



City and County of Swansea

Minutes of the **Planning Committee**

Council Chamber, Guildhall, Swansea

Tuesday, 5 March 2019 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

C Anderson
M B Lewis
A H Stevens
T M White

Councillor(s)

P M Black
R D Lewis
D W W Thomas

Councillor(s)

L S Gibbard
P B Smith
L J Tyler-Lloyd

Apologies for Absence

Councillor(s): M H Jones

54 **Disclosures of Personal and Prejudicial Interests.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared:

Councillor C R Evans – Personal & Prejudicial – Minute No 57 – Item 4 – 2018/2540/FUL - Personal and Prejudicial as my property backs onto the land for development - made a statement under paragraph 14(2) of the Code and left prior to discussion.

Councillor R D Lewis – Personal – Minute No 57 – Item 5 – 2018/2646/FUL – I have known the family for many years.

Councillor A H Stevens – Personal & Prejudicial – Minute No 57 – Item 5 - 2018/2646/FUL – Close personal relationship with applicant and left prior to discussion.

Councillor D G Sullivan – Personal – Minute No 57 – Item 3 – 2018/2508/FUL – Member of Llangyfelach Community Council and School Governor at Llangyfelach & Pontlliw Schools.

55 **Minutes.**

Resolved that the Minutes of the Planning Committee held on 5 February 2019 be approved and signed as a correct record.

56 **Items for Deferral/Withdrawal.**

None.

57 Determination of Planning Applications under the Town & Country Planning Act 1990.

Prior to discussion, the Cabinet Member for Delivery thanked both Members and Officers of the Planning Committee for their work and input into developing the Swansea Local Development Plan 2010-2025 which was adopted by Council at its meeting held on 28 February.

The Development Conservation and Design Manager then updated Committee on the position relating to the former UDP policies which no longer apply and referred to the implementation of the newly adopted policies contained within the LDP and their implications on future decision making.

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

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

Resolved that: -

1) the undermentioned planning applications **Be Approved** subject to the conditions in the report and/or indicated below(#):

#(Item 1) – Planning Application 2018/1001/RES - Construction of 36 residential units - comprising 17 linked terraced dwellings, 5 pairs of semi-detached dwellings, 1 detached dwelling and 8 flats in 2, two storey blocks and associated works (details of the appearance, landscaping, layout and scale), and details of conditions 9 (drainage), 11 (Landscaping, trees and Japanese Knotweed), 15 (boundary treatment), and 18 (tree retention and protection), pursuant to outline planning permission 2008/0512 granted 8th November 2017) at Land Off Brithwen Road, Waunarlwydd, Swansea

A visual presentation was provided.

Phil Baxter (agent) addressed the committee.

Councillor W G Lewis (Local Member) addressed the committee and outlined her and local residents concerns regarding road safety and the need for yellow lines in the locality.

Report updated as follows:

Two late letters of objection reported.

#(Item 2) – Planning Application 2018/1014/FUL - Construction of 20 no. detached dwellings, garages and associated access and landscape works, and demolition of No. 188 St Teilo Street at Land Formerly Known as the Gardens and Rear of 188 St Teilo Street, Pontarddulais, Swansea

A visual presentation was provided.

Report updated as follows:

This proposal did not meet the Affordable Housing threshold of 25 dwellings within the UDP. However, the Adopted LDP has lowered this threshold to 5 units or more in this location and has set a threshold of 15% provision of Affordable Housing to be provided on site which would equate to 3 units. The applicant has been advised of this requirement, and agreed that the resolution be amended to include this provision within the S106 agreement.

The Housing Enabling Team has indicated that the AH units need to be DQR compliant, and ask for 3 x 3 bedroom houses, to be transferred to the Council/Registered Social Landlord (to be determined/negotiated), social rented tenure. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units.

#(Item 3) – Planning Application 2018/2508/FUL - Construction of 20 affordable residential dwellings with associated access and landscaping works at Land off Rhydypany Road &, Mynydd Gelli Wastad Road, Morriston, Swansea

A visual presentation was provided.

Phil Baxter (agent), Gareth Davies (applicant) and Robert Bowen (agent for the objectors) addressed the committee.

Councillor D G Sullivan (Local Member) addressed the committee and spoke against the application.

