Network Rail acknowledge this is a civil matter. An informative note will be included to advise the applicant to contact Network Rail prior to the commencement of any works.

In respect of surface water drainage at the site, NRW have confirmed that the environmental permit for the landfilling operations includes a pre-operational condition requiring the production of a surface water management plan for the site. It is therefore not considered to be necessary to include a planning condition requiring further surface water management details as this matter is covered by the environmental permit.

Conclusion

In light of the foregoing, it is considered that there have been no material changes in circumstances since the 2010 approval. The proposed development would still comply with UDP Policies EV1 and EV2. It is therefore recommended that the application is approved to extend the time period to commence development.

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: SIG/CW/04-10/15532- plan showing the proposed layout of the site reception area and the location of the components of the site infrastructure, SIG/CW/05-10/15571- plan showing the site location and the planning application boundary, SIG/CW/05-10/15572- plan showing the proposed layout of the site reception area and the location of the components of the site infrastructure received 25th June 2010. SIG/CW/04- 10/15528 rev A - plan showing the site location and the planning application boundary, received 6th January 2016.
Reason: To define the extent of the permission granted.

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- 3 The scheme for the treatment and monitoring of Japanese knotweed at the site shall be fully implemented in accordance with the details and timescales specified within the Method Statement CRC MS 2011-002 produced by SI Green.
Reason: In the interests of the ecology and amenity of the area.
- 4 The building and plant hereby permitted shall be removed and the land restored on or before the completion of the restoration of the land fill site, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of visual amenity as the temporary nature of the building renders it unsuitable for permanent location (in this predominantly residential area).
- 5 No part of the development hereby approved shall be occupied until the access shown on the approved plans has been constructed in accordance with details, which shall include longitudinal road sections and surface water details, to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and to ensure surface water is discharge without detriment to the environment and without causing an increased risk of flooding elsewhere.

INFORMATIVES

- 1 Please note Network Rail have confirmed that they own the railway bridge within the application site area. You are advised to contact Network Rail prior to the commencement of development to discuss their requirements. You are also advised to read their consultation responses to this application, which are available to view under the planning reference number at <http://www.swansea.gov.uk/planningsearch> .
 - 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 and EV2.
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ITEM 2

APPLICATION NO.

2015/2522

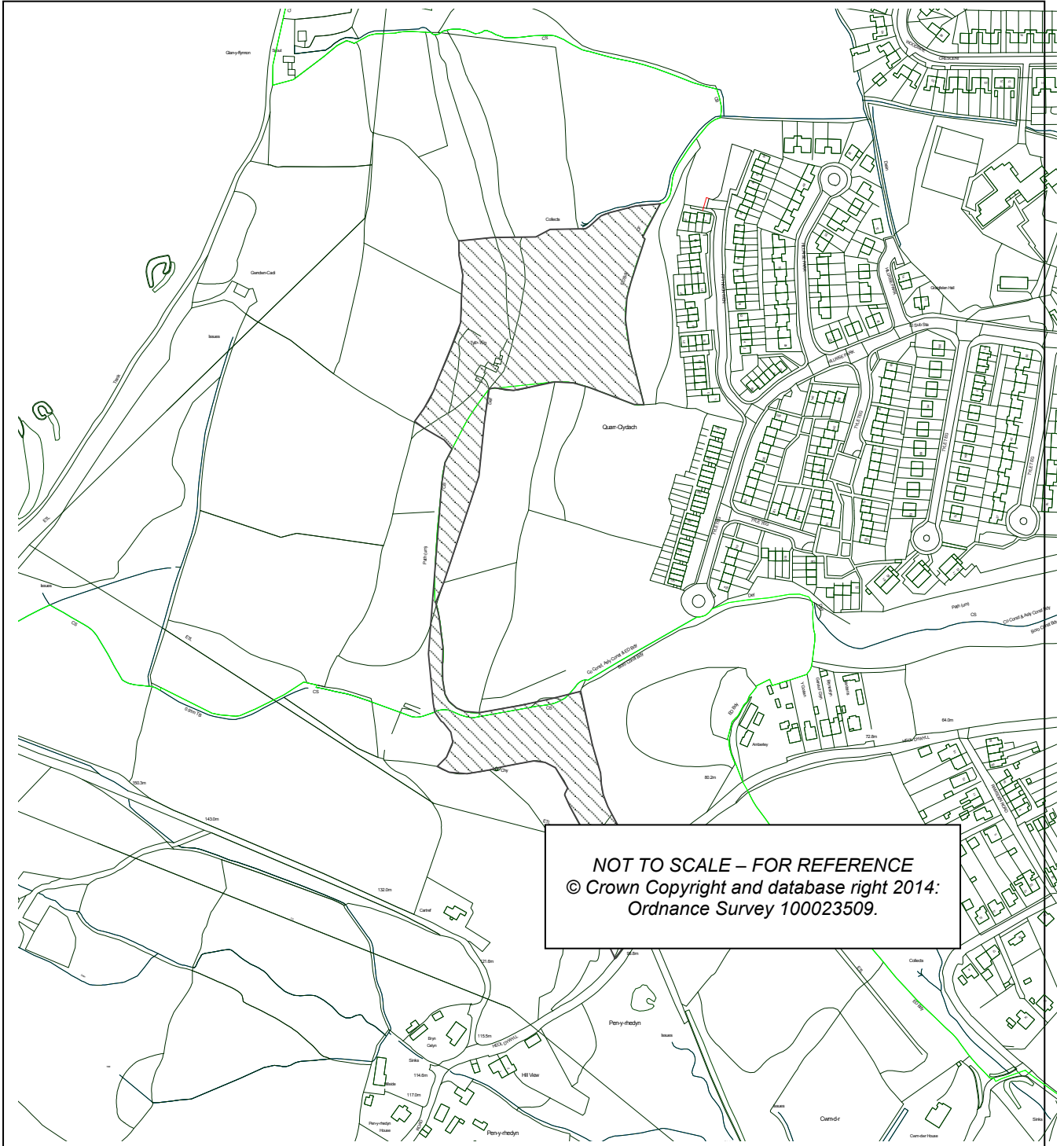
WARD:

