

## CITY AND COUNTY OF SWANSEA

### NOTICE OF MEETING

You are invited to attend a Meeting of the

### AREA 2 DEVELOPMENT CONTROL COMMITTEE

**At:** Council Chamber, Civic Centre, Swansea.

**On:** Tuesday, 23 September 2014

**Time:** 2.00 pm

Members are asked to contact Ryan Thomas (Planning Control Manager) on 635731 should they wish to have submitted plans and other images of any of the applications on this agenda to be available for display at the Committee meeting.

### AGENDA

	Page No.
<b>1 Apologies for Absence.</b>	
<b>2 Disclosures of Personal and Prejudicial Interests from Members.</b>	<b>1 - 2</b>
<b>3 Minutes.</b> To approve as a correct record the Minutes of the meeting of the Area 2 Development Control Committee held on 26 August 2014.	<b>3 - 8</b>
<b>4 Items for deferral / withdrawal.</b>	
<b>5 Determination of planning applications under the Town and Country Planning Act 1990.</b>	<b>9 - 38</b>



**Patrick Arran**  
Head of Legal, Democratic Services & Procurement  
Tuesday, 16 September 2014

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**Contact: Democratic Services - 636824**

**ACCESS TO INFORMATION  
LOCAL GOVERNMENT ACT 1972 (SECTION 100) (AS AMENDED)**

**(NOTE:** The documents and files used in the preparation of this Schedule of Planning Applications are identified in the 'Background Information' Section of each report. The Application files will be available in the committee room for half an hour before the start of the meeting, to enable Members to inspect the contents).

**AREA 2 DEVELOPMENT CONTROL COMMITTEE (37)**

**Councillors**

**Labour Councillors: 25**

Nicholas S Bradley	Andrew J Jones
John Bayliss	David J Lewis
June E Burtonshaw	Paul Lloyd
Mark C Child	Geraint Owens
Bob A Clay	Jennifer A Raynor
David W Cole	Christine Richards
Ann M Cook	Robert V Smith
Jan P Curtice	R C Stewart
William Evans	Mitchell Theaker
Robert Francis-Davies	Gloria J Tanner
Terry J Hennegan	Des W W Thomas
David H Hopkins	Mark Thomas
Yvonne V Jardine	

**Liberal Democrat Councillors: 6**

Mary H Jones	Cheryl L Philpott
Richard D Lewis	T Huw Rees
John Newbury	R June Stanton

**Independent Councillors: 4**

E Wendy Fitzgerald	Susan M Jones
Lynda James	Keith E Marsh

**Conservative Councillors: 2**

Anthony C S Colburn	C Miles R W D Thomas
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## Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

### Councillors

**Councillors Interests are made** in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

**NOTE:** You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
  - i) Disclose orally both the interest concerned and the existence of the dispensation; and
  - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

## **Officers**

### **Financial Interests**

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE AREA 2 DEVELOPMENT CONTROL COMMITTEE

HELD AT COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA ON  
TUESDAY, 26 AUGUST 2014 AT 2.00 PM

**PRESENT:** Councillor P Lloyd (Vice Chair) Presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
J C Bayliss	E W Fitzgerald	J A Raynor
J E Burtonshaw	T J Hennegan	T H Rees
M C Child	M H Jones	C Richards
A C S Colburn	S M Jones	R V Smith
D W Cole	R D Lewis	M Theaker
A M Cook	D J Lewis	C M R W D Thomas
J P Curtice	K E Marsh	M Thomas

20 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors NS Bradley, RA Clay, W Evans, R Francis-Davies, L James, AJ Jones, J Newbury, CL Philpott and RJ Stanton.

21 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS FROM MEMBERS.**

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

Councillors JC Bayliss, JE Burtonshaw, MC Child, AM Cook, ACS Colburn, DW Cole, JP Curtice, EW Fitzgerald, TJ Hennegan, R Francis-Davies, MH Jones, SM Jones, D Lewis, RD Lewis, P Lloyd, KE Marsh, JA Raynor, TH Rees, C Richards, RV Smith, M Theaker, M Thomas – Personal – Item 8(2014/0816) – applicant is a fellow Councillor.

Councillor SM Jones – Personal – Item 7(2014/0847) – I know the applicant.

Councillor CMRWD – Personal & Prejudicial – Item 2(2014/0769) – I know the applicant & architect, made statement under paragraph 14(2) of the code and left prior to consideration and Item 8(2014/0816) – Personal & Prejudicial - I am the applicant and left prior to consideration.

22 **MINUTES.**

**RESOLVED** that the Minutes of the Meeting of the Area 2 Development Control Committee held on 29 July 2014 be approved as a correct record.

23 **ITEMS FOR DEFERRAL / WITHDRAWAL.**

None

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

The Head of Economic Regeneration & Planning submitted a series of planning applications.

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

**RESOLVED** that:

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

**#(Item 2) Planning Application No.2014/0769**

Detached bungalow at Rear of 17 Melcorn Drive, Newton, Swansea.

Miss Harry(objector) and Mrs Heenan(applicant) addressed the Committee.

Report updated as follows -

Page 22 - Policies add "Policy EV30 - Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged."

Page 27 - 4<sup>th</sup> paragraph add 'Policy EV30'

Page 29 – 2<sup>nd</sup> paragraph add sentence "to mitigate against the potential noise / nuisance impact upon 17 Melcorn Drive, an acoustic fence is proposed to the side and rear boundary. The details of which are required to be submitted via condition 6."

Page 29 – add additional paragraph : "Tree T5 (sycamore) is a TPO tree and is to be retained on site. A tree survey and tree protection plan has been submitted which demonstrate the mechanisms for protecting the TPO tree during the course of construction. As such it is considered that the development would not cause a harmful impact on the TPO tree and is compliant with Policy EV30"

Page 32 - Replace plan number HG.13.34.11A site location plan dated 28 May 2014 with HG.13.34.11B revised site location plan dated 13 June 2014 and;

Replace plan number HG.13.34.21A Ground floor plan dated 28 May 2014 with HG.13.34.21B Revised ground floor layout dated 21 July 2014

Approved in accordance with recommendation subject to reference to the amended plans detailed above.

**#(Item 3) Planning Application No.2014/0889**

Replacement dwelling and detached outbuilding with associated landscaping at 89 Southgate Road, Southgate, Swansea.

Mr Phillips(objector) and Mrs Chamberlain(agent) addressed the Committee.

Report updated as follows -

Page 41 – 2<sup>nd</sup> paragraph – replace 'form' with "from"

**(Item 7) Planning Application No.2014/0847**

First floor balcony to rear elevation at Haven, Llangennith, Swansea.

**(Item 8) Planning Application No.2014/0816**

Variation of condition 1 of Planning Permission 2009/0618 granted 17th June 2009 to extend the period of time for a further 5 years to commence works at Llangland Bay House, Llangland Bay Road, Llangland, Swansea.

2) The undermentioned planning applications **BE REFUSED** for the reasons indicated in the report and/or below:

**#(Item 1) Planning Application No.2014/0813**

Two storey side (Northern elevation) extension, addition of pitched roof to existing detached outbuilding and associated landscaping at Llwynderw Lodge, 164 Mumbles Road, Blackpill, Swansea.

Report updated as follows -

Replace plan number: 1494\_THB 402 Rev A Proposed South Elevation dated 28 July 2014 with 1494\_402 Proposed South Elevation dated 5 June 2013.

Application refused contrary to officer recommendation for the following reasons:-  
The proposed extension by virtue of its design would be out of keeping with the character and appearance of the existing dwelling and detrimental to the visual amenities of the area contrary to the provisions of Policy EV1 and HC7 of the City & County of Swansea Development Plan (2008) and the Design Guide for Householder Development (2008).

**#(Item 4) Planning Application No.2014/0876**

Ground mounted solar array; capacity up to 1MW, ancillary infrastructure including access track, fencing, security cameras, inverter kiosks and substation building at Webbsfield, nr Brookvale, Ilston, Swansea.

The Committee agreed to extend the speaking time for both objectors and applicants.

Mr ap Gwent, Mr Denley, Rev Cox, Mr Harding, Mr Jones & Mr Gordon(objectors) and Mr Flanagan(applicant), Mr Upton & Mr Burton(in support) addressed the Committee.

Six further letters of support received.

Letter from Swansea Airport Manager – withdrawal of objection;

“After receiving consultation with the applicant for the proposed solar farm I wish to withdraw the objection submitted on the 10 July 2014. The general consensus within the flying schools and residents is that we now believe there is little or no threat to aircraft and pilots in the vicinity of the development.”

Report updated as follows –

Page 57 - Ilston Community Council – 3<sup>rd</sup> line of second paragraph – replace :‘nature aiplanes’ with Plans”.

Page 58 – 1<sup>st</sup> paragraph – 15<sup>th</sup> line – replace ‘l1ston’ with “Ilston”

Page 77 – 1<sup>st</sup> line – replace ‘top’ with “to”

Page 85 – Condition 3 – replace condition 3 with amended condition “No development or other operations shall commence on site until a landscaping scheme for the site including the reinstatement of the temporary construction compounds, screening of the substation and details of the removal of all trees, and any arboricultural work required is submitted to and agreed in writing by the Local Planning Authority. The landscaping scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and to those originally species required to be planted.”

