



## City and County of Swansea

### Notice of Meeting

You are invited to attend a Meeting of the

## Planning Committee

**At:** Council Chamber, Guildhall, Swansea

**On:** Tuesday, 2 April 2019

**Time:** 2.00 pm

**Chair:** Councillor Paul Lloyd

#### Membership:

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

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#### Agenda

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| <b>1</b> | <b>Apologies for Absence.</b>   |                  |
| <b>2</b> | <b>Disclosures of Personal and Prejudicial Interests.</b><br><a href="http://www.swansea.gov.uk/disclosuresofinterests">www.swansea.gov.uk/disclosuresofinterests</a>   |                  |
| <b>3</b> | <b>Minutes.</b><br>To approve & sign the Minutes of the previous meeting(s) as a correct record.  | <b>1 - 8</b>     |
| <b>4</b> | <b>Items for Deferral/Withdrawal.</b>   |                  |
| <b>5</b> | <b>Determination of Planning Applications under the Town &amp; Country Planning Act 1990.</b>   | <b>9 - 185</b>   |
| <b>6</b> | <b>Planning Applications: 2019/0577/106 and 2018/0358/S73 - Residential Development for the Construction of 41 Units, Including Access and All Other Associated Works - Heol Pentre Bach, Gorseinon, Swansea.</b> | <b>186 - 189</b> |

**Next Meeting:** Tuesday, 7 May 2019 at 2.00 pm

A handwritten signature in cursive script that reads 'Huw Evans'.

**Huw Evans**  
**Head of Democratic Services**  
**Tuesday, 26 March 2019**

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**Contact: Democratic Services - 636923**

# Agenda Item 3



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

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### 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 4<sup>th</sup> 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**

# Agenda Item 5

City and County of Swansea  
Dinas a Sir Abertawe

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

DATE: 2<sup>nd</sup> April 2019

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

**Members are asked to contact the relevant team leader for the ward in which the application site is located, should they wish to have submitted plans and other images of any of the applications on this agenda displayed at the Committee meeting.**

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



## TWO STAGE VOTING

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

The first vote is taken on the officer recommendation.

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

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

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Members 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 page 83 of Part 3 of the Constitution) will need to be reported to Council and this report will include any appropriate conditions/obligations.

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

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

## Contents

Item	App. No.	Site Location	Officer Rec.
1	2018/2059/FUL	Biffa Waste Services, Clarion Close, Swansea Enterprise Park, Swansea, SA6 8QZ <b>Small scale waste to energy recovery facility including extension to existing building, external plant, associated structures and 25m chimney stack</b>	Approve
2	2018/2580/FUL	Land North Of Pennard Road And East Of, Pennard Drive, Southgate, Swansea, <b>Construction of 70 dwelling units comprising: 36 'affordable' dwellings :- 12 x one bed apartments, 15 x two bed houses, 3 x two bed bungalows and 6 x three bed houses; and 34 'local needs' open market dwellings:-10 x two bed houses, 6 x three bed houses, 4 x three bed bungalows, and 14 x four bed houses, and associated detached garages, access, highway works, open space and landscaping. (Amended layout)</b>	Approve
3	2019/0239/FUL	Land Off, Heol Pentre Bach, Gorseinon, Swansea <b>Construction of 20 bungalows (affordable) with associated drainage works and amenity space</b>	Refuse
4	2019/0163/FUL	105A Walter Road, Swansea, SA1 5QQ <b>Retention of use as a 7 bedroom HMO</b>	Approve
5	2019/0191/FUL	39 Foxhole Road, St Thomas, Swansea, SA1 8EG <b>Change of use from residential (Class C3) to 3 bed HMO (Class C4) for 3 people</b>	Approve
6	2019/0319/TPO	Land Adjacent To 52 Denbigh Crescent, Ynysforgan, Swansea, SA6 6TH <b>To crown reduce by 5 metres and lop 7 Oak trees covered by TPO 100</b>	Approve



## Planning Committee – 2<sup>nd</sup> April 2019

### Item 1 (Cont'd)

Application Number:

2018/2059/FUL

#### LDP - PS1 - Sustainable Places

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

#### LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

#### LDP - SI1 - Health and Wellbeing

Health and Wellbeing - health inequalities will be reduced and healthy lifestyles encouraged by complying with set criteria.

#### LDP - ER1 - Climate Change

Climate Change - To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

#### LDP - ER5 - Landscape Protection

Landscape Protection - Development will not be permitted that would have a significant adverse effect on the character and quality of the landscape of the County.

Priority will be given to protecting, enhancing and managing the character and quality of the 4 Special Landscape Areas (SLAs) (shown on the Proposals Map). Within SLAs development will only be permitted where there is no significant adverse impact, including cumulative impact, on the character and quality of the landscape, a landscape assessment may be required. Permitted development should aim to protect and enhance the features for which the SLA has been designated. In exceptional circumstances, where development that will have a significant impact on the landscape is necessary, a landscaping scheme will be required with appropriate mitigation and enhancement measures.

#### LDP - ER6 - Designated Sites of Ecological Importance

Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation.

Development that would adversely affect locally designated sites should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that specified policy criteria are met.

#### LDP - ER8 - Habitats and Species

Habitats and Species - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

## Planning Committee – 2<sup>nd</sup> April 2019

### Item 1 (Cont'd)

Application Number:

2018/2059/FUL

#### LDP - ER9 - Ecological Networks and Features of Importance for Biodiversity

Ecological Networks and Features of Importance for Biodiversity - Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

#### LDP - T1 - Transport Measures and Infrastructure

Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependent the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

#### LDP - T6 - Parking

Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate. The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

#### LDP -EU1 - Renewable and Local Carbon Energy

Renewable and Local Carbon Energy Developments - proposals for renewable or low carbon energy development will be permitted subject to compliance with specific criteria

#### LDP - EU4 - Public Utilities and New Development

Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

Development that requires new or improved utility infrastructure will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

#### LDP - RP1 - Safeguarding and Public Health and Natural Resources

Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

#### LDP - RP2 - Noise Pollution

Noise Pollution - Where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPP or would have an unacceptable impact on a Quiet Area will not be permitted.

## Planning Committee – 2<sup>nd</sup> April 2019

### Item 1 (Cont'd)

Application Number:

2018/2059/FUL

#### LDP - RP3 - Air and Light Pollution

Air and Light Pollution - Where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants.

#### LDP - RP4 - Water Pollution and the Protection of Water Resources

Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

#### LDP - RP5 - Avoidance of Flood Risk

Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

#### LDP - RP6 - Land Contamination

Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

#### LDP - RP8 - Sustainable Waste Management

Sustainable Waste Management - the development of in-building sustainable waste management facilities involving the transfer, treatment, re-use, recycling, in-vessel composting or energy recovery from waste, will be permitted within Preferred Areas or areas having the benefit of lawful B2 use, as identified in the Proposals Map, provided that there are no significant adverse effects as specified in the policy. Also subject to the policy criteria, facilities for composting and anaerobic digestion in appropriate rural areas and the colocation of waste facilities with the development of heat networks will be supported. Proposals must be supported by an appropriate Waste Management Assessment

#### Site History

App Number	Proposal	Status	Decision Date
2018/0237/PRE	PRE-APP - Incineration facility	NEGP RE	06.03.2018
2018/0417/SCR	SCREENING OPINION for small scale incineration facility	EIARE Q	13.03.2018



## Planning Committee – 2<sup>nd</sup> April 2019

Item 1 (Cont'd)

Application Number:

2018/2059/FUL

### RESPONSE TO CONSULTATIONS

#### First Consultation

The application was advertised by site notices, a press notice and 2 neighbouring properties were consulted. In response to the consultation, over 2500 letters were received objecting to the application and one petition of objection containing 78 signatures. Three letters of comment were received and 6 letters of support.

#### Second Consultation (following the submission of further air quality, flooding and landscape/visual impact information)

The application was advertised by site notices, a press notice and 2 neighbouring properties were consulted. In response to the re-consultation, 3 letters of objection were received and a petition of over 250 signatures.

The letters of objection are summarised as follows:

1. Concerns regarding the impact on air quality, noise, vibration, dust, and odour in the area where there is a nature reserve, schools, housing and large employment areas.
2. There are a number of new housing sites proposed in the emerging LDP in proximity to the site.
3. The area is already polluted from traffic associated with the enterprise zone, school traffic and the M4 motorway. The site is close to areas that breached air pollution levels in 2017.
4. The locations should minimise potential risks to public health and the environment (EPA 1997). This should be done by minimizing the number of people potentially exposed by siting it away from populated areas or other areas where people congregate. Biffa has not undertaken any alternative site assessments.
5. The planning statement documentation states that the development is located in a zone D which is not a designated area for this type of use.
6. The development would be classed as highly vulnerable development within a flood risk area and should not be permitted given the close proximity to residential areas, schools and the significant risk of a major environmental incident as toxic ash could be washed into the River Tawe.
7. The development would not comply with Planning Policy Wales as it is not in the right place and it will not create a healthy environment.
8. Air quality across Swansea for NO<sub>2</sub> and PM<sub>10</sub> already exceed UK Air Quality Standards. Therefore this plant will only add to the problem.
9. Biffa's claims of CO<sub>2</sub> savings by not transporting waste to Merthyr are misleading. The proposed incinerator would generate 9,618 tonnes of CO<sub>2</sub> from processing 21,000 tonnes of waste. The amount of CO<sub>2</sub> saved in transport is much less than the CO<sub>2</sub> that will be produced by burning 25,000 tonnes/annum of waste. In addition, as the majority of the journey to Merthyr is outside the Swansea boundary the savings are largely not to the local area so will have minimal impact on Swansea's air quality.
10. A recent report by the World Health Organisation (May 2018) identified Swansea as exceeding the especially dangerous PM<sub>2.5</sub> air pollution level by 30% above the maximum limit (of 10 micrograms per cubic metre). This proposed plant will drive this breach even higher.

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11. Concerns the air quality assessment is not accurate, it does not take account of other developments planned in the area and only considers the activities undertaken indoors at the plant. The air emissions have an impact outdoors and their impact on health has not been considered. In addition the assessment is based on the Morriston ward, as the plant is actually in Llansamlet the impact on this ward should also be considered.
12. Concerns the transportation of ash may result in detrimental environmental impacts that have not been considered.
13. Incinerator emissions include dioxins which are a group of chemicals that are carcinogenic and act as endocrine disruptors but there doesn't seem to be any detail on how these emission levels (plus others) will be monitored in practice and what would be done if emissions exceeded levels indicated in the assessments or if a major incident were to occur.
14. The development would be on the edge of an industrial area, it also borders residential area, nature reserve and conservation area. The visual impact would be much higher than identified within the environmental statement.
15. There will be over 20 vehicles a day making deliveries (possibly more than one delivery a day) and the plant doors will need to open to allow the waste to be deposited - this will cause noise for local residents and businesses that has not been taken into account in the assessment.
16. Concerns regarding increased noise during the construction period.
17. Despite Biffa saying in the press that the facility will create 15 jobs and inject money into the local economy there are no economic benefits to the scheme which can offset any adverse economic or environmental effects of the proposals.
18. Concerns the development would result in adverse economic impacts by discouraging people to live and work in the area. It would be detrimental on the housing market, would impact on the Council's Swansea Vale strategy. If due to pollution the 50mph zone were extended on the M4 it would impact on Swansea's productivity by reducing it.
19. Concern that a neighbouring food wholesale business will suffer adversely and will not be able to operate safely due to adverse environmental impacts.
20. Other businesses will think twice before investing in the area.
21. Concerns the applicant has not engaged with the community.
22. The Llansamlet ward already suffers with high pollution rates, higher mortality rates and levels of poverty than others within the County. To further expose people to additional risk is not acceptable and flies in the face of protection which should be secured under the Well Being and Future Generation Act and Human Rights legislation.
23. Under the Wellbeing of Future Generations Act, the local authority has a duty to deliver improvement in social, economic and cultural wellbeing of its citizens. The authority could not discharge its duty under the Act by allowing such an incinerator, with its inevitable negative impact on air quality or the Council's own Corporate Plan priority of maintaining and enhancing Swansea's natural resources and environment.
24. Development traffic will add to increasing traffic in the area.
25. Would the development be compliant with the authority's duties under the Rights of Children and Young Persons (Wales) Measure 2011 which requires the authority to have due regard to the rights and obligations contained in the United Nations Convention on the Rights of the Child 1989, Article 24 of which guarantees to children the right to 'a clean and safe environment'? To allow a development which will worsen already poor air quality would surely constitute a breach of Article 24, as well as Article 6 (healthy development) and Article 3 (best interests).