Mawr

Location: Former Hills Colliery, Heol Dywyll, Clydach, Swansea

Proposal: Use of land for the keeping of horses and construction of stables and storage barn

Applicant: Mr C Thomas



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ITEM 2 (CONT'D)

APPLICATION NO.

2015/2522

BACKGROUND INFORMATION

This application is reported to Planning Committee for determination as the application site exceeds the development threshold.

POLICIES

Policy	Policy Description
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 EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)
Policy EV28	Within locally designated areas the natural heritage will be preserved and enhanced wherever possible. (City & County of Swansea Unitary Development Plan 2008)
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy 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)

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Policy EV39 Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant risk. (City & County of Swansea Unitary Development Plan 2008)

Policy HC27 Proposals for development of land and facilities for recreational equestrian activities will be permitted provided there is no adverse effect to the natural heritage and historic environment or likelihood of loss of the best and most versatile agricultural land. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
2005/2555	Proposed access road (application for the Prior Approval of the Local Planning Authority) Decision: Prior Approval Is Required Decision Date: 23/12/2005
2006/1816	Proposed access road (application for the Prior Approval of the Local Planning Authority) Decision: Withdrawn Decision Date: 01/09/2006
2007/1438	Proposed access road (application for the Prior Approval of the Local Planning Authority) Decision: Prior Approval be given conditional Decision Date: 23/11/2007
2015/0647	PRE APP for proposed stables Decision: Mixed Response Decision Date: 29/06/2015

RESPONSE TO CONSULTATIONS

The application was advertised in the press and by site notice. ONE LETTER OF OBJECTION has been received and FIVE LETTERS OF SUPPORT. The letters are summarised below:

Objection letter:

1. Concerns that the access traverses land not within the ownership of the applicant.
2. Concerns the increased number of drivers from the development site would have possible severe consequences on Heol Dwyll, which connects Clydach to Morriston Hospital.

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Support letters:

1. The development would ensure that the site doesn't fall back into disrepair.
2. Stables would be preferable than what it has been – a dumping ground.
3. Stables would keep the whole area clean from fly tippers.

Other consultation responses:

Highways Observations 24.02.16

Use of land for the keeping of horses and construction of stables and storage barn.

No access details have been provided but it is apparent that vehicular access is gained off Heol Dywyll.

A parking layout has not been provided but it appears that adequate parking can be provided. It is not clear if the stables are for personal use or as a commercial venture as the design and access statement makes reference to visitors.

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

1. Adequate parking being provided in accordance with details to be submitted for approval to the LPA.
2. Access details (including vehicular access to the stables) to be submitted for approval to the LPA this will include materials to be used, lighting, maximum gradients and adequate room for two cars to pass.
3. The provision of adequate drainage facilities within the site to ensure that surface water does not flow out onto the highway.