Page 86 – Condition 11 - Replace condition 11 with amended condition “The design, location,period of use and orientation of any/all new lighting provision and details of all security fencing and CCTV installed as a consequence of the proposed development



shall be submitted to and approved in writing by the Local Planning Authority before any lighting, fencing or CCTV is erected, and the scheme shall be implemented and retained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority”

Page 86 - Additional condition “12. Prior to the commencement of development details of the proposed grid connections including from the solar array to the substation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first use of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the Gower AONB.”

NRW – no objections subject to conditions.

Application refused contrary to officer recommendation for the following reasons:

*The proposal by virtue of its scale and nature would have a detrimental impact upon the character and appearance of the area and the natural beauty of Gower AONB contrary to the provisions of Policy EV1, EV2, EV21, EV22, EV26 and R11 of the City & County of Swansea Unitary Development Plan (2008).*

Approval of this application would set a dangerous precedent for the consideration of similar applications within the area the cumulative impact of which would have a seriously detrimental impact upon the character, appearance and natural beauty of the countryside and Gower AONB contrary to the provisions of Policy EV22 and EV26 of the City & County of Swansea UDP (2008).

#### **#(Item 5) Planning Application No.2014/0677**

Variation of condition 2 of planning permission 2011/0413 dated 2nd June 2013 and use of the outbuilding as a separate unit of holiday accommodation at 2 St Davids View, Reynoldston, Swansea.

Mr Banbury(applicant) addressed the Committee.

Report updated as follows –

Page 93 – Informatives – delete informatives 1 and 2

(3) the undermentioned planning application **BE REFERRED** to the Development Management and Control Committee with a recommendation that planning permission be approved, contrary to officer recommendation for the reasons shown below and subject to the conditions outlined below:

**#(Item 6) Planning Application No.2014/0825**

Two storey side/rear extension with balcony at Llotrog House, Llotrog, Penclawdd, Swansea.

Mr Davies(agent) addressed the Committee.

Reason: that there would be no detriment to the visual amenities of the area and subject to the following conditions:

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. Samples of all external finishes 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 interests of the visual amenities of the area.*

*3. Prior to the commencement of development details of a scheme for the disposal of all surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first occupation of the development. Reason: In the interests of the integrity of the water environment.*

The meeting ended at 4.37 pm

**CHAIR**

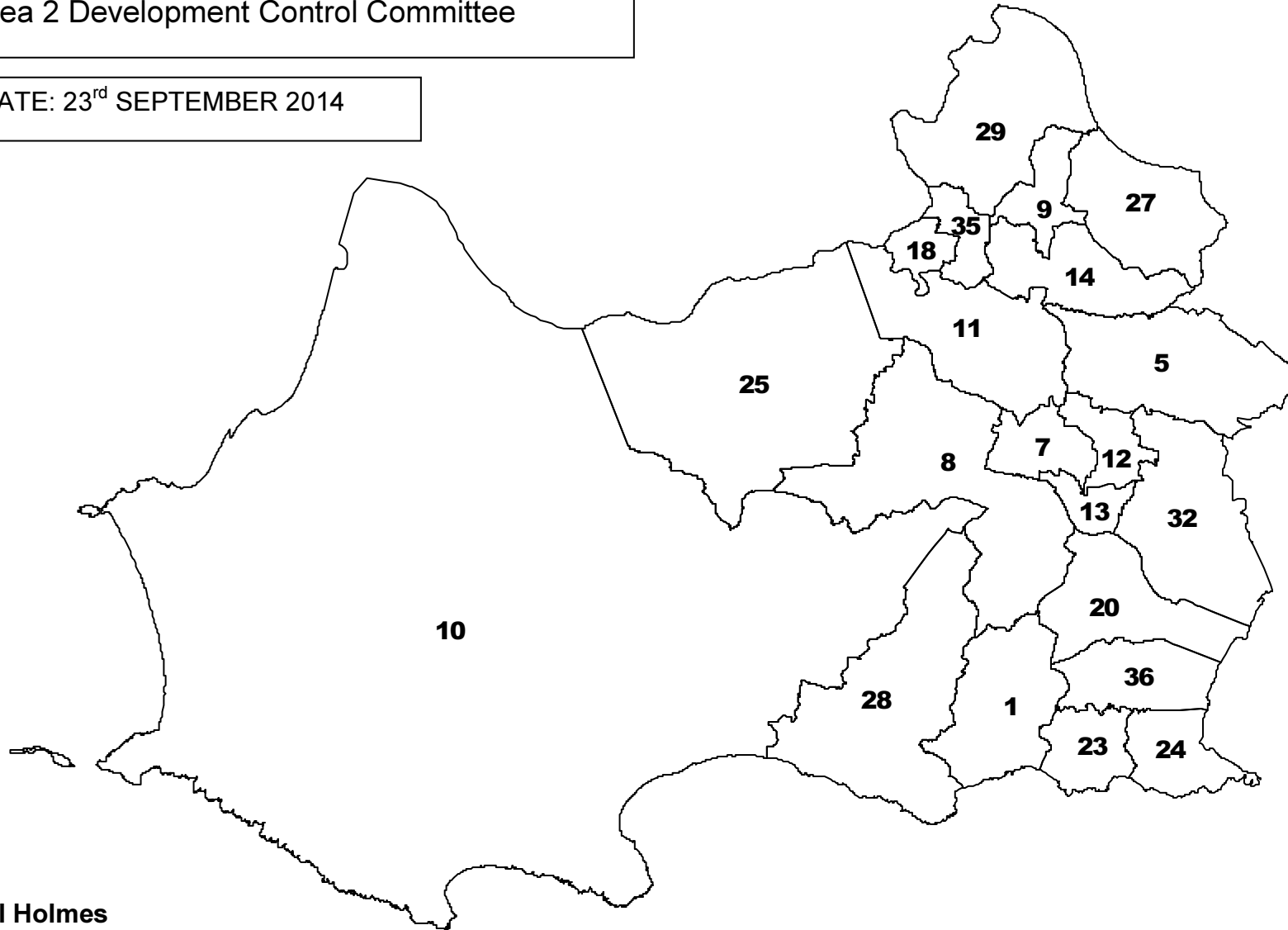
CITY AND COUNTY OF SWANSEA  
DINAS A SIR ABERTAWE

Report of the Head of Economic Regeneration  
& Planning to the Chair and Members of the  
Area 2 Development Control Committee

DATE: 23<sup>rd</sup> SEPTEMBER 2014

1. BISHOPSTON
5. COCKETT
7. DUNVANT
8. FAIRWOOD
9. GORSEINON
10. GOWER
11. GOWERTON
12. KILLAY NORTH
13. KILLAY SOUTH
14. KINGSBRIDGE
18. LOWER LOUGHOR
20. MAYALS
23. NEWTON
24. OYSTERMOUTH
25. PENCLAWDD
27. PENLLERGAER
28. PENNARD
29. PENYRHEOL
32. SKETTY
35. UPPER LOUGHOR
36. WEST CROSS

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



## TWO STAGE VOTING

Where Members vote against officer recommendation, a two stage vote will apply. This is to ensure clarity and probity in decision making and to make decisions less vulnerable to legal challenge or awards of costs against the Council.

The first vote is taken on the officer recommendation.

Where the officer recommendation is for “approval” and Members resolve not to accept this recommendation, reasons for refusal should then be formulated and confirmed by means of a second vote.

**The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members.** The reason(s) have to be lawful in planning terms. Officers will advise specifically on the lawfulness or otherwise of reasons and also the implications for the Council for possible costs against the Council in the event of an appeal and will recommend deferral in the event that there is a danger that the Council would be acting unreasonably in refusing the application.

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Member should also confirm reasons for approval which should also be lawful in planning terms. Officers will advise accordingly but will recommend deferral if more time is required to consider what conditions/obligations are required or if he/she considers a site visit should be held. If the application departs from the adopted development plan it (other than a number of policies listed on pages 89 and 90 of the Constitution) will need to be reported to Planning Committee and this report will include any appropriate conditions/obligations.

**The application will not be deemed to be approved unless and until suitable conditions have been recorded and confirmed by means of a second vote.**

Where Members are unable to reach agreement on reasons for refusal or appropriate conditions as detailed above, Members should resolve to defer the application for further consultation and receipt of appropriate planning and legal advice.