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26. There are numerous reports which evidence the adverse impact burning waste has on public health. Evidence also indicates that, whilst poor air quality is harmful to everyone, children and older people are particularly vulnerable, as are people with pre-existing health conditions including asthma, chronic obstructive pulmonary disease and coronary artery disease.
27. Concerns there is evidence that infant mortality rates are very high in electoral wards around incinerators and other sources of PM2.5 emissions. Rates are lower in electoral wards that are free from such emissions.
28. The prevailing winds will force the plume towards the Llandarcy area or towards Ynystawe Clydach valley.
29. Concerns that a number of incinerators in Europe have breached European Union air quality directives. Zero Waste Europe have called an end to the incineration of waste and its negative impacts on the climate and environmental pollution. Zero Waste Europe has called for the implementation of zero waste policies that prioritize waste prevention, reuse and recycling.
30. Incineration is not the strategic course to set on, but rather, we must ensure that people are encouraged to support principles of "re-work and re-use" in an effort to best manage our resources.
31. A comprehensive Health Impact assessment should be provided which takes into account retrospective impacts at other sites.
32. The proposals will result in long lasting health impacts.
33. The World Health Organisation (WHO) commenced work on updating its Global Air Quality Guidelines in 2016, with an expectation that the present guidelines are superseded. The critical need to prevent worsening air quality and reduce fine particle exposure for people is now widely accepted. The Council should consider how the development would meet the WHO guideline targets by 2025.
34. 1 in 10 children in Wales have asthma which is amongst the highest rate in Europe. There is a school located some 400m from this facility, and a large amount of residential dwellings in immediate proximity to the proposed site.
35. Approving an incineration facility at the heart of this community would go against the communities right to clean air, at a time when a vast body of scientific studies are highlighting the long term damage air pollution is doing to people's health.
36. There may be a risk of increasing particulate matter, in particular PM2.5 which exacerbate cardiac and respiratory conditions such as asthma. Emissions may have serious detrimental health outcomes for residents with COPD or chronic cardiac conditions possibly resulting in emergency admissions to hospital. Each emergency admission costs the NHS approximately £500 per night. Additionally the quality of life of residents within the locality and further needs to be considered.
37. There is compelling evidence that incineration causes mental, physical and emotional damage to nearby residents. Incinerator release harmful chemicals, many of which have been proved to be carcinogenic. There are specific health concerns in relation to the release of benzene, hydrogen chloride, and cadmium to both humans and animals.
38. Local residents will be reluctant to go about their daily lives near the plant, due to fears of exposure to the releases from the incinerator. This will result in a decrease in business, damage to the local economy and an increase in the unemployment rate.
39. What measures can be put in place to prevent waste from other areas being incinerated at the site?
40. The proposal could impact on bats and birds. Appropriate surveys should be carried out to assess this impact.

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41. Concerns the fall out from the development could be felt in Morriston, Bonymaen and Clydach.
42. Academic research by Miller et al (2007), Brook et al (2007) and the 4th report of the British Society for Ecological Medicine (2008) highlights the health impacts of atmospheric particulate matter.
43. The Royal College of Physicians in their submission to the Parliamentary Select Committee for Environment, Food and Rural Affairs in relation to Improving Air Quality have highlighted the detrimental health impacts of poor air quality.
44. Ysgol Gymraeg Lon Las have formally objected on the grounds of increased traffic, noise, impacts on the wildlife within the nature reserve. People with breathing difficulties and asthma will suffer. The increased road traffic will result in further pollution on Church Road. If the 25m chimney stack falls, there could be serious consequences. Will the company be able to guarantee that the level of pollution in the locality will not increase?
45. Ysgol Gymraeg Lon Las pupils have concerns the air quality impacts of the proposal may result in pupils having to stay indoors, to the detriment of their education. Those with asthma may be affected by the proposals. Under Article 6 of the United Nations Convention on the Rights of the Child, children have the right to life and to grow up to be healthy.
46. Emerging LDP Policy RP7 includes a preferred location for a waste management facility. This area does not have any existing residential dwellings, or schools in its immediate surrounding. The site for the proposed incinerator is inappropriate.
47. The proposals contradict the Swansea Public Service Board priorities of improving local social, economic, environmental and cultural well-being across the city and county.
48. The proposed location of the plant is currently designated for light industrial use and thus the suggested use is not suitable for this location. If an exception is made it would set a precedent for additional developments of this nature to be allowed.
49. Concerns there in an apparent lack of meaningful consultation by the Council with local communities.
50. The pollution permit application indicates the plant will be operational from 4am Monday to Sat, this is unacceptable given its close proximity to local housing.
51. Concerns the approval of this development would result in a detrimental impact upon recycling rates in Swansea.
52. Concerns regarding the environmental and human health impacts of toxic ash arising from the proposed development.
53. Incineration increases the emissions of greenhouse gases responsible for global warming compared to recycling. Energy from waste incinerator contribute to climate change rather than reducing it.
54. Concerns the LPA cannot grant planning permission unless it is satisfied that adverse effects can be ruled out or it carries out an appropriate assessment.
55. Concerns the applicant is working in partnership with the company Covanta which has been fined in the US for releasing harmful chemicals from energy from waste plants.
56. Concerns the proposal will utilise refuse derived fuel from outside of Swansea, thereby resulting in increased traffic associated with the development.

The letters of support are summarised as follows:

1. The development would result in jobs and investment in the area.
2. Maximum use should be made of the district heating facility.

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3. The status quo of transporting the waste to Merthyr is not acceptable.
4. Sustainability is important.

Summary of statutory and non-statutory consultees

### Head of Highways and Transportation

The applicant has engaged with a company WYG to produce a Transport Statement to support the planning application and quantify the associated movements. The site is currently used by Biffa as a storage depot with overnight parking for the commercial vehicles. Currently the vehicles collect the waste then drive to the Baling Plant to deposit their goods. From the baling plant the waste is transferred to the landfill site at Merthyr Tydfil. With the proposed planning application the site would be able to dispose of the rubbish within the curtilage by the introduction development of a small scale incineration facility.

The transport document has quantified the proposed trip rates using TRICS. The existing fleet of vehicles will be utilized (20 vehicles) and there is no significant increase in trips expected as a result of the expansion. There would be a minor increase in movements associated with getting rid of the ash (2 vehicles) following incineration but there would be a larger benefit from the reduction of vehicles travelling to Merthyr. In terms of HGV movements the existing levels of 40 movements per day is likely to continue post development.

The swept paths submitted show that the commercial vehicles will be able to enter, turn and leave in a forward gear post development hence the likelihood of obstruction being caused on Clarion Way in minimal.

The layout internally is considered to be acceptable and the parking is appropriate given the location of the site.

The transport document has quantified the movements associated with the site following the introduction of the incineration unit. The increase in movements over and above that already in operation is negligible. I do not consider that there are any highways safety issues associated with the proposed development.

I recommend that no highway objections are raised to the proposal subject to the approved layout and parking areas being laid out in accordance with the approved plans, and being maintained as such thereafter.

### Head of Pollution Control Division

The Pollution Control Division has no objection to this application from Biffa waste to operate a waste treatment and incineration facility. All the environmental issues have been considered and the pollution control team are satisfied that there will be no adverse effect which is sufficient to recommend refusal. Further requests for clarification and requests for recalculation of certain models have been submitted to the applicant and satisfactory answers have been obtained. The site will become regulated by the pollution control division as it will require an Environmental Permit to comply with national and European rules on integrated pollution prevention and control.

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A permit application is very detailed on all matters relating to any discharges from the site to air, water or land, the control of noise, certain safety issues and energy related matters. The specific waste regulation rules which need to be applied to the site are enforced through our permit by a joint working arrangement with Natural Resources Wales.

Some objectors to the planning application have made reference to public health issues, air-quality standards and the full consideration of other local air quality issues. All these matters are always taken into account by the permit application process and no permit would be issued if there was any likelihood of adverse public health outcomes in the area beyond the permitted site. We are satisfied that no detectable adverse health outcomes are likely and that all our queries have been dealt with by the applicant. There are some minor points of detail to determine before the permit is finally issued, but we have issued a draft decision note and a draft permit for further discussion with the applicant and any other interested parties.

It is also our view that all the relevant local sources of air pollution have been accounted for in this process. Some discussion has taken place with regard to other developments further away from the site but given the distances involved and the dominance of the local road network and the M4, this has been adequately assessed. Likewise for the discussion over the source of wastes and their specific handling on-site; these are all detailed operational issues which are adequately controlled by the permit.

### **Head of Pollution Control Division** (summary of further comment)

The technical notes adequately cover the queries raised. Objectors concerns are in line with pressure group sources that are anti-energy from waste.

### **Drainage and Coastal Management**

We have no objection to the application and would offer the following comments. The covering letter suggests that there may be impacts on flood risk, this is correct as extension of the building will contribute to the cumulative loss of available floodplain storage and an assessment of that impact may be required, Natural Resources Wales will be able to advise further on what is expected as part of that assessment and what mitigation measures may be applicable and if the submitted FCA is appropriate.

In regards to surface water management on site aerial photography suggests that the extension area is already impermeable so it is unlikely that any attenuation will be required but the applicant should assess whether there is any water quality risks/impacts, consider them as part of the application and assess whether any control measures are required to protect the local water environment, this element does not appear to have been incorporated into any documents in the application.

### **Planning Ecologist**

Informative recommended in relation to bats, breeding birds and otters.

The lighting strategy should be agreed by the Council's planning ecologist to ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the construction, or operation phases of the development.

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As Japanese knotweed and Himalayan balsam are recorded from near the site boundary, an updated pre-construction invasive non-native species survey is required.

There is potential for the proposed development to have detrimental impacts on the Nant Bran and Nant y Fendrod water courses which discharge to the River Tawe via the enterprise lake on Valley Way. This watercourse is therefore considered to be a sensitive receptor that could be affected by the development. This must be protected by a buffer of at least 7 to 10m at either side. The statement must be included in the CEMP.

Due to the potential for adverse impacts on the Fendrod Lake and Nant Y Fendrod Site of Interest for Nature Conservation (SINC) and Swansea Vale SINC, the applicant must produce a detailed site-specific Construction Environment Management Plan (CEMP). This must illustrate all necessary pollution prevention measures for the construction phase. The CEMP must be submitted to the LPA for approval.

Without counteracting measures with regard to the potential impacts from the construction and operation phase, it cannot be concluded that there will be no likely significant effects on the SINC features and conservation objectives. A condition must be attached to any consent ensuring adherence to the CEMP.

Advice provided in relation to ecological enhancements.

### **Placemaking and Heritage Lead**

The accurate montage view taken from the church car park area represents the view from the same level as the west external end of the church (approx. ground level 20.2m AOD)

This visual shows that the proposed stack will be visible but from the vantage point tested it does not significantly break the skyline and if finished in a recessive/ non reflective finish it will not stand out from the urban backdrop beyond.

Obviously as you move away from the grade II listed church down the churchyard to the west (still within the Llansamlet Conservation Area), the stack will become more prominent above the skyline given the closer/lower view point. However this hasn't been tested and only one visual has been provided.