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 Team Leader , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091

Natural Resources Wales 27.01.16

We do not object to the above proposal, but wish to make the following comments.

From the most recent aerial photographs available, it would appear that the proposed site includes and is surrounded by a number of mature trees. We recommend you seek the advice of your Authority's Planning Ecologist to determine if there is a reasonable likelihood of bats or other European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a survey may be required.

We note that a watercourse is located just to the north of the proposed stables and storage barn. Therefore, works should be carefully planned, so that contaminated water cannot run uncontrolled into any watercourses (including ditches). We also advise that you consult with your Authority's Drainage Engineers who may have local information/knowledge the area.

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Drainage and Coastal Management 8.02.16

We have no objection to the application, however we must recommend that it be **withdrawn or deferred**.

The application mentions that the new stables will be within 20 metres of a stream; how close will the stables be? What will be the separation distance? How will the applicant as the riparian land owner maintain the stream?

In regards to surface water drainage, while we fully support the use of rainwater harvesting systems they are not suitable to fully manage all storm water events as they are generally full when the empty volume is most needed, therefore separate attenuation/control is required to avoid the creating of unrestricted run-off.

Coal Authority 11.02.16

Within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The proposed stables and barn complex are of a substantial size and they are proposed to be located within the zone of influence of mine entry 268201-022 and potentially also within the zone of influence of mine entry 268201-038. These mine entries were the subject of a previously reported hazard which was responded to under our emergency procedures. The proposed buildings are also proposed to be sited on a thick coal outcrop in which unrecorded shallow coal workings may exist.

The Coal Authority **objects** to this planning application, as the required Coal Mining Risk Assessment Report, or equivalent, has not been submitted as part of the application.

In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application. This is particularly necessary in this case given the previous coal mining hazard occurring on site.

Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, the Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore **objects** to this proposal.

If the applicant ultimately fails to demonstrate to the LPA that the application site is safe and stable to accommodate the proposed development then the LPA may refuse planning permission, in accordance with Planning Policy Wales, paragraph 13.9.

Landscape Section 24.02.16

Recommendation: Proposal is contrary to EV30

Tree felling and scrub clearance has taken place throughout the site. Some substantial trees located within TPO 245 have been cut down and destroyed, their removal was unauthorised. Woodland TPO's cover all trees in the area specified, including saplings.

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The site of the proposed stables and barn is some distance from all trees and as such will have no detrimental effect on them.

Grazing of horses throughout the site will prevent succession growth within the woodland – some areas are protected by tree preservation order 245. This is in addition to damage to mature trees caused by grazing.

The change in use will have a long term effect on the woodland TPO's. The site is large enough to prevent access by horses to the protected trees whilst providing areas for grazing elsewhere. However the application is assumed to be the area surrounded by the red line, which includes the protected trees.

Planning Ecologist 17.02.16

The area falls within the Homlean Wood SINC and consists mainly of semi natural woodland a Biodiversity Action Plan habitat. The area is also contiguous with a section of ancient woodland which will enhance its ecological value. The site will be of significant ecological value and will require a full ecological survey. There will be ecological constraints on the development; it is possible following the survey that a recommendation to refuse on ecological grounds may follow.

APPRAISAL

This application seeks planning permission for the erection of stables and a storage barn together with the use of land for the keeping of horses at the former Hills Colliery, Heol Dywyll, Clydach.

The application site encompasses an irregular shaped parcel of land in excess of 2 hectares. Vehicular access is derived via a steep track off Heol Dywyll. To the west of the track the levels rise up steeply to agricultural land, to the east the levels drop to a forested area with the built up area of Clydach beyond. Dominating the southern portion of the site, where the stables are proposed to be sited, is a tall red brick chimney stack which provides a striking reminder of the former industrial use at the site.

The proposed stables would be sited on a relatively level plateau area that has been cleared of all vegetation. A compound has been formed on this land comprising of several large storage containers and high access gates. These elements are not for consideration under this planning application and are currently the subject of a complaint with planning enforcement. It is evident on site that a significant number of mature trees have been removed, some of which are covered by tree preservation orders (TPO). This matter is currently being investigated by the Council's landscape section. No information regarding the felling of trees or works to trees has been provided with this application.

In terms of the planning history at the site, prior approval of the local planning authority was given in 2007 (Planning Ref: 2007/1438) for a proposed access road.