## CONTENTS

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
1	2013/1565	Clyne Civic Amenity Site, Ynys Newydd Road, Sketty, Swansea <b>Retention and completion of picking station</b>	APPROVE
2	2014/0960	The Elms, Porteynon, Swansea SA3 1NL <b>Single storey front extension, two rear dormers, increase in garage ridge height to provide first floor store and new hardstanding</b>	REFUSE

ITEM 1

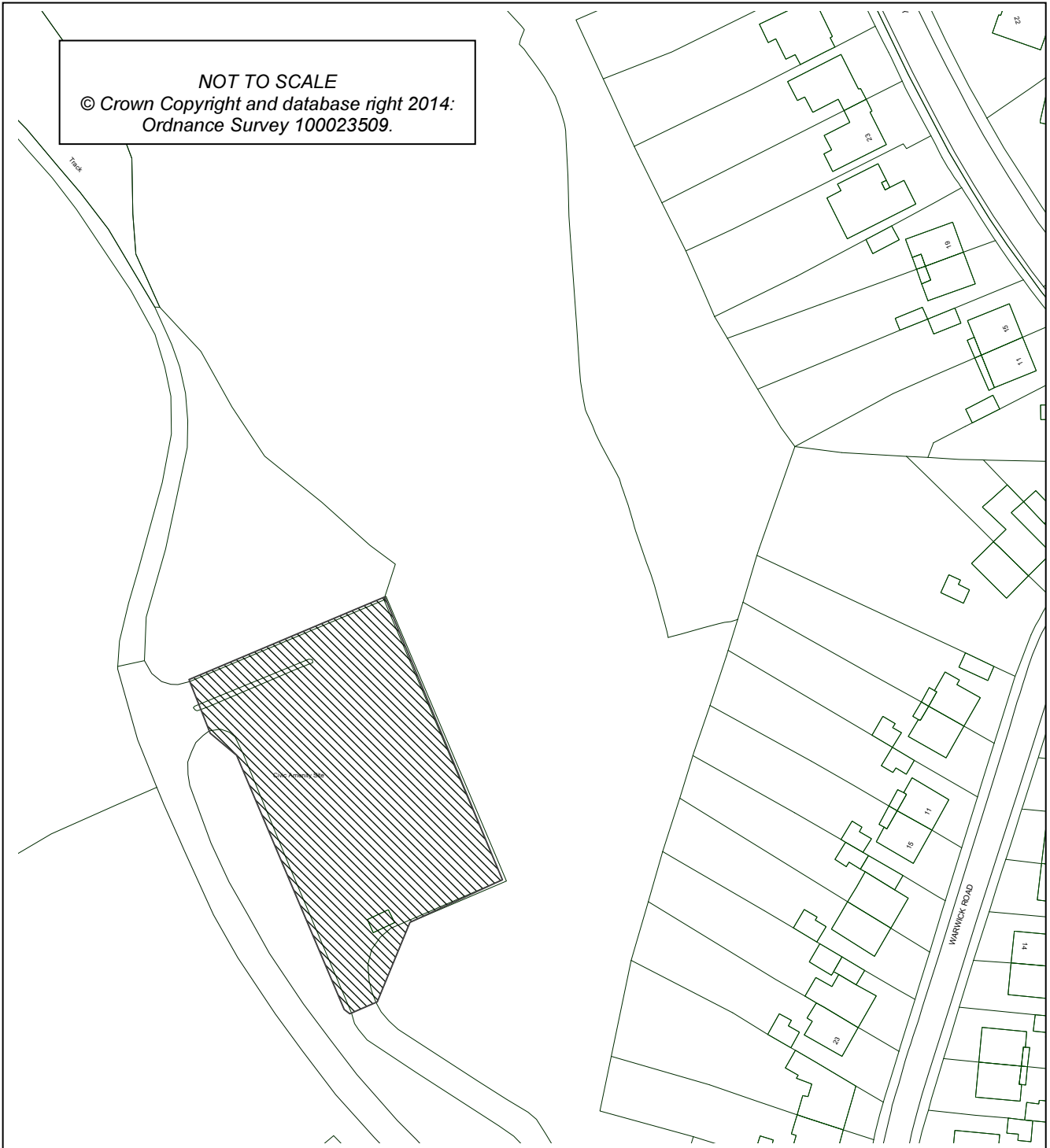
APPLICATION NO. 2013/1565

WARD: Sketty  
Area 2

**Location:** Clyne Civic Amenity Site, Ynys Newydd Road, Sketty, Swansea

**Proposal:** Retention and completion of picking station

**Applicant:** City and County of Swansea



**BACKGROUND INFORMATION****POLICIES****Policy Policy Description**

Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: <ul style="list-style-type: none"> <li>i) The control of development, and</li> <li>ii) Practical management and improvement measures.</li> </ul> (City & County of Swansea Unitary Development Plan 2008)
Policy EV23	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)
Policy EV40	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)
Policy R15	Proposals for the development of neighbourhood facilities for the reception of household waste for recycling purposes will be permitted in specific circumstances. (City & County of Swansea Unitary Development Plan 2008)
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy HC22	The further development of Clyne Valley Country Park to provide for sporting, recreational and sustainable tourist use within a framework of protecting and enhancing natural heritage and they historic environment will be permitted. (City & County of Swansea Unitary Development Plan 2008)

Policy EV21 In the countryside non-residential development will only be permitted where it can be demonstrated that it is beneficial for the rural economy, or it meets overriding social or economic local needs, or it is appropriate development associated with farm diversification, sustainable tourism or nature conservation, or it provides an acceptable economic use for brown field land or existing buildings, or it is essential for communications, other utility services, minerals or renewable energy generation. (City & County of Swansea Unitary Development Plan 2008)

## SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
A00/1762	Incorporation of existing landscaped area into curtilage of civic amenity and recycling site (council development regulation 3) Decision: Grant Permission Conditional Decision Date: 24/04/2001

## CONSULTATIONS:

**Neighbours:** The application was originally advertised on site in the form of a site notice.

TWENTY SEVEN letters of objection were received, including one from the Warwick Road Residents Association, which are summarised below:

1. Unacceptable noise levels.
2. Sorting will raise issues relating to smells and disease.
3. Unacceptable development within the Country Park.
4. Potential for impact on shallow mine workings.
5. Lack of consultation.
6. Lack of an Environmental Impact Assessment.
7. Maladministration.
8. Proposal is a change of use.
9. Environmental Health issues with the proposal.
10. Human Rights.
11. Car park has encroached onto Clyne Park and is illegal.
12. Signs erected do not have planning permission.
13. Structure is illegal.
14. Changes to the road layout.
15. Concern that the application will not be considered fairly.
16. Proposal is in breach of its current license. Currently it only has permission to compact waste.
17. Application makes misleading statements.
18. Unacceptable ground vibrations.
19. Council have been sorting waste contrary to their NRW license.
20. Mr W Lawrence claims the Residents Association were informed, however this is not the case.
21. Was the Director of Environment informed that planning permission was not required?
22. Shouldn't that new car park be included as part of this application?



23. Guidelines of TAN 21 should be followed.
24. Building is excessive for what they are saying it will be used for.
25. Proposal will result in additional lorry movements.
26. Proposal will result in an intensified use and result in curb side waste being sorted.
27. No traffic impact assessment submitted as part of application.
28. Site is poorly managed.
29. Concern regarding the hours of operation.
30. Lack of information provided by applicant makes it impossible for the LPA to properly consider the application.
31. Proposal is a visually intrusive form of development.
32. Proposal will introduce a new facility and process.
33. Industrial process of sorting rubbish.
34. Inaccurate information accompanying this proposal.
35. There should be no Sunday or Bank Holiday working.
36. Fire risk.
37. Impact on habitats.
38. Congestion.
39. Impact on adjacent SINC.
40. No Health Impact Assessment provided with this proposal.
41. Wildlife.
42. Impact of Clyne Valley Country Park.
43. This is now an industrial installation and not a household waste site.
44. No Environmental Impact Assessment provided.
45. Against the Convention for the Human Rights of the Child.
46. No permission for the relocation of barrier.
47. Councils Waste Strategy (closure of other sites) and future strategy has increased the use and issues surrounding this Amenity Site.
48. Gatehouse cabin outside the site is unlawful.

**Following the issuing of the amended Technical Advice Note 21 – Waste, a Waste Planning Assessment was submitted as part of the application. All adjoining neighbouring properties and previous objectors were individually consulted and the additional information advertised on site in the form of a Site Notice and 5 letters of objections were received which are summarised below:**

1. Increase in odours.
2. Proposal built without planning permission.
3. Incompetent staff on site.
4. Increased noise issues.
5. Opening of bags must increase odours.
6. Birds and vermin.
7. Applicant has failed to comply with TAN 21.

**Gower Society:** We refer to the above application and we have the following comments to make:

1. We can not see any reference to the fact that the site lies within the Gower AONB. Reading the Access Statement there is a degree of 'understatement' from the writer in that the issue of the AONB and impact upon the local residents is a serious matter.

2. We reported the fact that the building had proceeded without permission within the AONB (earlier in 2013) to Planning Enforcement after a number of complaints were received from our Members.
3. Whilst we accept that the existing facility has been on this site (following on from a substantial landfill process) for a considerable time, the fact remains that the industrial process of recycling is at odds with the current designation of this area in the UDP and as far as we can tell the proposed LDP!
4. It is rather unfortunate that the construction was carried out without formal planning permission being sought. Clearly if the work was still only at the proposed stage we would have no hesitation in formally objecting to the works.

In the circumstances we have grave reservations about this work and ask that you take the above points into account when arriving at your decision.

#### Original **Pollution Control** observations

The Household Waste Recycling Centre (HWRC) is located in Derwen Fawr Road, Sketty and covers an area of 5,200m<sup>2</sup>. It is ranked as the most successful HWRC in Swansea and on average is recycling 78% of its waste, small amounts of rubble.

The HWRC, Clyne accepts the following waste types - aluminium foil, batteries (household only), books, cans, cardboard, carpets, cooking oil, small electrical goods, fluorescent tubes and energy saving light bulbs, gas cylinders, glass, green waste, inkjet/ toner cartridges, mattresses, mixed plastic, mobile phones, paper, scrap metal, shoes, televisions and monitors, Tetra Pak cartons, textile/clothes, windows/plate glass, waste engine oil, wood.

At present the waste is collected in 38 recycling bins; 15 (31m<sup>3</sup> each) of these bins are removed from site by a hook-loader. The number of times that these bins are removed from site can vary depending on the time of year but may average between 3 – 7 times per day.

The existing picking station is at ground level under a temporary marquee to provide the waste operatives some protection from the weather. All household waste that is brought onto site in black waste bags is sorted at this station (5.6 tonnes per day or 373 black bags). The contents of the bag are sorted into the appropriate recycling options while the residual waste is compacted and taken to landfill.