Based on the information provided, it is considered that the stack will not have a harmful effect on the setting of the grade II listed St Samlet's Church. It is also considered that the stack will not have a dominant effect on the Llansamlet Conservation area from the vantage point tested. However it is likely that the visual effect will increase to the west within the church yard area that lies within the Conservation Area.

### **Natural Resources Wales 30.10.18**

Specific technical comments made in relation to the Nant Y Fendrod flood model.

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### Natural Resources Wales 25.01.18

#### Flood Risk

The FCA is supported by revised hydraulic modelling to take account of changes in hydrology and Welsh Government climate change guidance since the original model was constructed. We have included a copy of our Technical Appendix (outlining our review of the hydraulic modelling), with this response, to assist your Authority in your determination of the application.

Our review highlights some modelling issues that could be addressed but are not considered significant enough to affect the overall model results.

The proposal constitutes an extension to an existing waste management and transport depot by the development of a new energy recovery facility. The FCA states that such a use could be considered as highly vulnerable development, as classified by TAN15, and that the site lies within Zone C1 on the development advice map.

The FCA also confirms that the proposal meets the justification tests set out in Section 6 of TAN15, but this is a matter for your Authority to consider.

The proposed extension has a footprint of 180 sqm which equates to a 19% increase to the existing facility. The extension will also be located within the existing operational area of the site and could therefore be considered to be a relatively minor extension within the existing site boundary.

The FCA correctly considers all potential sources of flood risk. We will however only provide comment on the sections dealing with Main River flood risk and we would advise that you consult your own Lead Local Flood Authority, on those sections dealing with local flood risk within their remit.

The FCA has considered flood risk from both the Nant-y-Fendrod and River Tawe main rivers and, based on the revised flood modelling, states that the site remains 'flood free' in the 1% (1:100 year) event even with the addition of the latest 30% climate change allowance on flows.

The proposed development therefore satisfies the flood free threshold requirement in Table A1.14 of TAN15.

The FCA also states that the site remains 'flood free' in the 0.1% (1:1000 year) event if the flood defences remain intact. However, the FCA also accepts that in the event of a failure of the flood defences (which must be considered when 'soft' defences overtop during events that exceed their standard of protection), the site would be subject to some flooding which could be to depths in excess of 1m.

With regard to the potential effect on flooding elsewhere as a result of the development the FCA suggests that due to the relatively minor increase in building footprint and that the building would not be flood proofed any loss of flood storage would not be 'significant'. Whilst it is difficult to confirm this statement explicitly, it may be considered reasonable given the scale of development and the existing operational use of the application site.



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Furthermore, as the FCA accepts that there is a residual risk of flooding, albeit only in the extreme event with a failure of defences, mitigation measures are proposed to ensure the safety of employees and to minimise environmental harm. These mitigation measures include the provision of a 'Flood Management and Evacuation Plan' linked to the wider Swansea Vale Protocol.

It will be for your Authority to determine the acceptability of these proposal to ensure safe management and evacuation.

### Geoscience / Contamination

We note that Section 9.6.3 of the Environmental Statement (ES) asserts that there will be no breaking of the ground during the works. Although, the submission of the document entitled; 'Biffa Waste Services Ltd, Clarion Close, Swansea Enterprise Park, Swansea: Soils Investigation Report (Ref: 18050/1)', dated 24 May 2018, by Intersoil Limited; does indicate that some basic site investigation was undertaken. 3

Although the soil sampling and limited groundwater sampling results indicate low levels of potential contamination, we request the following condition be attached to any planning permission your Authority may be minded to grant.

### Pollution Prevention

Given the proximity of the nearby the Nant-y-Fendrod watercourse, which lies approximately 20 metres to the east of the site, we advise that an appropriate Construction Environmental Management Plan (CEMP) / Pollution Prevention Plan (PPP), should be provided.

This document should include detailed site-specific measures which will be put in place to prevent pollution to the surrounding land and water environments, along with details of the good practice measures which will be followed in relation to otters, a European protected species.

Therefore, we would advise that the following condition is included on any planning permission that your Authority may be minded to granted.

### Protected Species and Ecology

Having reviewed the details provided in Chapter 6 of the ES, we wish to make the following comments. We note that Section 6.5.9 states that although no signs of otter were recorded it is considered likely that they may use the Nant-y-Fendrod stream for commuting.

As a consequence, the following good practice measures should be carried out on site during the construction phase. These measures should be incorporated into any CEMP produced so that site personnel are aware of these measures.:

- i. Daytime working hours are adopted for any construction works, to commence no sooner than one hour after sunrise and finish no later than one hour before dusk. At night, a quiet dark corridor will be retained along the watercourse and its bankside vegetation;
- ii. Construction materials will be stored well away from the watercourse in way that prevents otters gaining access or using them to rest in (e.g. pipe ends will be capped or covered);

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- iii. Any trenches that are left open overnight will have planks of wood placed at regular intervals to allow otters a way out; and
- iv. All tools, food, litter and construction materials and packaging that may constitute a hazard to otters will be removed daily from the site.

In addition to the above, we also advise liaison with your Authority's Planning Ecologist as they may have additional comments to make in relation to other matters, such as the nearby Site of Importance for Nature Conservation (SINC).

### Environmental Permit

Following comments made as part of our statutory pre-application response, we note that the Pre-Application Consultation (PAC) report, dated September 2018, by WYG Limited, provides some further clarification in relation to the capacity (tonnes per hour) of the proposed facility.

As previously stated, our Industry Regulation Team, were contacted by your Authority, in March 2018, and were informed that the capacity of the facility would be 1.8 tonnes per hour. This detail was provided via email, following discussions between the City and County of Swansea, and Mr Andrew Bowker, from WYG Ltd.

Providing that the proposal continues to have a maximum capacity of 1.8 tonnes per hour, the activity would fall outside of NRW's remit and the facility would be regulated by the Local Authority.

### Air Quality

Having reviewed the information provided in Chapter 8 and Appendix 8.1 of the Environmental Statement (ES), we are of the opinion that the emissions and depositions from this development are unlikely to have a significant effect on the designated sites identified within the document.

For other matters in relation to air quality (including, but not limited to human health), we advise that you also discuss the proposal with relevant departments and individuals within your Authority.

### Landscape

Having reviewed the details provided in Chapter 5 and Appendix 5.1 and 5.2 of the ES, along with Figures 5.1 to 5.8.4, we wish to make the following comments. We note that the proposal lies over 9 km from the Gower Area of Outstanding Natural Beauty (AONB) and due to the landform, location within the urban area and distances involved, the site would not be visible and would have no impact on the AONB.

### Dwr Cymru Welsh Water

We note that our consultation response (Ref: PPA0003187) has been acknowledged and included at Appendix E of the accompanying Pre-Application Consultation (PAC) Report, prepared by WYG, which highlights that DCWW offered no objection subject to standing advice.

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However, this planning application (Ref: 2018/2059/FUL) proposes to communicate surface water flows into the public sewerage system whereas our response advised that we would not consider the communication of any additional domestic surface water flows to the public sewer. We also remind that the developer may require a Trade Effluent Discharge Consent under Section 118 of the Water Industry Act 1991 from DCWW.

Conditions and advisory notes recommended.

### **Abertawe Bro Morgannwg University Health Board Estates Department**

The application identifies a range of activities where the Energy from Waste instillation (EfW) has an impact on the Environment. These impacts include the Incineration of waste, waste storage and associated traffic emission from HGV vehicles The application identifies environmental receptors and pathways for pollutants arising from both the normal and extraordinary emergency operational conditions of the EfW plant. Whilst the application and its supporting assessments state; that the proposed EfW would operate within relevant UK guidance the Health Board would have welcomed greater consideration to the local air quality conditions within Swansea.

Further specific reference is made to the energy from waste plant meeting the requirements and aspirations of the Welsh Government Waste Strategy "Towards Zero Waste - one Wales one planet", and Welsh Government Planning Note - Technical Advisory Note (TAN 21 ) Published in 2010 and 2014 respectively.

However despite the extensive list of legislation cited by the application, during the Health Boards review of the application, the Health Board has been unable to find any reference to the Environment (Wales) Act 2016.

Whilst Energy from the Waste plant would support the aspirations of "Towards Zero Waste" by providing a recovery facility for residual wastes. The Health Board believes its impact with regard the Environment (Wales) Act should also be considered , specifically Part 4 section 67, which details the Power to prohibit or regulate disposal of waste by incineration - The Welsh Ministers may by regulations make provision for and in connection with prohibiting or otherwise regulating the incineration in Wales of specified kinds of waste.

The Environment (Wales) Act helps to give the context of the EfW plant in the most recent legislative framework of Welsh Government and its aim to ensure that valuable recyclable materials/resources are not incinerated.

Furthermore, the Environment (Wales) Act 2016 places a duty on the Welsh Ministers to use five yearly carbon budgets, which set limits on the total amount of emissions that can be emitted in Wales. No reference to how the proposed Energy from Waste plant will support the Wales "Carbon Budgeting" could be found during the Health Boards review of the planning application.

The Health Board would welcome consideration of how the EfW plant complies with the goals of the Wellbeing and Future Generations Act 2015.

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Overall, the EIA and associated Air Quality assessments would indicate that the proposed instillation is in accordance with appropriate UK and European legislative requirements. It is noted that there would be a visual impact from the incinerator stack and associated plumes of condensate, based on the ADMS Plume Visibility Module.

Air quality would be the greatest impact of the proposed EfW plant this would originate from both the operation of the plant and vehicular traffic including Heavy Goods Vehicles.

The Health Board would welcome further analysis of the impact of the EfW plant on the Swansea AQMA.

The Health Board is surprised that Table 4.2 does not assess Hydrogen Chloride (HCL) as potential pollutant under emergency / abnormal conditions. HCL is a product formed by the combustion of Polyvinyl chloride (PVC) a widely used plastic product and likely to be present in the feedstock of the EfW plant. HCL is a known contributor to production of acid rain.

The application provided data in regards to the modelling contaminants assessed against the relevant Air Quality Objective (AQO) and states that the models predict emissions to be below the relevant short-term or long term AQS or Environment Assessment Level (EALs)

Whilst the application states that the air modelling predicts these elements would fall below AQOs or EALs, however the Health Board is unable to find any reference within the application regarding their impact if any on the Swansea Air Quality Management Area (AQMA).

The Health Board would welcome further information regarding the production of Dioxins and Furans with the EfW plant as the Application states that it would increase the existing concentrations by 4.41%.

The application identifies habitats and species within the Site and its immediate vicinity including, one Site of Special Scientific Interest (SSSI). Six Pit, Swansea Vale and White Rock, and one Ramsar/SAC/SSSI of Crymlyn Bog located approximately 2.5 km southeast. In the view of the Health Board there is insufficient modelling detailing the impact / if any of the EfW plant on these locations.

### **Abertawe Bro Morgannwg University Health Board (ABMUHB)**

The Health Board is aware that the proposed application has raised considerable community concerns, some relating to health and environmental concerns.

We have no grounds for objection based upon our public health assessment of the application documentation. The position statement on incineration developed by Public Health England, with which Public Health Wales concurs, is relevant to this consultation. This states that "while it is not possible to rule out adverse health effects from modern, well-regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close by is likely to be very small, if detectable. This view is based on a summary of available evidence which comprises detailed assessments of the effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants."

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Furthermore, in terms of wider public health implications, we agree that the development proposal is sustainable in terms of the environment and will be of positive benefit to the population falling in line with the sustainable development principals of the Well-being of Future Generations (Wales) Act (2015). Commitments to reduce waste and vehicle traffic are welcomed. We would strongly encourage mutual commitment to ensure surplus heat is used sustainably in the vicinity once the plant is operational, in line with the principle of sustainable development.

Finally, the process will be subject to the Environmental Permitting (England & Wales) Regulations requiring the operational process to have a Permit to operate in compliance with the Regulations.

### Public Health Risk Assessment

The applicant has assessed air quality, noise, highways, transportation and flood risk. Where predicted impacts have been identified, appropriate mitigation measures have been developed.