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MAIN ISSUES

The main issues for consideration are the impacts of the development on the character and appearance of the area, the impacts of the development on residential amenity, the impacts of the development on highway safety and whether the land is capable of accommodating the proposed development in a safe and satisfactory manner, having regard to the coal mining legacy at the site and ecological constraints.

The City and County of Swansea Unitary Development Plan (2008) (UDP) is the extant development plan for the area. The following UDP Policies are considered to be material to the consideration of this application EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV22 (Countryside General Policy), EV28 (Sites of Local Importance), EV30 (Trees, Woodland and Hedgerow Protection), EV35 (Surface Water Run-Off), EV39 (Land Instability) and HC27 (Use of Land for Horses for Recreational Purposes).

Policy EV1 seeks to ensure that the proposed development accords with the objectives of good design and should be appropriate to its local context. Policy EV2 requires new developments to have regard to the physical character and topography of the site. Policies EV3 and AS6 require developments to provide satisfactory access and parking provision. Policy EV21 stipulates that in the countryside non-residential development will only be permitted where it is demonstrated to be acceptable in relation to a number of criteria. This is supported by EV22 which states that the countryside will be conserved and enhanced for the sake of its natural, historic, cultural, agricultural and recreational value. The application site forms part of a Site of Interest for Nature Conservation (SINC), EV28 does not permit development that would adversely affect SINC or would not provide sufficient mitigation, unless the benefits of the development would outweigh the harm to the feature concerned. EV30 seeks to provide protection for woodland, trees and hedgerows. As the development will result in increased impermeable areas at the site Policy EV35 is relevant and relates to the provision of satisfactory measures to deal with surface water runoff. The development is located within a development high risk area due to former coal mining workings, Policy EV39 states that development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted unless information is provided to demonstrate that proposals to make the land capable of supporting the development are adequate. Policy HC27 refers to use of land for horses for recreational purposes and requires that developments should not have a significant adverse effect on natural heritage and the historic environment.

Visual Amenity

The proposal is for the construction of a stable block capable of accommodating 10 horses together with a birthing stable and storage barn for the storage of food and equipment. The stable building would have an L-shaped footprint arranged around a central yard area with the barn in the corner of the yard. The stable buildings and store would have a relatively low profile achieving a ridge height of some 4m. The stables would be faced in white painted block work with green metal sheeting for the roof. The store would be faced in green box profile metal sheeting.

The buildings would be sited near the edge of an elevated plateau which drops to the north and east down to woodland areas below.

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The design and access statement describes that the development is proposed for the domestic pleasure of the applicant and his family. Whilst this may be the case, no information has been provided regarding why the stables need to accommodate the high number of horses proposed. Furthermore, the inclusion of a birthing stable suggests that horse breeding will be taking place at the site. It is considered that the scale of the proposals (including the birthing stable) are more akin to a commercial stables. No substantive information has been provided in support of the application to demonstrate how the development would accord with the criteria of EV21, which relates to non residential development in the countryside.

It is considered the isolated siting of a development of this size, away from any other buildings (save for the chimney), would result in an incongruous and unjustified development on a prominent embankment within the countryside and would be detrimental to the rural character of the area. Whilst the buildings would not be widely visible from the housing to the west and north west of the site, the buildings would be clearly visible from the public right of way that runs along the western edge of part of the site, where it would be viewed as a large isolated compound silhouetted on the crest of the embankment upon which the development would be sited. Overall it is considered the scale of the development is not justified and the effect that it would have on the rural character and appearance of the area would be unacceptable, contrary to UDP Policies EV1, EV2, EV21, EV22 and HC27.

Turning to the use of the land for the keeping of horses, it was noted on a site visit that a large number of trees have been removed and the woodland understorey has been cleared within parts of the site. These works have been undertaken in areas of the site protected by TPO 245 and other woodland areas. Whilst these works may or may not have been undertaken to facilitate the proposed use of land for the keeping of horses, there remain areas of the site which retain their woodland character, notably to the east and west of the footpath in the northern part of the site. The steep topography of these areas and their wooded character would, for the most part, not be suitable for horses and would, in their current state, provide little opportunities for grazing. Notwithstanding this, it is considered that to approve the use of this land for the keeping of horses would place increased pressure for the removal of trees within the residual woodland areas of the site in order to provide pasture at the site, which would be detrimental to the natural heritage and the wooded character of the site and would be contrary to EV2 and EV30.

Residential Amenity

The proposed stables would be sited more than 130m to the nearest residential property. This separation distance would be sufficient to ensure there would be no significant residential amenity impacts to the nearest residential properties on Heol Dywyll.