The new picking station replaces a temporary marquee in order to provide a safer and cleaner environment for the waste operatives to sort the 2,040 tonnes that are brought into the site per year (1<sup>st</sup> January 2013 – 31<sup>st</sup> December 2013). The removal of the marquee has also allowed the re-instatement of the kerbside plastics and polystyrene recycling options.

The new picking station will mean an additional 5 waste containers on site. The increased number of containers will increase the number of recycling options and thereby reduce the number of daily movements of large containers.

The main noise complaint from local residents concerned the noise generated from large container movements. The removal and return of the large waste containers can be a noisy operation. In order to assess the extent of the problem a noise survey was requested by the Waste Management section.

Phase 1 of the noise assessment was to provide a general overview of the noise levels being experienced on site. This part of the survey was carried out in August and September 2013 and indicated that when the containers were removed or returned to the site by the hook-loader the background noise level increased by between 24dB - 30dB for a varying length of time (3 – 13 minutes).

Phase 2 of the noise assessment was to locate a Matron 3 noise monitoring system into properties neighbouring the HWRC, Clyne. Three properties in Warwick Road were contacted by letter regarding the installation of a noise monitoring system. The Department was contacted by one of the local residents and the Matron 3 system was installed on the 16<sup>th</sup> January 2013. This system will be collected after 7 days and the data analysed.

Phase 1 of the survey showed that moving containers is an inherently noisy operation. This being the case a number of controls have been put, or are going to be put into place to reduce the disturbance caused. These improvements were derived through onsite staff consultation and management input.

The controls are listed below:

- The design of the hook-loader and container makes it difficult to drag the container without lifting it slightly onto the rear rollers first, otherwise the hook will come out of the container eye; this means that as long as the rollers are maintained, the container movements are as quiet as possible.
- HGV drivers have reduced engine revs when manoeuvring the containers.
- A rubber flap that stops waste from dropping between the metal container and the elevated metal hand rail allows the container to be located away from the platform rail and reduces metal-on-metal noise.
- A damage/ defect form has been created to record container and compactor defects while on site. This is then forwarded to the welder/ fabricator to carry out repairs. As part of the survey an audit of maintenance/ service records from 1<sup>st</sup> July 2013 to 13<sup>th</sup> August 2013 was carried out. In total 9 records were reviewed: 8 related to waste containers, while 1 related to the compactor; of the 8 records relating to the waste containers 5 concerned damage to doors; 3 concerned damaged wheels and 1 related to signage. Recent information suggests that all containers that are situated at HWRC, Clyne will return to this site once defects have been repaired. This should improve the container stock quality on site therefore reducing noise associated with damaged containers.
- Compactor running channels are to be cleared and maintained. This would allow the two movable compactors (black bag/ residual waste and bulky plastic) to be moved to the empty container. This would reduce manoeuvring time and noise.

- A guidance rail system has been trialled which would allow containers to be guided to the non-movable cardboard compactor. This trial has proved to be successful in reducing container manoeuvring times and noise from container movements. It also reduces friction and wear on the rollers. This system will be used for all large waste containers on site.
- Stop bars are being replaced or installed to prevent containers from being sited too close to the pedestrian walkway.
- Regular maintenance of containers and compactors i.e. greasing and reporting of defects of on site equipment.
- Container movements will be restricted on site between 08.30hrs – 16.00hrs Monday to Friday and 09.00hrs – 16.00hrs Saturday, Sunday and Bank Holidays.
- HGV has a minimum return time of 1hr 10mins after leaving site.
- On-site radio communication is to be established to minimise officers having to shout instructions across the site. This will be particularly useful when officers are locking up the site at the end of a working day.

These controls should be extended to the new picking station and the following conditions should also be included on the planning application:

- Smooth metal rails that are at least the full length of the waste container should be installed for all 4 containers underneath the picking station. The residual waste container (5<sup>th</sup>) should have smooth metal rails installed that are at least half the length of the waste container. This will reduce friction, wear on the rollers and noise when the containers are moved into position;
- Rubber (or other suitable material) curtain to be installed on the front elevation to seal the gap between the top and sides of the four waste containers situated underneath the picking station. A full rubber (or other suitable material) curtain to be installed on the side elevations of the picking station. This curtain will help to reduce noise from waste as it is dropped into the container.

If all the above control measures are applied in conjunction with the on site Waste Management Action Plan, it is my view that the site will be using best practicable means in respect of controlling noise. If the site operator ensures that they continue to have regard for local conditions and circumstances; use current technical knowledge (given financial implications); properly maintain, manage and correctly operate plant and machinery; and if there are alterations in site design then it must have regard to local conditions and circumstances then this situation should not deteriorate

If this site was being operated by a private company then a s80 Environmental Protection Act 1990 noise abatement notice would not be served.

**Additional Pollution Control Observations**

The proposal has no additional impact on odours from the site. There has always been a large amount of residual waste arriving at this area and being placed in skips. There has been no problem with odour control in the past and there is nothing in the proposal which should change that position. If the site is allowed to continue operating, unfettered by unreasonable conditions on its operation, there should be no reason for residual waste to be left on site long enough for odour control to be a serious issue.

It is confirmed that there are adequate pest control arrangements in place and that the proposal slightly reduces the risk, as currently black bags are sorted on the floor and obviously the proposal is an improvement.

It is not the intention of TAN21 to close Civic Amenity (CA) sites on Sundays and Bank Holidays. Over the years a significant reduction in fly tipping problems has resulted from opening more CA sites in urban areas, and encouraging the use of those seven days a week. Many householders will see Sundays and Bank Holidays as the most likely day for them to need this facility. In my view there is an overriding social benefit from this site which balances the potential adverse effect on nearby residents. The proposed changes on the site make no significant difference to the level of disturbance to those residents around the access point. If there was a significant increase in the risk of noise, odour or pest nuisance from the proposal, the Pollution Control service would be recommending refusal. It is considered that the proposal and the current operational practices mean that the site can operate without nuisance.

It is not known if there has ever been a proposal to use the Clyne site as some sort of intermediate transfer station for other civic amenity sites? It is a question of practicalities and logistics as to whether this would ever be worthwhile and not a matter for planning condition if the Council are running the waste collection service. It would be unlikely that any operator would want to do this given the physical constraints on the site and the popularity of this site with the public. Any specific waste streams that would need to be excluded on environmental grounds or any specific waste handling arrangements that would need to be controlled, are a matter for the environmental permit. This will be regularly reviewed and varied by Natural Resources Wales.

It is confirmed that a Health Impact Assessment (HIA) would not be appropriate for this application and would not help or cast any light on the key questions to be addressed. It is also confirmed that Health Impact Assessments have been carried out on other projects and the process is not designed for considering what is a fairly limited alteration of an existing process.

**Highway Observations**

The site is well used and established. Recently, a small waste sorting facility was introduced on a trial basis and was being carried out at ground level under a marquee in order to provide shelter to operatives performing this task. A new steel structure has been erected in order to improve facilities for the recycling of household waste to meet new legislation, to allow improved vehicular & pedestrian circulation within the site and to provide a safer working space for the public and Council operatives with sorting being done under cover.

Local opposition to the proposals have been raised with regard to highway safety.

Considering the proposals from a highway safety point of view, it is noted that currently, traffic flows at the approach to the site can be heavy at peak times, i.e. weekends and Bank Holidays, with residents reporting queuing sometimes as far back as the junction with Derwen Fawr Road. There is concern from some residents that once the picking station facility is established, operations could increase should it be decided that waste is to be brought in for sorting from other areas of the County in future, thus leading to concern that current traffic levels would increase.

As the application stands, the intention is that only waste which is brought to site by the general public, as is currently the case, is to be sorted at the Clyne HWRC. There will be no increase from other areas of the City, or the Waste Management Operation as a result of the facility being on site.

Further information from Waste Management states that at present, the number of LGV hook loader vehicles visiting the site is between 3-7 visits per day, depending upon the season, weather and weekends realising an increase in visitor numbers. It is envisaged that this will in all likelihood reduce slightly as there will be 5 additional skip units on site, thereby spreading the waste over a greater number of storage units resulting in less frequent visits for the large hook loaders to site.

Because there is to be no increase in the amount of waste being brought in from a wider area and there is no evidence to suggest that the public will be more encouraged to use the site because there is a picking station on site, I do not consider that there will be increased traffic flow as a result of the proposals. I would expect that the number of visitors would not increase and that traffic flows to and from the site, albeit it heavy at times, will be much the same as they are now. Therefore, there are no highway objections.

The **Council's Ecology Officer** offered no objection to the application

### **National Resource Wales**

We note that this is a retrospective planning application for a structure built for the purpose of undertaking the activity of mixed municipal waste treatment (Black Bag Picking). **This activity is not permitted under the current Environmental Permit** (ref: EAWML 34136).

Due to the nature of the development, we feel that we must flag to your Authority that it could be considered as subject to assessment under Welsh Government guidance, TAN 21 (Waste).

Notwithstanding the above, we must advise you that to undertake the proposed activity on site, the operators will need to **successfully** complete a permit variation (of their current Environmental Permit). The application process will involve the operator submitting evidence to demonstrate that they have given an appropriate amount of consideration to each of the potential issues associated with this type of activity, as well as the implementation of any mitigation measures required.

Through constructing this structure and failing to inform NRW of the works, they have breached condition 1.9 of their current Environmental Permit, as well as undertaking (trial) activities on site which are outside of the scope of the permit.