The applicant's air quality assessment has considered potential impacts associated with the main 25m plant exhaust stack emissions of nitrogen dioxide (NO<sub>2</sub>), particulate matter (PM<sub>10</sub> / PM<sub>2.5</sub>), sulphur dioxide (SO<sub>2</sub>), Volatile Organic Compounds (VOC) in the form of Benzene (C<sub>6</sub>H<sub>6</sub>), hydrogen chloride (HCl), hydrogen fluoride (HF), cadmium (Cd), Dioxins and furans, polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAH) and all Group 3 metals.

The air quality modelling uses meteorological data from a met station located approximately 1km from the site (Mumbles Head), using three years data (2010-2012 inclusive). The dispersion modelling assessment has considered 'normal' operations and 'abnormal/emergency' operations. Background (pollutant) concentrations and existing baseline conditions have been obtained from DEFRA mapping study and national monitoring networks. Assessment of traffic emissions has also been used to determine baseline (2012 data) pollutant levels at roadside receptor locations. The predicted dispersion modelling results for all described pollutants, under normal operating conditions, show long term and short term Process Contributions (PCs) do not significantly impact local air quality which is predicted to remain well within relevant Air Quality Objectives (AQOs) and/or Environmental Assessment Levels (EAL).

For airborne pollutants of major public health concern (NO<sub>2</sub> and PM<sub>10</sub>s/PM<sub>2.5</sub>s) modelled results at nearby sensitive (residential) receptors, show the PC for long term NO<sub>2</sub> emissions to be 7.52% or less as a percentage of the AQO (Max PC=3.01ug/m<sup>3</sup>; AQO = 40ug/m<sup>3</sup>) whilst short term NO<sub>2</sub> emissions are 4.05% or less as a percentage of the AQO (Max PC = 8.10ug/m<sup>3</sup>; AQO = 200ug/m<sup>3</sup>).

Maximum predicted PC for long term PM<sub>10</sub> emissions at receptors is 0.53% or less as a percentage of the AQO (Max PC = 0.214ug/m<sup>3</sup>; AQO 40ug/m<sup>3</sup>) whilst short term PM<sub>10</sub> emissions are 3.29% or less as a percentage of the AQO (Max PC=1.65ug/m<sup>3</sup>; AQO = 5ug/m<sup>3</sup>). Long term PM<sub>2.5</sub> emissions are 0.86% or less as a percentage of the AQO Target Value (Max PC=0.214ug/m<sup>3</sup>; AQO TV = 25ug/m<sup>3</sup>).

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In summary, the modelling results (including additional screening) show that for all modelled long term or short term PCs there is no exceedance of the AQOs or EALs even when taking into account existing background concentrations (although it should be noted that background PAH concentrations already exceeds the AQO; PC is 0.15% of the long term AQO).

While the air dispersion modelling results from normal operations suggest that adverse impacts on local air quality are unlikely, we recommend that the regulator is satisfied with the approach adopted for the assessment in particular weather station data being representative in terms of the locality and the period used.

With regards to dioxins, furans and dioxin like PCB's, the principal exposure route is through ingestion, usually through the food chain, and the main risk to health is through accumulation in the body over a period of time. Dioxins, furans and dioxin like PCBs have human health impacts at lower ingestion levels than lend themselves to setting an air quality standard to control against. For these pollutants a different human health risk model is required which better reflects the level of dioxin intake. The most commonly used model is the United States Environmental Protection Agency's Human Health Risk Assessment Protocol (HHRAP) which estimates exposure based on a hypothetical worst case exposure pathway, in that it has been assumed that the most sensitive receptor is consuming vegetables and livestock at the point of maximum ground level exposure.

Our recommended approach to dioxin intake modelling is to use the HHRAP for dioxins, furans and dioxin like PCB's and compare against the tolerable daily intake (TDI) for dioxins, furans and dioxin like PCB's of 2 picograms I-TEQ/Kg-bodyweight/day. The UK Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (known as COT) has set a TDI for dioxins, furans and dioxin like PCB's of 2 picograms I-TEQ/Kg-bodyweight/day<sup>2</sup>.

The Design Manual for Roads and Bridges (Highway Agency) assessment methodology was used to determine whether detailed transport assessment was required. The proposed traffic movements are below screening thresholds and as such, no assessment is required. The applicant states however, that the proposed facility will not increase commercial vehicle movements associated with the existing depot, and the only net increase will result from the transport of bottom ash to landfill, estimated to be a maximum of two HGV movements per week.

We note that the facility will reduce overall daily HGV movements (and consequently contribute towards CO<sub>2</sub> savings) between the transfer station (Ferryboat Close) and Trecatti Landfill where waste is currently exported.

The process building which includes the tipping area will be equipped with fast acting, rolling shutter doors and will be kept under negative pressure to ensure that any dusts, litter, odour or noise emissions from the building is minimised during the delivery and processing of wastes. Odours will be fed into the combustion process with dryer emissions vented via chemical scrubber to atmosphere.

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The noise survey concludes that the greatest difference between existing verified noise climate and operational noise from the proposed development will be 1.1dB (at night-time), which, when taking into account the proximity and sensitivity of local receptors, will be classed as Minor Adverse but Not Significant in accordance with BS4142 (methods for rating industrial and commercial sound).

It is unlikely that noise emissions will adversely impact on local residential receptors.

The site falls within a Flood Zone (C1 = areas of the floodplain which are developed and served by significant infrastructure, including flood defences), however the applicant has confirmed the area benefits from a flood defence scheme on the River Tawe. The applicant's Flood Consequences Assessment concludes the site is of low risk of flooding from surface water, groundwater, sewers, reservoir and overland flow sources.

We would recommend that the outlined mitigation measures are strictly adhered to as part of the Construction Environmental Management Plan (CEMP) to ensure that there is no adverse impact to either local air quality or the water environment. It is important that this is formally endorsed by planning condition.

The applicant states within the Environmental Statement that it is not considered necessary for this development to undertake a specific Health Impact Assessment (HIA). Confusingly, within the Air Quality Assessment the applicant states that a HIA has been undertaken, with reference made to local deprivation data and environmental benefits of the proposed facility. We assume that this reference to HIA refers to a narrow consideration of health impacts of emissions from the proposed operation rather than a full review and assessment (involving community engagement) of broader public health benefits and dis-benefits. Clarification on this matter would be useful.

Under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, the applicant should under environmental topics have a section on 'population and human health'. The ES does not have a clear delineation, although health impacts and implications are embedded throughout the ES as human health risk assessments. Under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, the endpoint of EIA population and human health analysis, should where possible, describe the predicted health and wellbeing outcomes. The applicant is incorrect in its methodology of assessing HIA as it does not meet the requirements of the Wales Health Impact Assessment Support Unit guidelines<sup>3</sup> which consider wider health and wellbeing determinants.

Regarding cumulative impacts the applicant has considered cumulative air quality impacts of nearby short-term operating peaking power plant.

The local planning authority should be satisfied that there are no other current or proposed developments, beyond those already considered in the application, which might adversely affect local air quality and public health.

**Abertawe Bro Morgannwg University Health Board (ABMUHB)** – Amended response following the submission of further information

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In light of the revised air quality assessment and Health Impact Assessment (HIA) we have no grounds for objection. Our previous conclusion made in the previous letter remains valid.

The revised air dispersion modelling results from normal operations suggest that adverse impacts on local air quality are unlikely. With regards the applicant's comments on HHRAP in respect of dioxins, which we note, this is ultimately a decision for the regulator.

### **Planning Policy**

Planning Policy Wales (10th Edition - December 2018)

National planning policy is set out within Planning Policy Wales Edition 10 (PPW) with the primary objective of PPW being to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation.

Chapter 1: Introduction:

Paragraph 1.11 states that the Well-being of Future Generations Act places a duty on public bodies to carry out sustainable development. The concept has been expanded under the Wellbeing Act and it requires an improvement in the delivery of all four aspects of well-being: social, economic, environmental and cultural. The Well-being Act has established seven well-being goals which are intended to shape the work of all public bodies in Wales (1.13).

Paragraph 1.26 states that Local Development Plans should set out a vision for how places are expected to change in land-use terms to accommodate development needs over the plan period. This provides certainty for developers and the public about the type of development that will be permitted at a particular location.

Chapter 2: People and Places: Achieving Well-being Through Placemaking

Paragraph 2.3 states that the planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all

Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people (2.7). Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. This can be done through maximising their contribution to the achievement of the seven well-being goals and by using the five Ways of Working, as required by the Well-being of Future Generations Act. This will include seeking to maximise the social, economic, environmental and cultural benefits, while considering potential impacts when assessing proposals and policies in line with the Act's Sustainable Development Principle (2.8).



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Paragraph 2.15 states the national sustainable placemaking outcomes should be used to inform the preparation of development plans and the assessment of development proposals. The outcomes provide a framework which contains those factors which are considered to be the optimal outcome of development plans and individual developments. These outcomes, whilst highlighting the sustainable features of the place development plans and decisions help create, should be the starting point for plan makers and decision takers and be considered at the earliest possible opportunity.

Not every development or policy proposal will be able to demonstrate they can meet all of these outcomes, neither can it necessarily be proved at the application or policy stage that an attribute of a proposal will necessarily lead to a specific outcome. However, this does not mean that they should not be considered in the development management process to see if a proposal can be improved or enhanced to promote wider well-being. It is for developers and planning authorities to identify these opportunities and act upon them (2.20).

### Chapter 3: Strategic and Spatial Choices

Paragraphs 3.1 and 3.2 state that effective strategic placemaking requires early collective consideration of placemaking issues at the outset, in the formulation of a development plan, or when developing specific proposals. The policy issues should not be considered in isolation from one another. This includes considering the design of a development and its impacts upon everyday lives as well as thinking holistically about where people might live and work and which areas should be protected.

Paragraph 3.7 states that good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location, density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

Paragraph 3.9 states layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. At 3.10 states that in areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important.

Paragraph 3.20 states that disadvantaged and deprived communities tend to be disproportionately affected by health problems. There are links between the built and natural environment and health throughout a person's lifetime and an understanding of the wider determinants of health should be a key component of development plan preparation. The planning system should identify proactive and preventative measures to reduce health inequalities. This will include enabling opportunities for outdoor activity and recreation, reducing exposure of populations to air and noise pollution, promoting active travel options and seeking environmental and physical improvements, particularly in the built environment.

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Planning authorities should develop and maintain places that support healthy, active lifestyles across all age and socio-economic groups, recognising that investment in walking and cycling infrastructure can be an effective preventative measure which reduces financial pressures on public services in the longer term. The way a development is laid out and arranged can influence people's behaviours and decisions and can provide effective mitigation against air and noise pollution. Effective planning can provide calming, tranquil surroundings as well as stimulating and sensory environments, both of these make an important contribution to successful places (3.22).

At paragraph 3.24 it states that where significant effects on human health are likely to arise as a result of development plans or individual development proposals, environmental impacts should be considered in full knowledge of the likely consequences for health. Information to assess potential impacts on health can be required through various mechanisms, such as sustainability appraisal of development plans and environmental impact assessments, and where relevant, health impacts should be incorporated into such assessments. In general, the most effective and collaborative ways of working will require shared and integrated approaches to evidence gathering and assessments. Health Impact Assessment makes a valuable contribution towards plan making. It may be useful when proposing or making decisions on new development along with evidence collected by Public Service Boards. Evidence on health impacts can help the planning system develop stronger and more coherent approaches towards maximising health and well-being.

Paragraph 3.57 states that adequate and efficient infrastructure, including services such as education and health facilities along with transport, water supply, sewers, sustainable waste management, electricity and gas (the utilities) and telecommunications, is crucial for economic, social and environmental sustainability. It underpins economic competitiveness and opportunities for households and businesses to achieve socially and environmentally desirable ways of living and working. Infrastructure which is poorly designed or badly located can exacerbate problems rather than solving them.