Access and Highway Safety

Access to the site is via a steep track directly off Heol Dywyll. Concerns have been raised in a letter of objection that the traffic arising from the development could have a detrimental highway safety impact on Heol Dywyll.

The provision of 10 stables would increase vehicular traffic to the site, but given the nature of the proposed use, which would not attract significant numbers of vehicles, it is not considered that the proposals would raise any significant highway safety concerns.

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There is sufficient space available within the site for vehicles to access, turn and leave in forward gear. The highways officer has raised no objection to the proposals subject to the submission of further access, parking and drainage details. The proposal is therefore considered to be in accordance with UDP Policies EV1 and EV3.

Risk from Former Mine Workings

The applicant has provided a plan indicating the alignment of old mine workings within and outside of the application site. The plan indicates there are no mine workings underneath the site for the stables. The Council's statutory advisor on these matters The Coal Authority (CA) has reviewed the application and considers that insufficient information has been provided. The CA consider the proposed stables and barn complex are of a substantial size and they are proposed to be located within the zone of influence of mine entry 268201-022 and potentially also within the zone of influence of mine entry 268201-038. The proposed buildings are also proposed to be sited on a thick coal outcrop in which unrecorded shallow coal workings may exist. The CA has therefore requested the submission of a coal mining risk assessment. As the application has not been accompanied with this information it is considered insufficient information has been provided to demonstrate that the site can accommodate the development without posing a significant risk to life or property. The development would therefore be contrary to UDP Policies EV2(xv) and EV39.

Ecology

Aerial photographs indicated that until recently large parts of the site were covered by woodland. Significant areas of woodland have now been removed. The Council's planning ecologist has confirmed the area falls within the Homlean Wood SINC and consists mainly of semi natural woodland a Biodiversity Action Plan habitat. The area is also contiguous with a section of ancient woodland which will enhance its ecological value. The council's ecologist considers the site to have significant ecological value and has requested the submission of a full ecological survey to fully assess the impact of the development on the ecology of the site and, where appropriate, provide mitigation measures. This is consistent with the advice of NRW. As the application has not been accompanied by an ecological survey it is considered that insufficient information has been provided to demonstrate that the development would not have a significant impact on the ecology of the locality and the wider area. The proposal is therefore considered to be contrary to UDP Policy EV2(v) and EV28.

Drainage

The Council's drainage engineer has noted that the site is located in close proximity to a stream and has requested further information regarding how this would be maintained. He has also raised concerns regarding the management of surface water from the site. NRW has also noted that works should be carefully planned to ensure contaminated water cannot run uncontrolled into any watercourses.

Had the development been considered acceptable in all other respects it would have been necessary to require the provision of further drainage information to address the concerns raised by consultees.

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ITEM 2 (CONT'D)

APPLICATION NO.

2015/2522

Other Matters

Concerns have been raised in a letter of objection that part of the site is not within the ownership of the application. No evidence has been provided to substantiate this claim as such the application will be considered on the basis of the information provided, which indicates that the applicant owns the application site in its entirety.

Letters of support have been submitted suggesting that the use of the site for stables and the keeping of horses would allow the land to be effectively managed and would prevent the site being used for fly tipping. Whilst increased activity associated with the proposed development should facilitate increased management and surveillance of the site, this may be achieved by other means that would not result in the significant impacts to the character and appearance of the area, as described above.

Conclusion

The proposal by virtue of its scale and design would introduce a large and isolated development on a prominent embankment that would have a significant detrimental impact on the rural character and appearance of the area. Furthermore the use of land for the keeping of horses would place increased pressure for the removal of trees on the site to provide pasture land, in addition to those already removed, which would be detrimental to the natural heritage and wooded rural character and appearance of the area. The development would therefore be contrary to UDP Policies EV1, EV2, EV30, EV21, EV27 and HC27. The application has not been accompanied by sufficient evidence to demonstrate that the site is capable of safely accommodating the proposed development given the risks posed by former coal mine workings in the vicinity of the development. The development is therefore contrary to UDP Policies EV2 (xv) and EV39 in this respect. Moreover, insufficient information has been provided to demonstrate the development would not have a significant ecological impact in the area. This is contrary to UDP Policies EV2(v) and EV28. It is not considered that the provisions of the Human Rights Act would raise any further material planning considerations as such the application is recommended for refusal.