**Please note that if your Authority is minded to grant retrospective planning permission for this structure, this does not preclude the granting of an Environmental Permit variation.**

There are a number of issues that the operator will need to satisfy in order for us to grant a permit variation. Even if these issues can be addressed to our satisfaction, the activity is likely to meet strong local opposition.

During the operational phase, all environmental aspects such as drainage and pollution prevention are managed via the environmental permit. These issues would be dealt with via planning during the site preparation and construction phase only. As the application is retrospective and no further building works are proposed, we have no comments to make in this regard.

## **APPRAISAL**

This application is reported to Committee for decision and a site visit called at the request of Councillor Cheryl Philpott, as the application has generated a large amount of public interest and also to ensure transparency of the decision.

### Description

Full planning permission is sought for the retention and completion of the detached picking station at the existing Household Waste Recycling Centre (HWRC). Although the structure has been put in place on site, it has not yet been brought into beneficial use.

The site is a well established civic amenity site which is situated within the Clyne Valley Country Park, Green Wedge and countryside, outside the settlement boundaries of Sketty. The structure is an elevated portacabin which has a conveyor belt running through it with skips situated below and chutes running down into them in order to recycle black bag waste. A conveyor belt is attached to a hopper which will transport waste up from the ground into the portacabin where the waste will be sorted. A small shelter is to be erected over the hopper to protect the public and operatives from the weather while placing/emptying black bags on to the feeder conveyor.

The HWRC, Clyne is located in Derwen Fawr Road, Sketty and covers an area of 5,200m<sup>2</sup>. It is ranked as the most successful HWRC in Swansea and on average is recycling 78% of its waste, small amounts of rubble.

The HWRC, Clyne accepts the following waste types - aluminium foil, batteries (household only), books, cans, cardboard, carpets, cooking oil, small electrical goods, fluorescent tubes and energy saving light bulbs, gas cylinders, glass, green waste, inkjet/ toner cartridges, mattresses, mixed plastic, mobile phones, paper, scrap metal, shoes, televisions and monitors, Tetra Pak cartons, textile/clothes, windows/plate glass, waste engine oil, wood.

At present the waste is collected in 38 recycling bins; 15 (31m<sup>3</sup> each) of these bins are removed from site by a hook-loader. The number of times that these bins are removed from site can vary depending on the time of year but may average between 3 – 7 times per day.

All household waste that is brought onto site in black waste bags is sorted at this station (5.6 tonnes per day or 373 black bags). The contents of the bag are sorted into the appropriate recycling options while the residual waste is compacted and taken to landfill.

The retention and completion of this facility will help create an additional 5 workers on site.

### Process

The new picking station provides a safe and clean environment for waste operatives to sort the 2,040 tonnes that are brought into the site per year (1<sup>st</sup> January 2013 – 31<sup>st</sup> December 2013).

The process involves the receipt of non-recyclable collectable household waste (black bags) which are delivered to the Civic Amenity site by members of the public. These bags will be placed and opened on the in-feed conveyor belt, which are then transferred into the waste sorting station by means of a covered conveyor belt. The waste is then split up into various recycling materials e.g. paper and card, glass and cans, plastic and food waste, with any residual waste travelling along the conveyor to the compactor unit at the end of the process.

The new picking station will mean an additional 5 waste containers on site. The increased number of containers will increase the number of recycling options and thereby reduce the amount of un-recycled waste leaving the site.

No waste other than what is brought to site by the general public is to be sorted at the Civic Amenity Site

### Site History

The most relevant application pertinent to the consideration of this application is Ref: A00/1762 which granted permission for the incorporation of an existing landscaped area into the curtilage of the civic amenity and recycling site (Council Development Regulation 3). This planning permission granted the expansion of the site and created the Civic Amenity site which is operating today.

### Environmental Impact Assessment (EIA)

The retention and completion of a picking station at an existing civic amenity site does not fall within Schedule 1 or Schedule 2 categories of the EIA Regulations 2011. The proposal is therefore considered not to be EIA Development and therefore an Environmental Impact Assessment is not required as part of this application.



### Health Impact Assessment (HIA)

It is acknowledged that the site is an existing civic amenity recycling site, and it is considered that an HIA is not necessary due to the minimal size and scale of the proposal and the fact the installation will not attract additional waste over and above what is currently on site. The picking station will not result in additional vehicular movements and the process is not considered to be an industrial process as it is just involves the manual sorting of waste.

HIA was carried out by Peter Brett Associates 2007 as part of the South West Regional Waste Plan & Councils Regional Waste Plan under the formulation of the recycling strategy within the region and is not site specific.

### Main Issues

The main issues for consideration during the determination of this application relate to the principle of development at this location and the resultant impact of the proposal upon the visual amenities of the area, the residential amenities of the neighbouring properties, highway safety and ecology of the site having regard for the provisions of Planning Policy Wales 2012, Technical Advice Note 21 2014 and the Swansea Unitary Development Plan 2008 and the site history.

### Principle of Development

#### **National Policy**

Planning Policy Wales 2014 (PPW) encourages waste recycling in order to achieve a sustainable economy. Section 12.5 "Planning To Reduce & Manage Waste" requires Local Authorities to provide sufficient waste management facilities in order to ensure waste does not result in harm to the environment, without endangering human health, without risk to water, air, soil, plants or animals, without causing a nuisance through noise or odours, and without adversely affecting the countryside or places of special interest, including areas of acknowledged importance in relation to the natural and cultural heritage.

PPW states that the Welsh Government's general policy towards waste management is based on a move towards a position where disposal and recovery options are reduced in favour of a hierarchy of reduction, re-use and material recovery (including recycling and composting), energy recovery with effective use of waste heat, and safe disposal. In light of the fact the proposal will result in further material recovery at an existing Civic Amenity Site it is considered that the principle of the proposal complies with National Guidance in this respect.

Technical Advice Note 21 (TAN21) Waste 2014 sets out the relevant land use planning considerations necessary to ensure that the new European Union waste management drivers are reflected in Wales when new waste management facilities are proposed.

The TAN acknowledges in paragraph 1.5 that in order for Wales to secure its resources and extend their use within the economy it needs to prevent waste from arising and where possible states that it must (i) capture waste in ways that enable us to reclaim materials to be used again and (ii) harness waste as a resource in its own right. The Welsh Government reconfirmed its commitment towards sustainable development in the Government of Wales Act 2006.

Towards Zero Waste and a suite of existing and emerging waste sector plans deal with matters beyond the scope of TAN 21, in providing the framework within which Wales will reduce the amount of waste it produces, and make the transition to a high recycling society. Planning Policy Wales and TAN 21 set a framework for facilitating the delivery of sustainable waste management infrastructure through the planning process.

The Waste Framework Directive marks a significant shift in how we think about waste. Waste should be regarded as a valuable resource rather than an unwanted burden.

Towards Zero Waste is the overarching waste strategy document for Wales. It sets out a long term framework for resource efficiency and waste management in Wales up until 2050, taking into account social, economic and environmental outcomes. Delivering on the objectives contained in Towards Zero Waste relies on a suite of waste sector plans. These sector plans provide the details on how the outcomes, targets and policies in Towards Zero Waste are to be implemented. Of particular importance for land use planning and waste is the 'Collections, Infrastructure and Markets Sector Plan'. The Collections, Infrastructure and Markets Sector Plan is of most relevance and focuses on delivering the necessary collection systems, infrastructure and markets for recyclates in Wales. The plan looks to create the conditions to enable as much waste as possible to be managed in Wales and for as much as possible of the recyclate generated in Wales to be used in Wales. It will do this by ensuring that a high volume of recyclate is delivered to reprocessors and that end markets are developed in Wales for the recyclates and by aiming to maximise the value from residual municipal waste to the benefit of Wales.

TAN 21 states that when considering development proposals for all types of waste management facilities, planning authorities should take into account their potential contribution to the objectives, principles and strategic waste assessments set out in Towards Zero Waste and the relevant waste sector plans and the relevant development plan for that area.

The waste hierarchy is a central pillar to inform decisions on waste management options. The objective of the waste hierarchy is to ensure that wastes are managed in a sustainable way. TAN 21 paragraph 2.7 states that when taking planning decisions it is expected that the waste hierarchy be applied as a priority order.

Waste Hierarchy:

1. Prevention.
2. Preparing for re-use.
3. Recycling.
4. Other recovery
5. Disposal

In terms of this current proposal for a sorting station, this process would clearly fall within recycling under the Waste Hierarchy as the recovered materials will be reprocessed into products, materials and substances.

In accordance with TAN 21 a Waste Planning Assessment has been submitted as part of this application. In addition TAN21 encourages recycling in order to reduce waste in order to meet demanding EU targets and to minimise incineration and disposal of waste to landfill.

The picking station is a Physical Treatment Facility as defined by TAN 21, however it will not involve the commercial collection and sorting of dirty waste. This facility is purely to recycle/recover the paper, card and plastics from black bag household waste which is currently deposited by the public. This facility will not be instead of kerbside collections but will help try and reduce the percentage of household waste which currently goes to landfill.

It is considered that the picking station will help the existing centre reduce household waste (waste which cannot be recycled and composted).

TAN21 encourages the recycling and separation of household waste through 'bring systems' such as this.