At paragraph 3.59 it states that development should be located so that it can be well serviced by existing or planned infrastructure. In general this will involve maximising the use of existing infrastructure or considering how the provision of infrastructure can be effectively co-ordinated to support development plans. Infrastructure choices should support decarbonisation, socially and economically connected places and the sustainable use of natural resources.

### Chapter 5: Productive and Enterprising Places

Paragraph 5.11 states that infrastructure, be it physical, electronic or digital, plays a pivotal role in maintaining the economic well-being of Wales. It enables people to connect and interact with each other, either in person or electronically, to increase prosperity. It delivers people to their place of work and home again. It enables goods manufactured here to be delivered to places around the world. It enables effective communication between people and businesses and provides a place for people to work and enjoy our natural and cultural assets. Poor infrastructure can be both a disincentive to investment and growth, and have a detrimental impact on quality of life, prosperity and the well-being of communities.

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Paragraph 5.4.1 and 5.4.2 state that for planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses.

Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to planning policy. This section focuses primarily on traditional employment land uses (B1, B2 and B8) while policies on other economic sectors are found elsewhere in PPW.

Paragraph 5.4.13 states that planning authorities should...propose specific locations for locally and strategically important industries which are detrimental to amenity and may be a source of pollution.

At paragraph 5.4.15 it states that whilst employment and residential uses can be compatible planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised.

Paragraph 5.7.8 states the benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change and increase energy security, is of paramount importance. The continued extraction of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change. The planning system should:...maximise renewable and low carbon energy generation; maximise the use of local energy sources, such as district heating networks.

Paragraph 5.7.14 states that Welsh Government planning policy recognises an energy hierarchy. The Welsh Government expects all new development to mitigate the causes of climate change in accordance with the energy hierarchy for planning, as set out in the following energy policies. Reducing energy demand and increasing energy efficiency, through the location and design of new development, will assist in meeting energy demand with renewable and low carbon sources. This is particularly important in supporting the electrification of energy use, such as the growing use of electric vehicles. All aspects of the energy hierarchy have their part to play, simultaneously, in helping meet decarbonisation and renewable energy targets.

Paragraphs 5.7.16 and 5.7.17 states that Welsh Government has set targets for the generation of renewable energy... The planning system has an active role to help ensure the delivery of these targets, in terms of new renewable energy generating capacity and the promotion of energy efficiency measures in buildings.

Paragraph 5.9.1 states that planning authorities should facilitate all forms of renewable and low carbon energy development. In doing so, planning authorities should seek to ensure their area's full potential for renewable and low carbon energy generation is maximised and renewable energy targets are achieved.

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At paragraph 5.9.2 it states that...Planning authorities should: assess the social, economic, environmental and cultural impacts and opportunities arising from renewable and low carbon energy development.

Paragraph 5.9.9 states that outside identified areas, planning applications for renewable and low carbon energy developments should be determined based on the merits of the individual proposal. The local need for a particular scheme is not a material consideration, as energy generation is of national significance and there is a recognised need to optimise renewable and low carbon energy generation. Planning authorities should seek to ensure their area's renewable and low carbon energy potential is achieved and have policies with the criteria against which planning applications outside of identified areas will be determined.

In determining applications for the range of renewable and low carbon energy technologies, planning authorities should take into account:

- the contribution a proposal will make to meeting identified Welsh, UK and European targets;
- the contribution to cutting greenhouse gas emissions; and
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development (5.9.16).

Paragraph 5.9.17 states that planning authorities should give significant weight to the Welsh Government's targets to increase renewable and low carbon energy generation, as part of our overall approach to tackling climate change and increasing energy security. In circumstances where protected landscape, biodiversity and historical designations and buildings are considered in the decision making process, only the direct irreversible impacts on statutorily protected sites and buildings and their settings (where appropriate) should be considered. In all cases, considerable weight should be attached to the need to produce more energy from renewable and low carbon sources, in order for Wales to meet its carbon and renewable targets.

Planning authorities should also identify and require suitable ways to avoid, mitigate or compensate adverse impacts of renewable and low carbon energy development. The construction, operation, decommissioning, remediation and aftercare of proposals should take into account:

- the need to minimise impacts on local communities, such as from noise and air pollution, to safeguard quality of life for existing and future generations;
- the impact on the natural and historic environment;
- cumulative impact;
- the capacity of, and effects on the transportation network;
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so, consider whether measures to adapt to climate change impacts give rise to additional impacts (5.9.18).

Paragraph 5.9.24 states that energy-related developments should be decommissioned and sites remediated as soon as their use ceases. Planning authorities should use planning conditions or legal agreements to secure the decommissioning of developments and associated infrastructure, and remediation of the site.

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Paragraph 5.13.1 states that the planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses, whilst at the same time:

- minimising adverse environmental impacts and avoiding risks to human health;
- protecting areas of designated landscape and nature conservation from inappropriate development; and
- protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities.

The benefits which can be derived from proposals for waste management facilities as well as the impact of proposals on the amenity of local people and the natural and built environment must be adequately assessed to determine whether a planning application is acceptable. If adverse impacts on amenity or the environment cannot be mitigated, planning permission should be refused (5.13.2)

Planning authorities, other relevant local authority departments and Natural Resources Wales (NRW) must work closely together to ensure that conditions attached to planning permissions and those attached to Environmental Permits are complementary and do not duplicate one another. Sufficient information should accompany development proposals in order for planning authorities to be satisfied that proposals are capable of effective regulation. NRW should assist the planning authority in establishing this position through the provision of appropriate advice. The parallel tracking of planning and environmental permitting applications should be the preferred approach, particularly where proposals are complex, so as to assist in mitigating delays, refusal of applications or conditions which may duplicate the permit/licence (5.13.3)

Paragraph 5.13.10 states planning authorities must support the provision and suitable location of a wide ranging and diverse waste infrastructure which includes facilities for the recovery of mixed municipal waste and may include disposal facilities for any residual waste which cannot be dealt with higher up the waste hierarchy. The extent to which a proposal demonstrates a contribution to the waste management objectives, policy, targets and assessments contained in national waste policy will be a material planning consideration.

Paragraph 5.13.12 states that for all wastes, suitable locations for sustainable waste management development should be identified in development plans as well as criteria by which applications for such developments will be determined, recognising that the most appropriate locations will be those with the least adverse impact on the local population and the environment and with the best potential to contribute to a broad infrastructure framework.

### Chapter 6: Distinctive and Natural Places

At paragraph 6.15 it states that the planning system must take into account the Welsh Government's objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations. The historic environment is a finite, non-renewable and shared resource and a vital and integral part of the historical and cultural identity of Wales. It contributes to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life.

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The historic environment can only be maintained as a resource for future generations if the individual historic assets are protected and conserved. Cadw's published Conservation Principles highlights the need to base decisions on an understanding of the impact a proposal may have on the significance of an historic asset.

There should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of 124 125 special architectural or historic interest which it possesses (6.1.10)

There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings (6.1.14)

There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level (6.1.15).

### Technical Advice Notes

Technical Advice Note 5: Nature Conservation and Planning (2009): This Technical Advice Note provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. This TAN brings together advice on sources of legislation relevant to various nature conservation topics which may be encountered by local planning authorities.

Technical Advice Note 8: Renewable Energy (2005): This TAN relates to the land use planning considerations of renewable energy, however UK and national energy policy provide its context. Energy policy is a reserved function that is not devolved to the Assembly Government. Nevertheless, all decisions relating to renewable energy in Wales must take account of the Assembly Government's policy.

Technical Advice Note 11: Noise (1997): This TAN provides advice and guidance on technical issues in relation to noise and development. It states that Local Planning Authorities must ensure that noise generating developments do not cause an unacceptable degree of disturbance. It also states that Local Planning Authorities should consider whether proposals for new noise sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the future. This TAN also gives detailed guidance on how to assess such issues.

Technical Advice Note 15: Development and Flood Risk (2004): This TAN sets out the advice and guidance in relation to development and flood risk. It sets out the way in which the risk of a development flooding and its consequences is to be assessed.

Technical Advice Note 18: Transport (2007): This TAN provide advice and guidance on transport issues including the design and location of the development, parking requirements, walking and cycling, public transport, assessing impacts and managing implementation.

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Technical Advice Note 21: Waste (2014): This guidance note provides advice on how the land use planning system should contribute towards sustainable waste management and resource efficiency, reflecting the new waste management drivers at a European Union and Wales level. The Welsh Government's overarching waste strategy for Wales, 'Towards Zero Waste - One Wales: One Planet', 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. Achieving the aims in Towards Zero Waste relies on a suite of waste sector plans. These provide details on how the outcomes, targets and policies in Towards Zero Waste are to be implemented.

Technical Advice Note 23: Economic Development (2014): This TAN provides guidance on the consideration of economic developments. Planning Policy Wales (PPW) defines economic development broadly so that it can include any form of development that generates wealth, jobs and income. In producing development plans or determining planning applications local planning authorities need to bear in mind that traditional business use, classes B1-B8, only account for part of the activity in the economy. It is important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations.

Technical Advice Note 24: The Historic Environment (2017): The purpose of this TAN is to provide guidance on how the planning system considers the historic environment during development plan preparation and decision making on planning and Listed Building (LBC) applications. This TAN provides specific guidance on how the following aspects of the historic environment should be considered: World Heritage Sites; Scheduled monuments; Archaeological remains; Listed buildings; Conservation areas; Historic parks and gardens; Historic landscapes and ; Historic assets of special local interest.

Supplementary Planning Guidance (SPG)

Car Parking Standards (2012): The aim of this guidance is to ensure that parking provision for new developments meets regional standards.

Swansea Enterprise Park Planning Policies (1994) - This document provides a guidance on the types of uses that may be acceptable within specific 'zones'. In this respect the site is located within zone D where office, storage, industrial and car showrooms may be appropriate. Other areas of the Enterprise Park, defined as zone C, are specifically identified for 'general industry and non-conforming uses', this includes waste disposal transfer processes and the open storage or the processing of scrap metal.

Local Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

PS1: Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy.

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PS2: Placemaking and Place Management - development must enhance the quality of places and spaces and shall accord with relevant placemaking principles.

HC1: Historic and Cultural Environment - the County's distinctive historic and cultural environment will be preserved or enhanced by complying with set criteria. HC2: Preservation or Enhancement of Buildings and Features - the County's buildings and features of historic importance will be preserved or enhanced by complying with set criteria.

SI1: Health and Wellbeing - health inequalities will be reduced and healthy lifestyles encouraged by complying with set criteria. Included within the criteria is that proposals do not result in significant risk to life, human health or well-being, particularly in respect of air, noise, light, water or land pollution.

ER1: Climate Change - Development proposals will be expected to take account of the effects of climate change, adapt to its impacts, and to ensure resilience.

ER5: Landscape Protection - Development will not be permitted that would have a significant adverse effect on the character and quality of the landscape and setting of the County.

ER6: Designated Sites of Importance for Nature Conservation - development will not be permitted that would result in a likely significant adverse effect to sites of international or national nature conservation importance. Development that would affect locally designated sites of nature conservation importance should maintain or enhance the nature conservation interest of the site.

ER8: Habitats and Species - development proposals should not have a significant adverse effect on the continued viability of habitats and species, including those identified as priorities in the UK or Swansea Local Biodiversity Action Plan unless it meets specific criteria. ER9: Ecological Networks and Features of Importance for Biodiversity - development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network which enables the dispersal and functioning of protected and priority species.

ER9: Ecological Networks and Features of Importance for Biodiversity - development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network which enables the dispersal and functioning of protected and priority species.

T1: Transport Measures and Infrastructure - development must be supported by appropriate transport measures and infrastructure, and development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted. T2: Active Travel - Development must enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery offsite of specific measures.



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T6: Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

EU1: Renewable and Low Carbon Energy Developments - Proposals for renewable or low carbon energy development will be permitted subject to the policy criteria. This policy includes the consideration of energy from waste proposals.