RECOMMENDATION

REFUSE, for the following reasons:

- 1 The proposed development, by virtue of its scale and design would introduce a large and isolated development on a prominent embankment without substantive justification that would have a significant detrimental impact on the rural character and appearance of the area to the detriment of visual amenity. Furthermore the use of land for the keeping of horses would place increased pressure for the removal of trees on the site to provide grazing land, which would be detrimental to the natural heritage and wooded rural character and appearance of the area. The development would therefore be contrary to Policies EV1, EV2, EV21, EV27, EV28, EV30, and HC27 of the City and County of Swansea Unitary Development Plan (2008).

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- 2 The application has not been accompanied by sufficient evidence to demonstrate that the site is capable of safely accommodating the proposed development given the potential risks posed by former coal mine workings in the vicinity of the proposed buildings. The development is therefore contrary to Policies EV2 (xv) and EV39 of the City and County of Swansea Unitary Development Plan (2008).
- 3 The application site forms part of Homlean Wood SINC and includes areas of semi natural woodland - a Biodiversity Action Plan habitat. The application has not been accompanied by sufficient evidence to demonstrate that the development would not have a significant impact on ecological interests at the site. The development is therefore contrary to Policies EV2 (v) and EV28 of the City and County of Swansea Unitary Development Plan (2008).

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, EV22, EV3, EV28, EV30, EV35, EV39 and HC27.

PLANS

Block Plan, Proposed Stable Block Elevations, Proposed Storage Barn Elevations, Proposed Stable Block and Storage Barn Floor Plans, received 18th December 2015 and Site Location Plan, received 4th January 2016.

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ITEM 3 (CONT'D)

APPLICATION NO.

2015/2308

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
Policy EV19	Replacement dwellings in the countryside, including residential chalets, will only be permitted where the residential use has not been abandoned, the proposed new dwelling is similar in terms of siting, scale, design and character and compliments the character of the surrounding area. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
2007/2488	Extension to existing stable block Decision: Grant Permission Conditional Decision Date: 03/01/2008
2009/0786	Single storey front extension incorporating chimney Decision: Grant Permission Conditional Decision Date: 18/09/2009

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2009/1376 Single storey front extension, single storey rear extension, rear porch, rear balcony, two dormers on east side elevation and one dormer on west side elevation

Decision: Grant Permission Conditional

Decision Date: 18/03/2010

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press as a development not in accordance with the Unitary Development Plan. ONE LETTER OF OBJECTION and ONE LETTER OF OBSERVATION have been received which can be summarised as follows:

- Concern over the release of toxic asbestos during demolition
- There is no mention of asbestos or how it is to be managed/disposed of within the application
- It is noted that the applicant intends to relocate the proposed dwelling away from the existing trees to ensure their retention however the trees in question have a greater negative impact upon the neighbouring property.

Ilston Community Council - I am instructed by my Council to inform you of the Council's concerns about this application.

The proposed building appears to be influenced by a very untypical barn in Lunnon which is unusually large and tall. As a result the proposed new building is inappropriate in size and scale.

There is no visual impact assessment of this application which claims simultaneously to command excellent views yet is well screened.

The existing bungalow is of no great architectural value but is known to contain asbestos. There is no plan for minimising the risk of contamination during demolition of the existing building.

The use of blue pennant stone is out of character with local barns which are built of limestone.

In view of the above, my Council is unable to support this application in its present form.

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

Head of Transportation and Engineering – No objection

Ecology Officer – No objection

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APPLICATION NO.

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APPRAISAL

Full planning permission is sought for a replacement dwelling house (and detached garage) at The Bungalow, Lunnon, Parkmill, Gower. The existing property is a modest sized chalet style bungalow which is situated within a small hamlet. The site is located within both the open countryside and the Gower AONB.

The site has expansive views to the south and west over the rural landscape and coast. The existing house occupies a concealed location at the head of a long heavily wood lined driveway. Upon reaching the dwelling the site opens offering expansive views to the south and west over the rural landscape and coast. Although relatively concealed from the immediate surroundings, the site may be viewed at a significant distance from public vantage points.

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 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.

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Whilst Policy EV19 requires replacement dwellings to be similar in terms of siting, scale, design and character to the dwellings to they will replace, it is not considered that it is intended to prevent appropriate development where it can be clearly demonstrated that there would be no harmful impact on the character of the area through the increased size of a dwelling or where there is an enhancement in the appearance of the existing dwelling. At the same time it is paramount that any new dwelling achieves a high quality design that responds to, protects and enhances the inherent qualities of the countryside and Gower AONB whilst also respecting the residential amenity of surrounding properties and the scale and massing of the existing dwelling. Where abandonment has occurred or the dwelling has been vacant for a considerable period of time and/or deteriorated to the extent that re-use for residential purposes would involve rebuild, such proposals would fall to be considered as new residential development in the countryside and assessed against appropriate policies. As the dwelling is currently occupied the issue of abandonment is not material to the consideration of this application.