Annexe C of TAN 21 sets out specific planning consideration for applications relating to refuse recycling which are:

1. Ensuring prudent use of land and resources.
2. Minimising greenhouse gas emissions.
3. Minimising adverse effects on air quality and quantity.
4. To protect & enhance the landscape, townscape & cultural heritage of Wales.
5. Minimising adverse effects on water quality.
6. Avoid increasing the risk of flooding.
7. Protecting biodiversity.
8. Providing employment opportunities & support long-term jobs & skills.
9. Minimising adverse effects on residential property.
10. Minimising the increased cost of waste management.
11. Protecting local amenity.
12. Minimising adverse effects on public health and to avoid increasing health inequalities.
13. Minimising local transport impacts.

Clyne Civic Amenity site is an existing recycling operation and the proposal will not introduce new waste onto the site, and as such many of the issues raised above are not pertinent during the consideration of this planning application.

**Local Policy**

Unitary Development Plan Policy R15 – Civic Amenity Sites and Local Facilities, states that proposals for the development of neighbourhood facilities for the reception of household waste for recycling purposes will be permitted where:

- (i) The general location of the proposed development would have no significant adverse effect on the amenities of neighbouring occupiers, including the affect of traffic movements and the generation of noise, dust, fumes, litter and light.
- (ii) There would be no significant adverse environmental impact, particularly on water quality and quantity.
- (iii) The development would have no significant adverse effect on the visual amenities of the area
- (iv) The local traffic circulation systems are satisfactory, and safe access can be achieved
- (v) The design of any structures are to an acceptable standard and boundary treatment is provided.
- (vi) The quality of the boundary treatment, such as fences and screening, are designed to a high standard and appropriate to the location of the site.

The site is situated within Clyne Valley Country Park and as such Policy HC22 (Clyne Valley Country Park) is the relevant policy which is brought into consideration when assessing applications in this protected area. This policy supports development associated with sporting, recreational and sustainable tourist uses. However given the structure is located within an existing brownfield site (Civic Amenity Site) within the Country Park and will not result in the loss of any land of aesthetic value it is not considered relevant in this instance. Likewise, in light of the existing use and siting within the existing operation site Policy EV21 – Rural Development is also not considered the most relevant policy either.

The site is also situated within the Clyne Valley Green Wedge which is acknowledged as being a strong feature which contains a large portion of Swansea West. Policy EV23 of the Swansea UDP ensures development within these areas 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. It is considered that the proposal is not contrary to this policy

Therefore in light of the above, it is considered that the principle of this additional facility to separate recyclable items from existing household waste is acceptable in principle, and would be a valuable addition to the City and County of Swansea's recycling strategy in compliance with both National and Local Plan Policies.

### Visual Impact

In visual terms, the structure is situated within the perimeter of the existing Civic Amenity Site and will not encroach further into the Green Wedge and Country Park. Therefore the development will retain the openness of the green wedge and the Clyne Valley Country Park and does not conflict with the purpose of including land within it, in compliance with the provisions of Policies EV22, EV21, HC22, and EV23 of the Swansea UDP.

The structure will have a maximum height of 5.75m, maximum width of 2.8m, and maximum length including the conveyor and portacabin of approximately 24m. The structure will not be widely visible from the surrounding landscape due to the existing tree screen and landscaping surrounding the site. Given its existing use, it is considered that it would not harm the visual amenities of the existing site nor its setting. Therefore it is considered that in visual terms the structure is acceptable and would not adversely harm the visual amenities of the area. Therefore the proposal is considered to comply with the principles of Policies EV1, EV2 and R15 of the Unitary Development Plan.

### Residential Amenity

The structure is sited in excess of 70m away from the boundaries of the neighbouring properties in Warwick Road and Ynys Newydd Road and as such, the proposal will not result in unacceptable overbearing, overshadowing or overlooking impacts on the existing neighbouring dwellings.

### Environmental Health Issues

#### Noise

Advice contained within TAN 11 (Noise) states that Local Planning Authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. TAN 11 goes on to state that consideration should be given to the use of appropriate conditions.

The Pollution Control section were subsequently consulted as part of the determination process.

The comments of the Pollution Control section are set out in the 'Consultation' section of this report. In order to avoid repetition, they are not repeated here. In summary, Pollution Control offer no objection to the proposal on the grounds of noise. It is however recommended that the following conditions should be included on any planning approval;

*a) Smooth metal rails that are at least the full length of the waste containers should be installed for all 4 containers underneath the picking station. The residual waste container (5<sup>th</sup> container) should have smooth metal rails installed that are at least half the length of the waste container. This will reduce friction, wear on the rollers and noise when the containers are moved into position;*

*b) Rubber (or other suitable material) curtain to be installed on the front elevation to seal the gap between the top and sides of the four waste containers situated underneath the picking station. A full rubber (or other suitable material) curtain to be installed on the side elevations of the picking station. This curtain will help to reduce noise from waste as it is dropped into the container.*

### Smells/Odours

Having consulted Pollution Control, it is considered that the proposal would not have any additional impact on odours emanating from the site. It is acknowledged that there has always been a large amount of residual waste arriving at this site which has been placed in existing skips. The Pollution Control section has advised that they are of the view that there has not been a problem with odour control in the past, and that there is nothing in the proposal which should change that position, even though it is acknowledged that the proposed facility involves opening waste bags at the site. Pollution Control have also advised that if the site is allowed to continue operating, unfettered by unreasonable conditions on its operation, there should be no reason for residual waste to be left on site long enough for odour control to be a serious issue.

Residents have raised concerns with respect the opening of black bag waste in the open air, prior to it being transferred up to the picking station for sorting. Having discussed this with Pollution Control, they have raised no objection to this from an odour perspective.

As such, from an environmental health perspective the additional structure is not considered to result in an unacceptable impact on noise and smells in compliance with Policy EV40 of the Swansea UDP.

### Highway Safety

The Head of Transportation and Engineering was consulted and noted that local opposition to the proposals have been raised with regard to highway safety.

Currently, traffic flows at the approach to the site can be heavy at peak times, i.e. weekends and bank holidays, with residents reporting queuing sometimes as far back as the junction with Derwen Fawr Road. There is concern from some residents that once the picking station facility is established, operations could increase should it be decided that waste is to be brought in for sorting from other areas of the County in future, thus leading to concern that current traffic levels would increase.

As the application stands, the intention is that only waste which is brought to site by the general public, as is currently the case, is to be sorted at the Clyne HWRC. There will be no increase from other areas of the City, or the Waste Management Operation as a result of the facility being on site.

Further information from Waste Management states that at present, the number of LGV hook loader vehicles visiting the site is between 3-7 visits per day, depending upon the season, weather and weekends realising an increase in visitor numbers. It is envisaged that this will in all likelihood reduce slightly as there will be 5 additional skip units on site, thereby spreading the waste over a greater number of storage units resulting in less frequent visits for the large hook loaders to site.

The Waste Planning Assessment submitted as part of this application indicates that year on year, the number of tonnes of black bag waste has fallen since kerbside recycling has improved. The site is currently permitted to accept a total of 24,999 tonnes of waste per annum and currently on average receives 8,000 tonnes, no more than 3,229 tonnes of which has been black bag waste in the past four years.

Due to the fact that there is to be no increase in the amount of waste being brought in from a wider area and there is no evidence to suggest that the public will be more encouraged to use the site because there is a picking station on site, the Head of Transportation and Engineering does not consider that there will be increased traffic flow as a result of the proposals. Therefore it is not expected that the retention and subsequent use of the picking station would attract visitors to the site over and above what is currently experienced and as such there are no highway objections to the positive determination of this planning application.

#### National Resource Wales Comments

Concern has been raised that the Civic Amenity Site is operating outside its Environmental Permit (ref: EAWML 34136). Having consulted NRW they have confirmed that the permit does not currently allow waste sorting and the operator is required to successfully submit a permit variation to their current Environmental Permit. The application process will involve the operator submitting evidence to demonstrate that they have given an appropriate amount of consideration to each of the potential issues associated with this type of activity, as well as the implementation of any mitigation measures required.

Whilst the Local Planning Authority acknowledge that the Council through constructing this structure and failing to inform NRW of the works, have breached condition 1.9 of their current Environmental Permit, as well as undertaking (trial) activities on site which are outside of the scope of the permit, as the regulatory Authority, it is up to the National Resource Wales to take action in this respect as it is covered under Environmental Legislation and not Planning Legislation.

It should be noted that if the Local Planning Authority is minded to grant planning consent for the structure, this would not prejudice the granting of an Environmental Permit variation or the relevant Building Regulations approval for the use and retention of the structure through these separate regulatory bodies.

During the operational phase, all environmental aspects such as drainage and pollution prevention are managed via the environmental permit. These issues would be dealt with via planning during the site preparation and construction phase only. As the application is retrospective and no further building works are proposed, National Resource Wales have no comments to make in this regard.

### Ecology

Having consulted the Council's Ecology Officer with respect this submission it has been confirmed that it is unlikely that there are any ecological issues with the Clyne Amenity Site picking station. The compound has a concrete base and contains no vegetation. There might be a problem with light spill disturbing foraging bats but this would be very limited because of the times of use. If the station were lit, this would be during the winter when bats aren't active and then only for a short time during the end of the working day. As such, from an ecological perspective the proposal is acceptable.

### Response to Consultations

Thirty two letters of objection were received, including one from the Warwick Road Residents Association which raised concerns relating to noise, principle of development, highway, TAN21 requirements, size of structure, intensification of use, days of operation, National Resource Wales Permitting Issues, EIA regulations, ecology, HIA regulations, noise, smell/odours, congestion. The issues pertaining to which have been addressed above.

