

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

**ITEM 1**

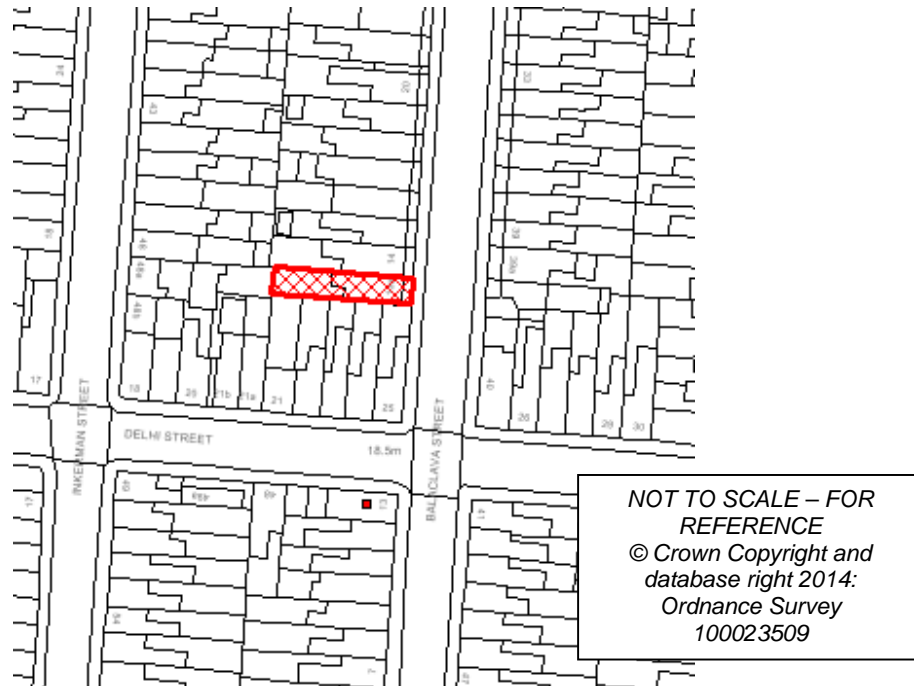
**APPLICATION NO:** 2017/1067/FUL

**WARD:** St. Thomas - Bay Area

**Location:** 13A Balaclava Street, St Thomas, Swansea, SA1 8BS

**Proposal:** Change use of property from 3 bed residential property to 3 bedroom HMO

**Applicant:** Mrs C Hawkins



**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 - EV40 - Air, Noise and Light Pollution

Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (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)

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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**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
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.

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**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.

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### 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:

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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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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.

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### 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.
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### 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.

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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.

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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.

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APPLICATION NO:

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### 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.

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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.

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### 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.

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- 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.

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

**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

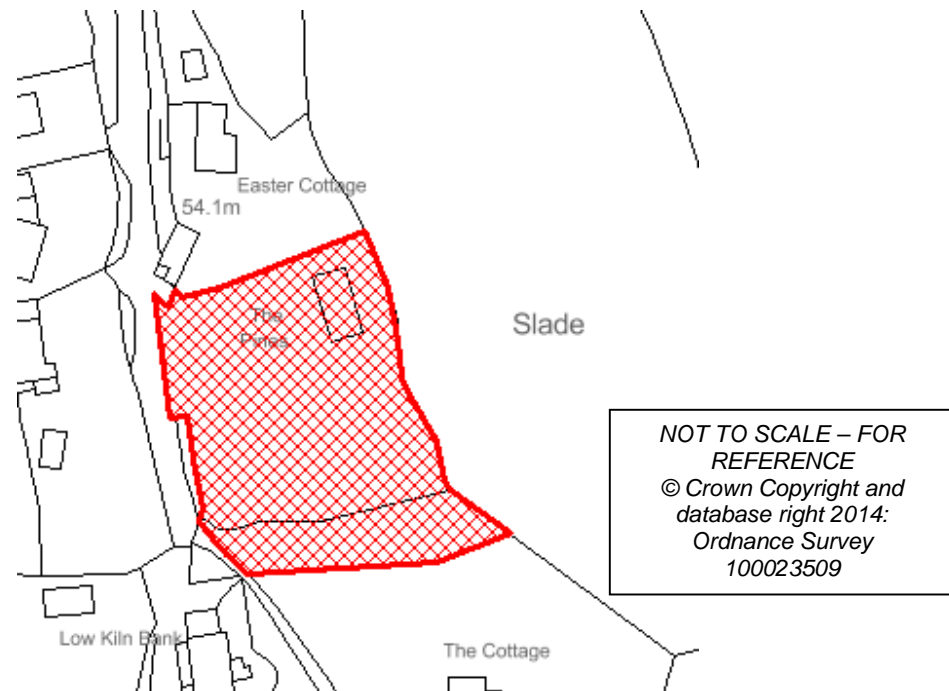
WARD:

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.

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

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.

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

### ITEM 3 (CONT'D)

APPLICATION NO:

2017/0425/FUL

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.

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

**ITEM 3 (CONT'D)**

**APPLICATION NO:**

2017/0425/FUL

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.

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

**ITEM 3 (CONT'D)**

**APPLICATION NO:**

2017/0425/FUL

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.

**ITEM 3 (CONT'D)**

**APPLICATION NO:**

2017/0425/FUL

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.

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

ITEM 3 (CONT'D)

APPLICATION NO:

2017/0425/FUL

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.



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

### ITEM 3 (CONT'D)

APPLICATION NO:

2017/0425/FUL

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.

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

**ITEM 3 (CONT'D)**

**APPLICATION NO:**

2017/0425/FUL

- 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.

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

**ITEM 3 (CONT'D)**

**APPLICATION NO:**

2017/0425/FUL

- 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

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

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

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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.



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### 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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- 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.

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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.

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- 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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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

App Number	Proposal	Status	Decision Date
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

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### ITEM 5 (CONT'D)

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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.

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**ITEM 5 (CONT'D)**

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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



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**ITEM 5 (CONT'D)**

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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: 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.
-