EU4: Public Utilities and Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development. Development that requires new or improved utility infrastructure will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

RP1: Safeguarding and Public Health and Natural Resources - development that would result in significant risk to: life; human health and wellbeing; property; controlled waters; or the natural and historic environment, will not be permitted.

RP2: Noise Pollution - where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on future occupants.

RP3 Air and Light Pollution - Where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants.

RP4: Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable.

RP5: Avoidance of Flood Risk - Unless justified, new development will be expected to be located away from flood risk areas.

RP 6: Land Contamination - Development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

RP8 : In order to manage waste within the County in a sustainable manner, the development of in-building sustainable waste management facilities involving the transfer, treatment, re-use, recycling, in-vessel composting or energy recovery from waste, will be permitted within Preferred Areas or areas having the benefit of lawful B2 use provided that there are no significant environmental, health, amenity or highway network impacts.

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### Introduction

The application is reported to the Planning Committee as a waste development and there have been a significant number of objections to the public consultations as detailed above. Councillor Ryland Doyle has also called-in the application.

Welsh Government have received a request for the application to be called-in for determination by the Welsh Ministers using its powers under Section 77 of the Town and Country Planning Act 1990 (as amended). A copy of this report has been issued to Welsh Government for their consideration.

### Site Description and Wider Context

The application site fronts onto Clarion Close on the north eastern site of the Swansea Enterprise Park. The site is flat and currently comprises a large empty storage building, outside storage areas and car parking.

The wider site is currently used by the applicant "Biffa" as a storage and transportation depot with a fleet of approximately 15 waste collection vehicles.

The depot is accessed from Clarion Close to the south and bounded to the north and west by existing industrial units. The eastern boundary is defined by the Nant y Fendrod, a tributary of the River Tawe, with further industrial units beyond. Nant y Fendrod forms part of the Fendrod Lake and Nant y Fendrod Site of Interest for Nature Conservation (SINC).

Some 165m to the east are the closest residential properties accessed off Pant Y Blawd Road and the grade II listed St Samlet's Church, located within Llansamlet Conservation Area. Beyond that, some 420m to the east is Ysgol Gynradd Gymraeg Lon Las, which has recently been re-built.

There are mature trees along the eastern and southern boundaries of the site with the northern and western boundaries undefined. The applicant has indicated the existing boundary planting will be retained.

### The Proposal

The proposal is to develop the site as a small scale energy from waste facility including the provision of an extension on the north side of the existing building and the provision of external plant, associated structures and 25m chimney stack on the southern side of the building closest to access and road frontage on Clarion Close.

The site forms part of a depot for vehicles that collect unsorted waste from commercial customers in the Swansea area. This waste is bulked up at the Council's bailing plan on Ferryboat Close, Swansea Enterprise Park, before being transported by lorries to Trecatti Landfill at Merthyr Tydfil.

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The proposed development would treat up to 21,000 tonnes per annum of commercial and trade waste currently collected by Biffa from businesses within the Swansea area. Once collected, the waste would be transferred direct to the site where it would be weighed and delivered into the process building into a reception bunker. The waste would be shredded and stored in a further reception bunker where it would be used as fuel feedstock. The feedstock would be loaded onto a conveyor belt. Scrap metal would be removed via a magnet, recyclable material would be stored on site before onward transfer. The residual feedstock would be passed into a dryer to reduce to moisture content to 30% before being fed into the 'boiler' and heated to temperatures up to 1600 degrees Celsius. The steam resulting from this process will be fed into a condensing turbo generator to produce approximately 0.4MW of electricity. The electricity would be exported to the National Grid.

In addition to the grid connection, the proposed development is designed to deliver district heating or power should a viable and deliverable solution be forthcoming. The applicant considers this would increase the overall efficiency of the proposed energy recovery facility. The Applicant has indicated they have undertaken an assessment of the potential heat users in close proximity to the site and identified a number of potential non-residential heat users within 1km of the site. They are confident that surplus heat from the proposed development can be exported to local companies and users in the vicinity of the Site and that Combined Heat and Power (CHP) is a viable option on the site once the facility is established.

The existing storage building is 38m by 30m and has a footprint of 945 sqm. The height of the building, to ridge, is circa 10m. The existing building form is proposed to be extended by some 6m to the north with a new weighbridge beyond. On the southern side, adjacent to the Clarion Close road frontage, the proposal seeks to provide the plant associated with the operation comprising of an air filtration system, enclosed storage tanks and an emission stack measuring some 25m in height.

The use is intended to operate on a 24 hour basis, however, deliveries are indicated to be limited to Monday to Saturday between 6am and 5pm. No deliveries are intended to be undertaken on Sundays or Bank Holidays unless an emergency collection is required.

The process will produce residues in the form of bottom ash, slag and boiler ash, which can be used as a substitute to low grade aggregates, and air pollution control residue (APCr). The proposal will result in an estimate 1-2 heavy goods vehicle (HGV) movements per weeks associated to dispose of the ash arising from the incineration process.

The proposed development would have a maximum capacity of 1.84 tonnes per hour dry weight. The development will, therefore, be subjected to a Part B environmental permit issued by Swansea Council and meet the requirements of the Incineration Directive and Industrial Emissions Directive. An application for an environmental permit under Part B has been submitted to the Council in tandem with the planning application. The draft environmental permit has been issued to the applicant and includes specific waste types within the following broad categories:

- wastes from human or animal healthcare and/or relates research
- wastes from waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use

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- municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions

The site will not receive hazardous waste.

The applicant has advised that an electricity grid connection can be made at the existing substation adjacent to the southern boundary of the site and this would be undertaken by the statutory undertaker under their permitted development rights.

According to the applicant, the development would also be designed to deliver district heating or power should a viable and deliverable. The applicant has undertaken an assessment of the potential heat users in close proximity to the site and has identified a number of potential non-residential heat users within 1km of the Site.

### **Main Issues**

The main issues are considered to be: the principle and need for the development in this location, the impact of the development upon the character and appearance of the area including heritage and landscape impacts, the impacts upon the living conditions of neighbouring occupiers, the impacts upon the highway safety, the impacts upon air quality and environmental health, the impacts upon the environment and the impacts upon flood risk.

The application has been accompanied by an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. This follows a screening opinion issued in March 2018 advising the applicant that a planning application for the proposal would require an environmental impact assessment.

### **The Principle of Development**

National waste planning policy set out within TAN 21 notes that the waste hierarchy should be applied to all waste proposals and should be considered alongside other relevant social, economic and environmental factors, including the amenity of adjacent uses and communities, before the appropriateness of potential developments can be determined. The TAN states that the recovery of energy from mixed municipal waste in high efficiency facilities is considered by Welsh Government to be a vital component of the waste management system in Wales. Such facilities are currently considered to represent the most sustainable outcome for mixed municipal waste. The proposed development is designed as an energy recovery facility and would result in the management of waste further up the 'Waste Hierarchy' than present landfilling arrangements. In this respect the proposed development would accord with the Welsh Government's long-term aim, as set out in 'Towards Zero Waste' and TAN 21, of eliminating landfilling as far as possible.

TAN 21 and LDP Policy RP8 discuss the nearest appropriate installation principle relating to mixed municipal waste (which is relevant to this proposal) i.e. such waste should be disposed of or recovered in one of the nearest appropriate installations whilst ensuring a high level of protection for the environment and human health. The self-sufficiency principle seeks a shift towards self-sufficiency in waste recovery and disposal through the provision of an integrated and adequate network. The diversion of waste from a landfill in Merthyr to the proposed energy recovery facility in the Swansea Enterprise Park would align with these principles.

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The South West Region Waste Planning Monitoring Report (2015) states there is one waste incinerator with energy recovery in south west Wales taking municipal and other waste, that being the Materials Recovery and Energy Centre (MREC) facility in Neath Port Talbot which is permitted to accept 166 thousand tonnes of residual waste per year. Part of the Refuse Derived Fuel (RDF) produced at the site was formerly used in the on site incinerator. However MREC has currently ceased incineration of RDF on site and the installation operates as a transfer station and materials recycling facility.

The only other operational residual waste treatment facility in south Wales is an Mechanical Biological Treatment (MBT) plant in Lampeter where the treated residue is sent to landfill. This has a capacity of 80 thousand tonnes.

The South West Region Waste Planning Monitoring Report considered that given the quantities of residual waste produced in SW Wales, and the over reliance on landfill for its disposal, it is clear that the region has insufficient capacity in "other recovery" facilities and therefore has some way to go to be able to meet the 2025 goal of as close to zero landfill as possible.

This provides some background to the policy requirement for alternatives to landfilling and goes some way to demonstrate a need for the proposed facility.

Under the LDP, energy from waste developments would fall under the consideration of EU1 which provides criteria for the consideration of renewable energy developments. In relation to LDP Policy RP8, this states that proposals for sustainable waste management facilities, including energy recovery from waste, will be permitted within "Preferred Areas" indicated on the proposals maps or areas having the benefit of lawful B2 use. The amplification to the Policy states that where proposals for in-building waste management facilities satisfy the Policy criteria they are more likely to be located in existing or proposed General Industrial (B2) areas (as classified under the Town and Country Planning (Use Classes) Order), unless an assessment of the proposal identifies that more onerous location standards should apply. The amplification goes on to state that developers are encouraged to utilise the Regional Waste Plan 1st Review Areas of Search Maps in the first instance to identify suitable areas in which to locate waste management developments. Facilities should not be located in, or near to, locations where they would have a significant adverse impact on areas or sites designated for local, national or international protection. The "Preferred Areas" for new waste management facilities within the LDP are the baling plant site at Swansea Enterprise Park) and the former Tip site at Felindre, which are identified on the Proposals Map. Sites where there are existing waste operations or where there are existing B2 uses may also be considered suitable for new waste management facilities.

The SPG 'Swansea Enterprise Park Planning Policies', whilst somewhat dated being produced in 1994, provides a guide on the types of uses that may be acceptable within specific 'zones'. In this respect the application site is located within zone D where office, storage, industrial and car showrooms may be appropriate. It should, however, be noted that zone C is specifically identified for 'general industry and non-conforming uses', this includes waste disposal transfer processes and the open storage or the processing of scrap metal.

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The Biffa site currently has a mixed use with offices (B1), vehicle maintenance (B2) and skip/equipment storage (B8). These uses accord with the historic planning permissions at the site which date from the late 1970s and, most recently, the mid 1980s when planning permission was granted for general and light industrial projects, wholesale and storage warehouses and retailing projects (Application ref: 84/5015/05). It is therefore considered that the provision of a further B2 element within the site would be consistent with the approved and current uses at the site. The Swansea Enterprise Park, and the specific zone within which the application site is located, is appropriate for B2 uses, as indicated within the 'Swansea Enterprise Park Planning Policies' SPG and current LDP Policies

Concerns have been raised in letters of objection that the site has not been designated as suitable as a waste management facility within the LDP. In this respect it is acknowledged the site is not identified as one of the "Preferred Areas" for a waste management facility within the LDP proposals maps, however, the amplification to the policy states that the identification of these sites does not infer that other sites will be excluded from consideration.

On this basis, it is considered the provision of the proposed waste management facility in this location, in principle, would not conflict with LDP Policy RP8. The proposals are considered against the detailed criteria of the Policy within this report.

### **Character and Appearance**

The application site is located on the north eastern edge of the Swansea Enterprise Park where land levels to the east rise towards Church Road/Walters Road, whereas the levels to the north, south and west remain relatively flat. The site is surrounded by industrial and commercial uses and this is reflected in the scale and design of the buildings within the immediate context of the site. Further to the east, on higher ground are residential properties off Pant y Blawd Road and St Samlet Church.

The proposed development works to the building would, for the most part, be relatively well screened by the existing mature vegetation around the depot. The extension to the north elevation would replicate the form, design and materials of the existing building and given the relatively small depth of the extension at 6m, this element of the proposal is considered to be acceptable and would not result in any significant visual impacts upon the character and appearance of the area.