Concern was raised with respect the days and hours of operation. Currently there is no planning restriction in place relating to hours of operations. Therefore it would be unreasonable to impose planning conditions restricting the use of the existing civic amenity site. However it is considered reasonable to impose a condition relating to the hours of operation of the new picking station only, to exclude Sundays and Bank holidays in accordance with TAN21.

Third parties have raised concerns with respect the quality of information submitted by the applicant, however it is considered that there is sufficient information to determine this application.

Concern has been raised with regard the impact of the proposal upon the SINC and Gower AONB. However the site is not situated within a SINC or the Gower AONB and as such these designations could not be taken into consideration during the determination of the application.

National Resource Wales are involved with issuing licenses for the site and this issue does not fall within the remit of planning control, and as such could not be taken into consideration during the determination of this application. Any breaches of the current license are again a matter for National Resource Wales.

In terms of the car park, signage issues and cabin, these complaints have been passed onto the Enforcement Team for further investigation in order to ascertain whether planning permission is required for these structures.

Concern was raised with regard the Council's consultation process. Consultations in respect of planning applications are governed by the requirements of the Town and Country Planning (Development Management Procedure) Order 2012 which requires applications of this nature to be advertised either by way of a site notice or through consultation with land owners who directly adjoin the site. In this instance there were no neighbours directly adjoining the application site and the application was advertised by means of a site notice.



This is in accordance with the requirements of the above Order and as such the Local Planning Authority are satisfied that it has fulfilled its duty.

In addition to this, concern has been raised with regard the fairness of the process. The Local Authority has erected a structure without formal planning permission. This in itself is not illegal and this planning application seeks consent to regularise the development on site. The application has been considered on the basis of its own individual merit in consultation with statutory consultees. The application has been considered fairly and transparently as the above report highlights.

Residents have raised concerns that the proposal constitutes a change of use. The proposal will involve recycling household waste which is deposited by individual members of the public. This is no different to what currently happens on site and as such does not constitute a material change in use. However in order to ensure that this is clear to the applicant, a condition is recommended which will control this.

Residents have also raised concerns with regard the Pest Management Control at the site and having consulted Pollution Control it is confirmed that there are adequate pest control arrangements in place. This falls outside planning control and is covered under separate legislation and therefore cannot be taken into consideration during the determination of this application.

Concern has been raised from residents that the retention of this structure would result in more people using the recycling site, which would in turn create more problems. There is no evidence to suggest that the retention of the structure would create intensified use of the Civic Amenity Site. Any alterations to the current curb side recycling and collection service is a matter for Waste Management and may or may not result in the intensification of the use of this Civic Amenity Site with or without this structure. This is therefore not a material planning consideration and cannot be taken into account during the determination of this application.

## **Conclusion**

In conclusion, having regard to all material planning considerations, including the provisions of the Human Rights Act, it is considered that the retention and completion of the picking station will provide a useful addition to the existing Civic Amenity Site and will facilitate the Local Authority in recycling more black bag waste in order to meet National and EU targets. The structure is considered acceptable in principle and would not harm the visual amenities of the area or the residential amenities of the neighbouring properties. The application is also considered to be acceptable in terms of highway safety and Environmental Health Legislation in compliance with the provisions of Planning Policy Wales 2012, TAN21, and the provision of Policies EV1, EV2, EV21, EV22, EV23, HC22, EV40, R15 and AS1 of the City & County of Swansea Unitary Development Plan 2008.

**RECOMMENDATION:**

**APPROVE**, subject to the following conditions:

- 1 This permission expressly prohibits this recycling/sorting facility from processing materials brought to the site by refuse vehicles. The facility shall only be used to recycle domestic waste brought to the site by the general public.  
Reason: In the interest of residential amenity.
- 2 The use of the picking station shall be restricted to 08:30 to 17:00 Monday to Saturday only and this permission expressly prohibits its use on Sundays and Bank Holidays.  
Reason: In the interest of residential amenity.
- 3 Prior to the development hereby approved being brought into beneficial use, smooth metal rails should be installed to the ground, serving each of the containers to be located beneath and used in conjunction with the picking station hereby approved, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The details agreed shall be retained in perpetuity thereafter.  
Reason: In the interest of residential amenity.
- 4 Prior to the development hereby approved being brought into beneficial use, rubber (or an alternative suitable material) curtains shall be installed to the picking station (between the bottom of the elevated sorting building and top of the containers beneath) in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The details agreed should be retained in perpetuity thereafter.  
Reason: In the interest of 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: (EV1, EV2, EV21, EV22, EV23, HC22, EV40, R15, AS1)
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

**PLANS**

P/L749/13/C:Loc site location plan, P/L749/13/C:Own Land Ownership plan, P/L749/13/08/01 proposed plan and elevations, P/L749/13/08(site 4)A Picking station layout, plan and elevation, ownership plan, aerial views, images dated 9th December 2013

ITEM 2

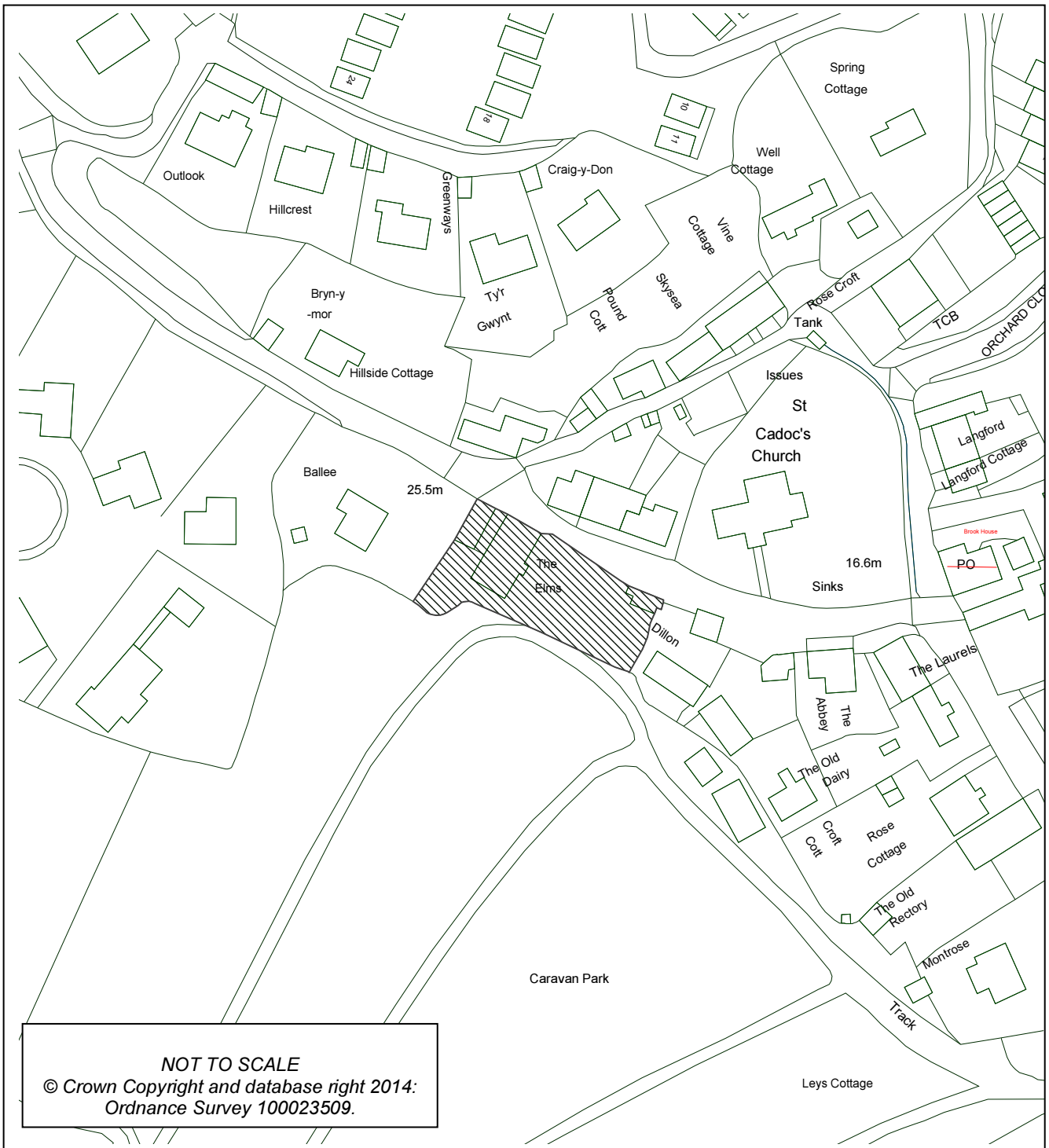
APPLICATION NO. 2014/0960

WARD: Gower Area 2

**Location:** The Elms, Porteynon, Swansea SA3 1NL

**Proposal:** Single storey front extension, two rear dormers, increase in garage ridge height to provide first floor store and new hardstanding

**Applicant:** Mr and Mrs D Frend



**BACKGROUND INFORMATION****POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
Policy HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, effect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)

**SITE HISTORY**

There is no planning history relevant to the determination of this application.

**CONSULTATIONS**

The neighbouring occupants at Ballee and Dillon were sent letters of consultation on the 25<sup>th</sup> July 2014. A site notice was displayed within the vicinity of the site and a press notice was published on the 4<sup>th</sup> August 2014.