Report updated as follows:

ABMU has written in to advise that that they have reached an agreement with the landowner to work together to secure an appropriate option that would work with the adoption of the hospital. In comparison with the UDP, the LDP policy position is notably different, not least the exclusion of the green wedge designation and the inclusion of the Affordable Housing Exception Site policy. The proposal is considered to be broadly LDP policy compliant. The need for affordable housing is well documented and the proposal will help address the need for local people, including the employees of ABMU. The Health board supports the development of this type accommodation in appropriate locations such as this.

One late letter of objection from local residents reported.

The applicant's agent has responded to these comments and indicated that there is no requirement in the policy for a sequential test to be undertaken. The applicant's agent has submitted justification for the proposal, indicating that an opportunity exists to deliver 100% local needs affordable housing with deliverability within 12 months of commencement. The site will deliver the equivalent amount of social rented affordable homes in the same time it will require a minimum 200-unit market-housing site, assuming the market housing site is viable to do so.

Officer Comment:

There is no requirement within LDP policy H6 for a sequential test to be undertaken.

The affordable housing need identified in the LDP exceeds the number of affordable houses that can be provided through allocated sites and windfalls, and as a result, alternative means will need to be found to achieve the overall target. Policy H6 100% Affordable Housing Exception Sites will be part of this solution. It is considered that the developer has demonstrated that there are no satisfactory alternative arrangements to meet the need within the locality and as a result, the proposal is in compliance with Policy H6.

Application approved subject to the completion of a Section 106 Planning Obligation.

#(Item 5) – Planning Application 2018/2646/FUL - Replacement detached dwelling at Lesliedale Farm, Port Eynon, Swansea

A visual presentation was provided.

Report updated as follows:

Late letter of response received from the Council's Ecology Officer requesting the imposition of an additional condition (set out below) and the imposition of an additional informative (also set out below);

Condition

Before the development is commenced, a sensitive lighting strategy (relating to both the construction and operational phases of the development) shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall outline the measures to be taken to avoid the impacts of lighting (both during the construction phase and the operational phase) on bats and other nocturnal species. The lighting strategy shall ensure that the habitats adjacent to and within the site are not lit and that protected species using the site for commuting and foraging purposes can continue to do so without disturbance.

The measures contained within the approved lighting strategy shall be implemented at all times thereafter and any external lighting serving the proposed development shall not conflict with the mitigation measures contained within the lighting strategy at any times.

Reason: In the interest of bats and other nocturnal species.

Informative

Note that all British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).

With regards to reptiles (and amphibians):

Pre-construction checks for any species should be carried out

Any vegetation clearance should be undertaken avoiding the main hibernation period (October-March).

#(Item 6) – Planning Application 2018/2280/FUL - Construction of 16 affordable residential dwellings with associated access, parking, landscaping and ancillary works at Land at Lon Brynawel, Llansamlet, Swansea

A visual presentation was provided.

Geraint John (agent) addressed the committee.

Councillors A Pugh and P M Matthews (Local Members) addressed the committee and outlined their opposition to the loss of the current access across the site for residents.

#(Item 7) – Planning Application 2018/2671/S73 - Construction of 80 no. residential units with associated access and landscaping (removal of condition 9 (European Protected Species) of planning permission 2017/0986/FUL granted 30th May 2018) at Former Civic Centre Site, Penllergaer, Swansea

Report updated as follows:

Following submission of a revised landscaping plan, condition 7 should be updated to read:

The development shall be undertaken in accordance with the landscaping scheme as indicated on Drawing's No. CA 2018 - 071 Rev D Landscape Proposals Overall; CA 2018-72 Rev D Landscape Proposal Trees & Bulbs; CA 2018-73 Rev D Landscape Proposals Hedges; CA 2018-74 Rev C Landscape Proposals Planting Beds; CA 2018-80 Rev C Landscape Proposals Native & Grass; CA Planting Schedule Rev 4 Mar 2019 (received 4th March 2019). Within one month of the date of this permission a fully detailed Landscape Management Plan shall be submitted in writing for written approval by the local planning authority. The Landscape Management Plan shall detail all the long-term conservation and the management measures for the protection and management of all retained and new trees and planting within the approved landscaping scheme.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.

(2) the undermentioned planning application **Be Refused** for the reasons indicated below:

#(Item 4) – Planning Application 2018/2540/FUL - Demolition of the existing building on site and construction of residential development comprising 40 affordable apartments, 3 no. retail units, associated parking, landscaping and ancillary works at Land North Of, Rhodfa Fadog, Cwmrhydyceirw, Swansea

A visual presentation was provided.