The proposed plant works adjacent to the Clarion Close road frontage would, aside from the stack, be no higher than the existing building and would not be visually prominent or incongruous given the mature landscaped setting of the building and the industrial/commercial context within this part of the Swansea Enterprise Park.

Clearly the provision of a 25m high stack, in view of its height, has the potential to be visible from the wider area surrounding the site. In this respect the ES has been accompanied by and Landscape and Visual Impact Assessment (LVIA) which provides an assessment of the effects of the proposal on the landscape of the site and its context. The visual study area for the assessment extends to approximately 2km from the site and includes consideration of the heritage impact of the proposals. The LVIA has been informed by 10 publicly available viewpoints taken from within the study area.

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The degree of the likely landscape effects of the proposed development is determined by relating the sensitivity of the receptors to the changes arising from the development proposals, and the degree and nature of the changes in the landscape arising from the proposals.

The LVIA considers both the construction and operational phase impacts of the development. The assessment considers the impacts to people in settlements and residential properties, impacts to passers by on public roads, impacts from public rights of way and impacts from landscapes of interest. The assessment includes the impacts to those within the nearest residential properties on Clos Y Fendrod.

Overall the assessment considers that the development would result in no significant visual impacts. A moderate adverse impact was identified to users of the adjacent public footpath during the construction period reducing to negligible in the long term.

A long term minor negative impact was identified to visitors of the grade II listed St Samlet Church and Llansamlet conservation area due to the proximity of the site to the receptors and the addition of the stack to a view that is largely screened from views of the Swansea Enterprise Park. The assessment considers that the impacts to the nearest properties on Clos Y Fendrod would be negligible on the basis that the stack would be viewed from upper floors only and would be viewed against other vertical structures within the Swansea Enterprise Park.

The Councils Placemaking and Heritage officer has requested the submission of a photomontage to include the stack from viewpoint 5 from the grounds of the view from St Samlet Church and Llansamlet conservation area. The viewpoint reveals that the stack will be visible from the grounds of the church, however, it does not significantly break the skyline and if finished in a recessive or non reflective finish the Placemaking and Heritage officer considers it will not stand out from the urban backdrop beyond. As you move away from the grade II listed church down the churchyard to the west (still within the Llansamlet conservation area) the Placemaking and Heritage officer noted the stack will become more prominent above the skyline given the closer/lower view point. However this hasn't been tested and only one visual has been provided.

Notwithstanding this, based on the information provided and the comments of the Placemaking and Heritage officer, it is considered that the stack will not have a harmful effect on the setting of the grade II listed St Samlet's Church. It is also considered that the stack will not have a dominant effect and would preserve the setting of the Llansamlet Conservation area from the vantage point tested.

NRW have noted the site lies over 9 km from the Gower Area of Outstanding Natural Beauty (AONB) the site would not be visible and, they consider, would have no impact on the AONB.

The findings of the LVIA are broadly accepted. From the closest residential properties and from public rights of way and the roads near the site, there will be a minor change to the visual amenity of the area, however, when considered against the built form in the area and the mature screening around the depot site and within the Swansea Enterprise Park as a whole, it is considered that there would be no significant impacts to receptors. On this basis the proposed development would not conflict with LDP Policies PS2, HC1, HC2, ER5, EU1 and RP8.

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### Residential Amenity

In light of the findings of the LVIA and the separation distances between the site and surrounding residential properties it is clear that the provision of the stack and associated plant would not result in any physical overbearing or overshadowing impacts upon the nearest residential properties on Clos Yr Fendrod. The proposed stack would be visible from several properties on Clos Yr Fendrod and Pant y Blawd Road whose rear elevations and rear gardens face towards the site. However, the views from these properties looking towards the stack would be at an oblique angle. The slender proportions of the stack together with its distance from these properties (some 150m at its closest) would mean that it would not dominate the outlook from these properties. Moreover, the stack would be viewed against the wider backcloth of other commercial and industrial developments within the Swansea Enterprise Park. For these reasons the development would not conflict with LDP Policies PS2, EU1 and RP8.

The impacts of the development in relation to noise, air quality, light and health are discussed below.

### Noise

The ES includes an assessment of the effect of the proposed development on noise and vibration. The assessment has undertaken noise surveys of existing noise levels and the noise levels of the proposed development has been modelled.

The assessment considers the impact from plant noise during the construction phase. During the operation phase the noise impacts from HGV movements and plant are assessed. The report identifies 14 No. existing receptor locations around the site which, the assessment considers, have been selected to represent worst-case residential receptors with respect to direct noise from the site. The receptors include properties on Cwrt y Fedwen, Pant y Blawd Road, Clos y Fendrod and Church Road.

Existing noise sources reported within the assessment include road traffic noise along the A48, M4, Church Road, Blawd Road and Upper Fforest Way as well as frequent trains and planes. Noise sources attributable to typical domestic activities were also audible at most attended monitoring locations. At night, low level plant noise from the industrial estate and the distant M4 were audible.

During the construction phase the worst case construction noise levels at the facades of existing receptors would be within the recommended criteria in accordance with British Standard (BS) 5228-1:2009+A1:2014.

During the operational phase, the predicted worst-case rating noise levels from 24-hour operations do not exceed background noise levels during daytime and night-time periods. A change in noise level assessment has also been undertaken which includes incineration plant, HGV movements and parking. Mitigation provided by fast closing doors has been included within the assessment.



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The assessment indicates the predicted change in noise level during daytime and night-time is 1.1dB. AS this increase in noise is less than 3dB, the assessment considers the change in noise is unlikely to be perceptible at nearby sensitive receptors. The development is therefore expected to have a low impact in this respect.

The Council's Pollution Control Division have reviewed the noise assessment and considered that the findings are robust. Moreover, ABMUHB states that it is unlikely that noise emissions will adversely impact on local residential receptors.

On this basis it is considered that the proposed development, during the construction and operational phases, would not result in any significant noise impacts to the nearest residential properties, however, it will be necessary in the interests of good planning and to mitigate potentially significant noise impacts, to restrict commercial deliveries to the site between the hour of 6am to 5pm Monday to Saturday, with no commercial deliveries on Sundays and Bank Holidays. A condition is also recommended requiring the provision of fast closing roller shutter doors. The environmental permit will control noise emissions from the site and will restrict potentially noisy processes such as shredding waste.

In terms of noise impacts, therefore, it is considered the development would not conflict with LDP Policies S11 and RP2 which broadly require that where developments could lead to exposure to a source of noise pollution, appropriate mitigation measures will be provided within the development to minimise the effects on existing and future occupiers.

### **Air, Odour, Light and Health Impacts**

Air

A significant number of objections to the application have been received specifically in relation to the air quality and health impacts of the proposed development. The ES has included dedicated sections on these matters which have been updated by the applicant (updated air quality assessment and technical notes) in order to take into account the objections received and comments from officers.

The objective of the air quality assessment is to determine whether the emissions from the proposed facility emissions would meet the required air quality standards (AQs) or air quality Environmental Assessment Limits (EALs) for the protection of human health (including WHO).

The Air Quality Assessment has considered the potential impacts associated with the main 25 m plant exhaust stack emissions of nitrogen dioxide (NO<sub>2</sub>), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), sulphur dioxide (SO<sub>2</sub>), Volatile Organic Compounds (VOC) in the form of Benzene (C<sub>6</sub>H<sub>6</sub>), hydrogen chloride (HCl), hydrogen fluoride (HF), cadmium (Cd), Dioxins and furans, polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAH) and all Group 3 metals.

The UK Air Quality Strategy is the method for implementation of the air quality limit values and provides a framework for improving air quality and protecting human health from the effects of pollution.

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For each nominated pollutant, the Air Quality Strategy sets clear, measurable, outdoor air quality standards and target dates by which these must be achieved; the combined standard and target date is referred to as the Air Quality Objective (AQO) for that pollutant. Adopted national standards are based on the recommendations of the Expert Panel on Air Quality Standards (EPAQS) and have been translated into a set of Statutory Objectives within the Air Quality (Wales) Regulations (2010), and subsequent amendments.

For many substances which are released to air, AQOs have not been defined. Where the necessary criteria are absent then the Regulators have adopted interim values known as Environmental Assessment Levels (EALs).

Atmospheric emissions from industrial processes are controlled in the UK through the Environmental Permitting (England and Wales) Regulations (2010). The proposed new plant will be classified as a Part B process under the regulations, and as such will be required to operate in accordance with the conditions of an Environmental Permit. The Permit will include stated emission limits for various pollutants produced by the process, as well as best practice guidelines for dust and odour control. Compliance with these conditions must be demonstrated through continuous and periodic monitoring requirements in order to limit potential air quality impacts in the surrounding area to acceptable levels.

There is no official guidance in the UK in relation to the assessment of traffic/air quality impacts of developments. The approach developed jointly by Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) has therefore been used. The overall assessment of significance, however, is determined using professional judgement.

Within Swansea there is an air quality management area (AQMA) covering areas of Hafod, Sketty and Fforestfach, as shown on the LDP constraints map. The nearest AQMA at Hafod is some 3km from the site.

A stack height analysis has been undertaken and has considered a number of potential stack heights to determine the required stack/flue height in order to meet the air quality standards. The analysis concluded that the required stack height will be 25m above ground level on the basis that the significance of the impacts would be "slight" upon residential receptors.

The ES provides a review of the existing air quality in the vicinity of the site to provide a benchmark against which to assess potential air quality impacts. Monitoring methods for the specified pollutants and the modelled sensitive receptors have been provided. These are primarily the nearest existing receptors that may be susceptible to exposure to emissions from the development.

The ES acknowledges that the emissions associated with the thermal treatment processes on site have the potential to impact on air quality in the vicinity of the site. Dispersion modelling was undertaken using Breeze AERMOD. The ES states that the model is well validated and is accepted by the Environment Agency and DEFRA as a tool for the visualisation of plume dispersion and the assessment of impact. Pollution concentrations have been predicted and compared to the relevant AQO. Normal operation scenarios and emergency/abnormal scenarios have been considered, with the latter being a system failure scenario.

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The air quality modelling uses meteorological data from a met station located approximately 1km from the site (Mumbles Head), using three years data (2010-2012 inclusive) and was subsequently updated, following comments from the Pollution Control Division, to include meteorological data from Cwm Level Park using 5 years data (2015-2017 inclusive).

Background pollutant concentrations and existing baseline conditions were obtained from a DEFRA mapping study and national monitoring networks. Assessment of traffic emissions has also been used to determine baseline (2012 data) pollutant levels at roadside receptor locations. The predicted dispersion modelling results for all described pollutants, under normal operating conditions, show long term and short term Process Contributions (PCs) do not significantly impact local air quality which is predicted to remain well within relevant Air Quality Objectives (AQOs) and/or Environmental Assessment Levels (EAL).

Long-term NO<sub>2</sub> process contributions (PCs) are predicted to be a maximum of 27.3µg/m<sup>3</sup> (8.56% of the AQO of 40µg/m<sup>3</sup>) or less at existing receptor locations. Maximum short-term NO<sub>2</sub> PCs are predicted to be 27.3µg/m<sup>3</sup> (13.52% of the AQO of 200µg/m<sup>3</sup>) or less at existing receptor locations.

Long-term PM<sub>10</sub> PCs are determined to be 0.27µg/m<sup>3</sup> (0.53% of the AQO of 40µg/m<sup>3</sup>) or less at receptor locations. Short-term PM<sub>10</sub> PCs at receptor locations are predicted to be a maximum of maximum of 0.75µg/m<sup>3</sup> (1.49% of AQO of 50µg/m<sup>3</sup>). Long-term PM<sub>2.5</sub> cumulative emissions are determined to be a maximum PC of 0.27µg/m<sup>3</sup> (1.09% of 25 µg/m<sup>3</sup> target annual mean value).

Four emergency/abnormal scenarios have been assessed within the ES when one of the abatement systems fails. The predicted short-term PECs of modelled pollutant at all receptors are below the relevant short-term AQS for the protection of human health under the all four abnormal operation scenarios.