**Port Eynon Community Council** responded with a letter of comment. The relevant comments relating to this application are summarised below:

- Members of the Community Council consider that these proposals are generally acceptable and should be approved
- Council members note that the flat roof part of this building has been significantly altered to a sloping roof without any planning application having been made

The **Head of Transportation and Engineering** was consulted and responded with the following comments:

There is no increase in demand for parking and the applicant proposes 2 extra spaces on a hardstanding within the curtilage of the site to be accessed directly from the highway. The addition of two extra spaces within the curtilage is welcome in this small village where parking on the highway is limited or not possible. Whilst access to the hardstanding is not ideal on egress with high walls either side, emerging vehicles can be easily seen on approach from both directions. This is no different to the garage for the property further along the highway. In addition, the carriageway at this point is wide. There are no highway objections.

The **Council's Ecology Officer** offered no objection but suggested the use of informatives on any planning permission granted relating to bats and birds.

The **Council's Urban Designer** made extensive comments on the application. Some of these comments are set out verbatim below, whilst others are embodied in the 'Appraisal' section of this report.

The application site lies within the northern boundary of Port Eynon Conservation Area, the character schedule for which states:

*"The village, originally a small fishing port, still retains much of its past atmosphere. This is in no small measure due to the quality of the buildings in the older part of the village. Port Eynon probably contains some of the finest examples of the simple vernacular architecture in the Peninsula. The dwellings with low headrooms, colourwashed walls and slate roofs, laid out to no defined building line, create a village of unique quality. The character of the village is not only attributable to the use of these simple materials, but also to the narrow access roads and high stone walls which link the individual units. While some Victorian accretions have occurred and new development has been permitted, this generally has been well integrated into the village."*

The site also lies within the Gower AONB and as such is subject to the guidance set out in the Gower Design Guide SPG. The character statement for the village defines some of its key characteristics as:

- *"Sense of enclosure created by the boundary walls running along much of the length of the village's main street"*
- *Central focus created by St. Cattwg's Church and surrounding cottages and houses"*

The character statement also states that dwellings within the village are varied in plan and roof forms. In addition to this:

*"The use of traditional dormers is widespread as are dormer extensions."*

The settlement statement character map for Port Eynon shows a wide ranging view on approach from the west along the A4118 down the hill towards the house. As this road nears the application site the character map also highlights the sense of enclosure created by walls either side of it. One of these walls on the southern side forms the northern boundary of the application site. Opposite this lies a historically 'green focal space', in the form of the grounds of St Cattwg's Church, which forms the centre of the village.

The application site comprises of a roughly rectangular residential plot which sits on the southern side of the A4118 road. Abutting the north western corner of the site is a single storey gable fronted garage which is accessed off the aforementioned road. Lying adjacent to the eastern side of this lies the application dwelling, the northern gable end of which abuts the road. To the front of the dwelling lies a large garden area which comprises the remainder of the plot along with a smaller garden area to the rear of the garage. The northern boundary of the large garden area comprises of a stone boundary wall with supplementary planting on top. To the north-west and south-east of the plot lie further dwelling plots whilst to the south the application site abuts a caravan park.

The dwelling itself comprises of a traditional 2 storey cottage with centralised porch which has been extended to the rear and to the north in the past to incorporate a larger footprint. The dwelling is rendered and has an asymmetrical concrete tile roof with brick chimneys at both ends as well as a metal boiler flue near the bottom of the larger rear roof plane. Windows comprise of a variety of uPVC types which predominantly have vertical emphasis. The garage is also rendered with a corrugated sheet metal roof. This structure is connected to the main dwelling via a pair of wooden gates.

The application site lies in close proximity to St Cattwg's Church and forms part of the historic core of the village which is defined by roads enclosed with walls and hedgerows. The street-scene in this location is therefore is very important to the character of the Port Eynon Conservation Area

The **Glamorgan Gwent Archaeological Trust** made no objection to the application.

## **APPRAISAL**

This application is reported to Committee for decision at the request of Councillor Richard Lewis in order to assess the impact of the proposal on the AONB and the Port Eynon Conservation Area.

The application site comprises a two storey detached dwelling and detached garage which is located in the ward of Gower. The site benefits from a generous curtilage and has a long frontage onto the highway which provides access to the site. Both the house and garage lie within the western sector of the site. The northern flank wall of the house abuts the site boundary with the highway, whilst the double garage lies to the rear of the house and fronts onto the highway. The site is situated within the Port Eynon Conservation Area, the Gower Area of Outstanding Natural Beauty (AONB) and the Gower Heritage Coast.

Full planning permission is sought for a single storey front extension, two rear dormer windows, an increase in the eaves and ridge height of the garage to provide a first floor store and the construction of a new vehicular hardstanding.

The single storey front extension will measure approximately 10.7 metres wide and approximately 3.9 metres deep. It features a shallow mono-pitched roof with a maximum height of 2.8m and a front overhang of 0.7m.

The ridge height of the garage is proposed to increase by approximately 1 metre, as are the level of its eaves. Thus, whilst the footprint of the garage remains unaltered, its eaves height will be increased to a maximum of 3.3m and its ridge height to a maximum of 5.4m

Both of the proposed dormer windows are located within the rear roof plane of the house and both feature mono-pitched 'cat-slide' roofs. The larger of the two dormers will measure approximately 3.9 metres wide whilst the smaller dormer will measure approximately 2.3 metres wide.

The proposed hardstanding area is located within the eastern sector of the site and measures approximately 6.7 metres wide and approximately 8.1 metres deep.

The primary issues in the consideration of this application relate to the impact of the proposed development on visual and residential amenity, having regard to Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan (2008). The application is also considered with regard to the Council's Supplementary Planning Guidance documents entitled 'A Design Guide for Householder Development' and the 'Gower AONB Design Guide'.

It is considered that the proposed single storey front extension is overly deep and wide, and would significantly alter the character and appearance of the dwelling. Both the Gower AONB Design Guide and the Design Guide for Householder Development state that front extensions are rarely considered acceptable and should be avoided as they are highly prominent and can compromise the original character of the property. The single storey extension is proposed to the front elevation of the property, and would abut the northern boundary wall enclosing the site and hence would be highly visible from public vantage points, where it would have a detrimental impact upon the character and appearance of the host dwelling and the wider Port Eynon Conservation Area.

Furthermore, the front elevation of the property is visible from wider views to the south including the nearby caravan park and adjacent car park. Therefore this element of the proposal is contrary to Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan, the Design Guide for Householder Development and the Gower AONB Design Guide.

It is proposed to raise the ridge height and eaves height of the garage by approximately 1 metre in order to provide a first floor store area. The application site lies on sloping ground with the garage outbuilding behind and at a higher level than the main house. It is therefore considered that the resultant garage building would become less subservient to the main dwelling and would appear as a dominant feature in the street scene. This element of the proposed development is therefore also recommended for refusal.

The proposed hardstanding would necessitate the creation of a 6.7 metre wide gap in the stone boundary wall abutting the road. There are boundary walls running along much of the length of the village's main street. Therefore the removal of a large section of a stone wall in this location would be detrimental to the character and appearance of the Port Eynon Conservation Area. This forms a third reason for the refusal of the application.

The two proposed dormer windows will be located within the rear roof plane of the dwelling where they will be less visible from the highway. The use of cat-slide dormers is considered acceptable, given that their design will reduce the visual impact of these features. Furthermore, dormers are a common feature within the locality; therefore the proposed dormers will be in keeping with the character and appearance of the area.

It is not considered that the proposed development will have an adverse impact on the residential amenity of any neighbouring occupants. This is due to the siting and orientation of the application property and its relationship and distance from neighbouring properties.

In conclusion, it is considered that the proposal represents an unacceptable form of development by virtue of its detrimental impact upon the character and appearance of the host dwelling and the wider Port Eynon Conservation Area, contrary to Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan, the Design Guide for Householder Development and the Gower AONB Design Guide.

## **RECOMMENDATION**

### **REFUSE, for the following reasons**

- 1 The proposed single storey front extension, by virtue of its inappropriate siting and design would have a detrimental impact on the character and appearance of the host dwelling and the wider Port Eynon Conservation Area, contrary to Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan, the Design Guide for Householder Development and the Gower AONB Design Guide.
- 2 The proposed hardstanding would necessitate the removal of a large section of the stone wall enclosing the site, which would have a detrimental impact upon the character and appearance of the Port Eynon Conservation Area, contrary to Policies EV1, EV9, EV26 and HC7 of the City and County of Swansea Unitary Development Plan and the Gower AONB Design Guide.
- 3 The proposed works to the existing garage, would result in the creation of a much larger outbuilding that would become a more dominant structure within the street-scene, that would compete with the scale of the main dwelling and hence would fail to be a subservient building, to the detriment of the character of the Port Eynon Conservation Area and Gower AONB, contrary to Policies EV1, EV9 and EV26 of the City and County of Swansea Unitary Development Plan, the Design Guide for Householder Development and the Gower AONB Design Guide.

## **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, EV9, EV26 and HC7.

## **PLANS**

325-01 site location plan, 325-02 existing site plan, 325-07/B proposed site plan, 325-12/B proposed block plan, 325-03 existing ground floor plan, 325-04 existing first floor plan, 325-05 existing elevations (1 of 2), 325-06 existing elevations (2 of 2), 325-08/B proposed ground floor plan, 325-09/B proposed first floor plan, 325-10/A proposed elevations (1 of 2), 325-11 proposed elevations (2 of 2), 325 A 3D View, 325 B 3D View, 325 C 3D View, 325 D 3D View, dated 8th July 2014 325-13 existing side elevations, 325-14 proposed side elevations, dated 15th July 2014