Councillor C R Evans made a statement under paragraph 14(2) of the Code and left prior to discussion.

Geraint John (agent), Daniel Lloyd (applicant) and Richard John (objector) addressed the committee.

Councillor A S Lewis (Local Member) addressed the committee and spoke against the development relating to the overbearing design, visual impact, car parking issues and lack of amenity space.

Report updated as follows:

Late correspondence received from a resident of Clos Rhymini who is concerned with the proposal as the building does not fit in the area, it is a busy estate already without more traffic. Council is not listening to people about what they want and the fact it is Coastal Housing is hidden.

These issues are addressed in the Officer's Report as they have been raised by other parties and the provider of the Social Housing is not a material planning consideration.

As the proposal would result in the loss of a bat roost, Derogation tests have been undertaken which conclude as follows:

Regulation 53(2)(e) (Imperative reasons of overriding public interest etc): In this case, the development is not likely to have a major impact on the bat species, and mitigation proposed has been accepted by the Countryside Council for Wales and the Council's Ecologist. The wider public interest includes:

Improving the housing stock with good quality affordable living accommodation

Improving the visual amenity of the surrounding area.

Regeneration of the area following the removal of the existing run down and underused building

Redevelopment of a brownfield site with additional neighbourhood facilities.

Regulation 53(9)(a)(that there are no satisfactory alternatives to the proposed activity): There are two other alternatives to redeveloping the site for residential development. The first alternative considered would be to redevelop the site for another type of development such as two-storey houses/bungalows, however it is considered that these other layouts could have a similar impact to the proposed residential development and also result in the removal of a neighbourhood facility. The second alternative would be to leave the site undeveloped but this would lead of the loss of well needed affordable housing units and the under use of this ideal brownfield site.

Regulation 53(9)(b) (that the action authorised will not be detrimental to the maintenance of the population of the species concerned): The Council's Ecologist and Natural Resources Wales have been consulted on this application. NRW required that a mitigation method statement be submitted. The Council's Ecologist was content that the plans submitted which indicated the mitigation proposed i.e. bat/bird boxes and this was acceptable to mitigate for the loss of the bat roost.

Further correspondence received from the Highways Authority offering no objection to the proposal following the submission of a revised masterplan, subject to conditions.

Condition 14 (swept path analysis) can now be deleted as the details have been provided and are considered acceptable.

The following conditions were proposed:

14. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as private management and Maintenance Company has been established.

Reason: In the interests of highway safety

15. Prior to any works commencing on site, with the exception of site clearance, a Construction Traffic Management Plan shall be submitted to and approved in writing by the LPA. The approved traffic management plan shall be adhered to at all times unless otherwise agreed by the LPA.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

16. Deliveries to the retail units shall not be made between 8 am and 9.30 am or between 15:30 and 17:30.

Reason: To prevent conflict with residents during peak hours.

Having viewed the Officer's report, the applicant has requested minor variations to the terminology of conditions 3 (drainage) and 4 (drainage), 6 (landscaping) and 13 (INNS) to provide clarity on the approved details and timescale for works. These changes are considered acceptable.

Amend conditions proposed as follows:

Condition 3: Insert after site in line 2 – 'which complies with the principles of the Drainage Design Statement (Ref:CDGA-9331-Drainage Design Statement-P2)'

Condition 4: Replace 'dwg SK06 R6' with 'dwg SK02 R6'

Condition 6: Insert after 'No development..' '(with the exception of the trees to be removed as part of this planning permission)..'

Condition 13 be amended to read:

13. Notwithstanding the details within the Ecological Assessment submitted, if, prior to the commencement of development (other than the tree clearance approved as part of this planning permission) any Invasive Non-Native Species (INNS) are identified on site, no further development shall take place until a method statement for removal of the INNS has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

In addition, conditions should be added to control the hours of operation of the A1 retail units (6.00am to 11.00pm) and restrict their use to A1 only.

Application **refused** contrary to Officer recommendation for the following reasons:

1.The proposed development, by virtue of its design, scale and massing is out of keeping with the character and appearance of the surrounding area to the detriment of visual amenity, The proposal is therefore contrary to policy PS2 of the Swansea Local Development Plan (2019).

2.The proposed development, by virtue its scale is considered an over-intensive form of development that fails to provide adequate amenity space for future occupiers of the development to the detriment of residential amenity. The proposal is therefore contrary to policy PS2 of the Swansea Local Development Plan (2019).

The meeting ended at 4.16 pm

Chair