Whilst these policies are relevant during the determination of this application, it is also important to note that Planning Policy Wales states that Local Planning Authorities should encourage high quality design of buildings and spaces in their policies and guidance. They should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

Whilst it is acknowledged that the dwelling may comply with criterion (i) of Policy EV1, 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). The application has therefore been advertised as a Departure from the provisions of the UDP.

The recently adopted Supplementary Planning Guidance document entitled 'A Gower Design Guide' tries to provide additional clarification with respect 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 stifle appropriate modern or innovative designs which are sensitive to the AONB in accordance with Policy EV1 or to restrict proposals which would complement the character of the Gower in accordance with Policies EV19(iii) and EV26. It is acknowledged that 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.

Visual Impact

The site lies within the countryside and Gower AONB and it is paramount that any new dwelling achieves a high quality design that responds to, protects and enhances the inherent qualities of the countryside and Gower AONB whilst also respecting the residential amenity of surrounding properties and the scale and massing of the existing dwelling.

It is evident that the applicant has tried to replicate a traditional "Gower Barn", taking reference from an existing barn in Lunnon and recognising the need for the architecture to respond to the rural character of the wider countryside and Gower AONB.

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Whilst it is acknowledged the proposed dwelling is considerably larger than the existing dwelling it must be noted that the site can accommodate the proposal without giving rise to an unacceptable form of development.

The existing host dwelling is a single storey, roughly 'L' shaped, 3 bedroom structure with a veranda to the front (south-west) and is set within its own extensive private grounds. It occupies a footprint of around 204m² including the seating area and veranda.

The design of the proposed replacement dwelling focuses on a traditional barn structure with a more modern contemporary annex projecting off the southern elevation. This projection includes a lower ground floor which in effect will be sunk into the landscape. The proposed dwelling will have a footprint of around 186m², albeit it will provide two floors of accommodation (three if the sunken basement level is included) with the upper floor partially contained within the roof. The existing cross sections through the site identify the ground levels and massing of the existing property and indicate the lowest ground level associated with the existing building is 47.53 and the highest point of the ridge is 53.74, giving an overall height of 6.25m visible from the front elevation. The overall width of the front elevation measures 18.59m. The existing dwelling is sited high in the site and has a slab level of 48.93.

The design proposes to relocate the new dwelling some 14m to the south, away from the existing mature trees and their root protection areas to a slightly lower part of the site, which will also assist in creating better views. The parking provision will be relocated from the south to the northern part of the site and will include a detached garage. The slab of the proposed dwelling is at a level of 46.77 and replicates the height proportions of the referenced barn in Lunnon (6.97m to ridge). A ridge height level of 53.74 is achieved equal to the ridge height of the existing dwelling. The length of the barn in Lunnon is over 23m. However, the length of the proposed replica barn is 19.7m so as to better reflect the width of the existing dwelling.

The form and massing of the building is therefore considered acceptable and the design concept and visual character of the building adequately reflects the local character of barns upon which the concept is based. The proposed dwelling displays a suitably simple appearance which again, reflects the barn concept. The main part of the dwelling will be finished entirely in locally sourced limestone, with the exception of the western side elevation which will feature vertically hung larch cladding to the upper half only (whilst the submitted application forms indicate the use of blue pennant stone, the applicant's agent has since advised that limestone will instead be used). This larch cladding is reflected on the more modern element of the scheme, namely the southward projection featured at lower ground floor/ subterranean level. A slate roof and hardwood doors and windows together with hardwood fascias are proposed. The roof lights proposed on both the northern and southern elevations will be conservation style roof lights, whilst the materials to the contemporary annex will consist of larch timber cladding and large areas of glass with powder coated aluminium frames. A contemporary stone chimney will feature on the contemporary projection to facilitate a wood burner, and the stone used for the chimney will match that of the main barn style dwelling.

The proposed detached garage will be sited to the north east of the dwelling and is of a standard scale and design and will be finished in a combination of limestone, larch cladding and slate roof covering to match the parent property.

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It is considered that the design, coupled with the intention to replicate a traditional Gower barn helps minimise the visual impact upon the wider landscape and Gower AONB and as such it is considered to respect and enhance the character and appearance of its local context. The use of natural quality materials throughout is critical to the success of the scheme. However, further details in respect of the eaves, fascias and guttering is considered necessary in order to ensure the quality of the scheme is maintained as it is essential that the proposal relates to its wider context and as such the quality of the materials is critical. This will be addressed by the use of a suitably worded condition.

Overall therefore, it is considered that the development is of a high quality which will safeguard and protect the natural beauty of the Gower AONB and the natural qualities of the countryside. In addition its siting, form and design will ensure the proposal is compatible with its countryside location in compliance with the principles of Policies EV1, EV2, EV3, EV19, EV22 and EV26 of the Swansea UDP and Gower Design Guide.

Sustainability

The Design and Access Statement indicates that the scheme will have strong environmental credentials. Given the nature of this proposal, it is considered that this scheme should be an exemplar sustainable building. The DAS indicates that the proposal will achieve Code for Sustainable Homes Level 4. This follows the approach adopted for other replacement dwellings such as Heritage Acres, Bryn House and Stormy Castle and is also required in the Supplementary Planning Guidance document entitled 'A Gower Design Guide' for new dwellings which are contrary to the provisions of Policy EV19 of the Swansea UDP. This matter will be secured by the use of suitably worded conditions

Residential Amenity

The application site enjoys an isolated concealed setting set within expansive private grounds defined by strong mature tree lined boundaries to the north-east and east. There are a number of low density dwellings that surround the site to the north south and east. However, the distance and relationship achieved between the proposal and these existing neighbouring dwellings is such that it is not considered that the proposal will result in unacceptable levels of overbearance, overshadowing or overlooking upon any of these properties to such an extent which could warrant a recommendation of refusal. As such the scheme is considered to respect the residential amenities of the neighbouring properties in compliance with the provisions of Policies EV1 and EV19 of the Swansea UDP.

Highways

The Head of Transportation and Engineering has been consulted and raises no highway objections to the proposal subject to conditions.

Ecology

A protected species survey has been submitted in support of this planning application. The surveyor found no evidence of use of the building by bats. The Council's Ecology Officer has consequently raised no objection to the proposal, although the use of precautionary advisory notes are recommended.

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Representations received

The letters of objection/observation received refer principally to issues surrounding asbestos at the property and the associated risks during demolition works. Whilst this point is noted, it is a matter controlled entirely by separate legislation and is not therefore material to the consideration and determination of this application. Other points relating to the visual impact of the proposal are addressed in detail above.

Conclusion

For the reasons set out above, it is considered that the development accords with Policies EV1, EV2, EV3, EV22 and EV26 of the UDP and the Gower AONB Design Guide and will complement the character and appearance of the area.

In overall design terms, the proposal is considered to be of a high quality design and will demonstrate how well considered design can respond positively to the sensitive landscape of the countryside. 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 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.

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.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 10.105.01 Site Location Plan and Existing Topographical Survey, 10.105.02 Proposed Site Layout Plan, 10.105.06 Proposed Garage Floor Plan and Elevations, received 19th November 2015. 10.105.03 A Proposed Floor Plans, 10.105.04 A Proposed Floor Plans, 10.105.05 Proposed Elevations, received 21st January 2016.
Reason: To define the extent of the permission granted.
- 3 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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- 4 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.
- 5 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.
- 6 Prior to the commencement of works on site, full details of all external finishes of the new dwelling and garage (including details of windows, doors, cills, fascias, soffits and guttering and the proposed stone type to be used, together with details of the cut and coursing style of the stone, as well as the mortar type, colour and pointing style) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with such details.
Reason: In the interest of visual amenity
- 7 Details of any external lighting 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
- 8 Development shall not commence until details of foul, surface and land drainage works have been submitted to and agreed in writing by the Local Planning Authority. The dwelling shall not be brought into beneficial occupation until the works have been completed in accordance with the agreed details.
Reason: To ensure a satisfactory means of drainage.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Classes A, B, C, D and E of Part 1 of Schedule 2 shall not apply.
Reason: The development hereby approved is such that the Council wish to retain control over any future further development at the site in order to ensure that a satisfactory form of development is achieved at all times.

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APPLICATION NO.

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INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, EV3, EV22, EV26 and EV19 of the Swansea Unitary Development Plan 2008.
 - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
 - 3 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.
 - 4 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.
 - 5 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).
 - 6 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 birdCare should be taken when working on buildings particularly during the bird nesting season March-August.
-