Wet plumes from the Facility stacks may become visible when vapour condenses under certain climatic conditions. The ES assesses whether such plumes would result in nuisance to receptors neighbouring the site (footpaths, residential properties). Plume visibility modelling has been undertaken and indicate that there are no visible plume groundings anywhere inside or outside of the site. Therefore, no visible plume would return to ground level to cause any potential nuisance.

In terms of cumulative impacts, following comments from officers, the ES has been supplemented with 2 technical notes to include the cumulative impact of existing and approved developments within the Swansea Enterprise Park area as well as proposed projects for the Abergelli gas fired power station at Felindre and the mixed use Strategic allocation for Swansea Vale under LDP Policy SDI. For cumulative impact assessment, the ES reports the maximum PECs of long-term and short-term pollutant emissions do not exceed the relevant AQS for the protection of human health.

Following concerns from members of the public, the ES includes an updated assessment of the air quality impacts of the proposal against World Health Organisation (WHO) guideline values. The ES has been able to demonstrate that the proposals would not exceed current WHO guideline values.

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In relation to vehicle emissions, within the ES the development has been considered against the screening criteria within the Design Manual for Roads and Bridges. The scale of the development is such that the screening thresholds have not been met. The potential impact of operational phase road vehicle emissions is described within the ES as imperceptible in magnitude to receptors of very high (worst case) sensitivity. Therefore a detailed assessment of vehicle exhaust emissions was not necessary.

### Light

The site currently has artificial lighting, however, no details of any proposed lighting have been provided within the application submission. The proposals for the plant to operate on a 24 hour basis may result in the requirement for additional external lighting at the site which has the potential to impact on ecology (discussed below) and nearby residential properties. In view of the distances to the nearest residential properties, at some 160m, it is considered that a sensitively designed lighting scheme would not result in any significant impact on the living conditions of nearby residents.

### Odour

Given the nature of the proposed development, which will involve the transportation of waste streams to the premises, there is a clear potential for odour impacts to nearby properties.

The waste will be deposited directly from the lorries inside the building which will be equipped with fast acting, roller shutter doors activated by a proximity detector. According to the ES the building will be kept under negative pressure to ensure that any potential for dust, litter, odour and noise emissions from the building is minimised during the delivery and processing of wastes. Odorous air from the building will be fed into the combustion process. The ES considers that combusting the extracted air from the building is the best available technology for the control of odour. All of the air from the dryer will be going into a chemical scrubber which will then clean the air and discharge to atmosphere.

Following waste deposit, the fast acting door will be opened to allow the vehicle to leave the building, after which the door will be closed again. Vehicles will proceed to the weighbridge, where they will be reweighed before exiting the site. All vehicle movements will be controlled by the supervision of a banksman or an operator.

The site would be operated under a Part B Environmental Permit issued by Swansea Council. Under the Permit, the site would be required to provide and implement an Odour Management Plan (OMP).

In view of the proposed mitigation measures and in line with the conclusions of the ES, it is considered unlikely that the proposed development would result in any significant odour impacts upon nearby properties.

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Health

The ES contains a Health Impact Assessment (HIA) which has been updated, following comments from the ABMUHB. The assessment considers the impacts of the proposed facility on the local population and workers at the facility through consideration of the processes taking place at the facility together with an appraisal of the reported benefits.

The HIA acknowledges there are potential health effects from the proposed development due to the nature of the materials and activities at the site. A risk assessment approach is adopted together with mitigation measures where potential impacts are identified. The reported benefits of the proposals relate to the reduced vehicle movements to the Trecatti landfill site at Merthyr, which the HIA reports would be reduce pollutants on local access roads along the route to the M4.

Following the consideration of local public health profile, the HIA considers no one demographic would be more affected than any other. Mitigation would be in place for onsite workers and the development has the potential to improve aspects of health in the local community and beyond through the reduction of HGV movements.

ABMUHB's response to the application considers the public health impacts of the proposal, following their consultation with the Environmental Public Health Service Wales (delivered collaboratively through Public Health Wales' Health Protection Team and Public Health England's Centre for Radiation, Chemical and Environmental Hazards). ABMUHB comments in relation to air quality, noise and odour have been referred to above. Specifically in relation to dioxins, furans and dioxin like PCB's, ABMUHB note the exposure route is through ingestion, usually through the food chain, and the main risk to health is through accumulation in the body over a period of time. ABMUHB state that for these pollutants a different human health risk model is required which better reflects the level of dioxin intake. ABMUHB have recommended the use of the United States Environmental Protection Agency's Human Health Risk Assessment Protocol (HHRAP) model for the assessment.

In response to these comments the applicant notes that it could be considered good practice to use the HHRAP model to assess the level of dioxin intake from large-scale incineration plants. However, the applicant considers the use of the HHRAP is not currently a regulatory requirement for any facility. The proposed facility is a small-scale operation and as such, the applicant considers the risk of dioxin intake from consuming the limited locally grown /raised produce will be very low and considers a full HHRAP is not justified. To support this conclusion details of a study undertaken based on the application of HHRAP at an incinerator in Corby some 8 times larger and capable of treating 175,200 tonnes of waste per year have been provided and the model concluded:

"the modelled total intake for an adult due to background intake and incremental intake due to emissions from the facility is 0.0139 (pg WHO-TEQ/kg/day), which is well below the tolerable daily intake (TDI) for dioxins, furans and dioxin like PCBs of 2 picograms I-TEQ/Kg-bodyweight/day. The risk of adverse human health effect due to the emissions from the Corby's facility can be described as low".

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In view of the scale of the Corby facility and the conclusions of the above study, on this basis it is not considered necessary for the applicant to undertake a full HHRAP study. The applicant considers that the risk of adverse human health effect due to emissions is very low and these conclusions are accepted.

In relation to both the local and wider health impacts of the proposal a considerable number of objections have been submitted in relation to human health concerns. These can be broadly summarised as concerns relating to the potential detrimental impacts on local air quality and the resultant risks to health from increased atmospheric pollution. Concerns have been raised that children and older people are particularly vulnerable, as are people with pre-existing health conditions including asthma, chronic obstructive pulmonary disease and coronary artery disease. Pre-natal impacts, impacts to newborns and infants have been set out within resident objections. Concerns have been raised that there is evidence that incineration causes mental, physical and emotional damage to nearby residents and that incinerators release harmful carcinogenic chemicals. Specific health concerns have been raised in relation to the release of benzene, hydrogen chloride, and cadmium to both humans and animals. Academic papers have been referenced in support of residents objections highlighting the health impacts of atmospheric pollution.

The overall conclusions of ABMUHB are that they have no grounds to object to the application based upon a public health assessment of the application documentation. They draw attention to the position statement on incineration developed by Public Health England, with which Public Health Wales concurs, this states that:

"while it is not possible to rule out adverse health effects from modern, well-regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close by is likely to be very small, if detectable. This view is based on a summary of available evidence which comprises detailed assessments of the effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants."

ABMUHB consider, in terms of wider public health implications, that the development proposal would be sustainable in terms of the environment and will be of positive benefit to the population falling in line with the sustainable development principals of the Well-being of Future Generations (Wales) Act (2015).

The Council's Pollution Control Division has noted objectors have made reference to public health issues, air-quality standards and the full consideration of other local air quality issues. The Pollution Control Division has confirmed that these matters are always taken into account by the permit application process and that no permit would be issued if there was a likelihood of adverse public health outcomes in the area beyond the permitted site. They are satisfied that no detectable adverse health outcomes are likely to result from the proposed development.

Taking all this into account, it is considered on the basis of the information provided within the applicant's ES and when having regard to the comments raised by objectors and the responses from consultees, the proposed development would not result in any significant human health impacts arising from the air, noise, light or odour pollution, subject to the mitigation measures set out within the ES. On this basis the proposal would not conflict with LDP Policies SI 1, EU 1, RP1, RP2, RP3 and RP8.

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### Ecology

A considerable number of objections have been received in relation to the potential impacts of the development upon the ecology of the area, given the proximity of the site to locally and nationally designated ecological sites.

A habitat assessment has been included within the ES for the following national and locally designated sites: Six Pit, Swansea Vale and White Rock, SSSI; Crymlyn Bog - Ramsar/SAC/SSSI; Swansea Vale, SINC; Fenrod Nature Reserve (adjacent -eastern boundary); and Fendrod Lake and Nant y Fendrod, SINC (500m south of the site).

The long-term and short-term concentrations among those sites have been calculated for habitat assessment against relevant critical loads, using 2012 and 2015 met data. The assessment concludes that the impacts from facility emissions meet the required critical levels/critical loads for the protection of vegetation and ecosystems for the identified four nature conservation sites. NRW are of the opinion that the emissions and depositions from the development would be unlikely to have a significant effect on the designated sites identified within the ES and on this basis, either individually or in combination with other plans or projects, it is not considered the development would have a significant effect upon the integrity of any European site, it is not therefore necessary for an appropriate assessment to be undertaken under the Habitat Regulations.

The Council's planning ecologist has noted the adjacent habitat, including the Nant y Fendrod stream corridor, is likely to be used by commuting and foraging bats as such a condition would be necessary in relation to the provision of a satisfactory lighting scheme.

The planning ecologist has noted there is potential for the proposed development to have detrimental impacts on the Nant Bran and Nant y Fendrod water courses which discharge to the River Tawe via the Fendrod lake on Valley Way. This watercourse is therefore considered to be a sensitive receptor that could be affected by the development. The planning ecologist has recommended a buffer of at least 7 to 10m with the development. There is a distance of some 8m from the top of the bank to the boundary of the development site, which is considered to provide a satisfactory buffer.

Due to the potential for adverse impacts on the Fendrod Lake and Nant Y Fendrod Site of Interest for Nature Conservation (SINC) and Swansea Vale SINC, the planning ecologist and NRW have also recommended that a detailed site-specific Construction Environment Management Plan (CEMP) is produced and this requirement is considered to be necessary in light of the proximity of the site to sensitive ecological receptors.

There are invasive non-native species recorded near the site as such the planning ecologist has recommended a condition requiring an INNS survey to be undertaken. This request is noted, however, as there are currently no INNS within the site boundary, this condition is not considered to be necessary.

Finally, the planning ecologist has recommended that ecological enhancements should be provided, however, as the development site is an existing hardstanding area and no trees are proposed to be removed, it is not considered necessary in this instance for ecological enhancements to be provided.

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In light of the above, and subject to conditions, it is considered that the proposed development would not result in any significant ecological impacts and would therefore not conflict with LDP Policies ER6, ER8 and ER9.

### **Access and Highway Safety**

The ES includes as Transport Statement (TS) that assesses the impact of the development on traffic and transportation in the area. According to the submission the proposed facility will not increase commercial vehicle movements associated with the existing depot, and the only net increase will result from the transport of ash from the incinerator. This is estimated to be a maximum of two HGV movements per week. Daily HGV movements between the Council's bailing plant within the Swansea Enterprise Park and the Trecatti Landfill at Merthyr Tydfil where the waste is currently exported will reduce by 1050 HGV movements per year.

The TS has been reviewed by the Highways department. The swept paths submitted show that the commercial vehicles will be able to enter, turn and leave in a forward gear post development hence the likelihood of obstruction being caused on Clarion Way is minimal. The layout internally is considered to be acceptable and the parking is appropriate given the location of the site.

The TS has quantified the movements associated with the site following the introduction of the incineration unit. The increase in movements above and above that already in operation would be negligible. On this basis the Highways officer does not consider the development would give rise to any highways safety issues and has offered no objection to the application subject to the parking areas being laid out and maintained in accordance with the submitted plans. This is considered to be necessary to ensure satisfactory off street parking is provided for the development in the interests of highway safety.

In terms of traffic and transportation, therefore, the proposed development would not conflict with LDP Policies T1, T5 and T6.

### **Flooding**

The application site is located within a C1 flood zone which, according to TAN 15: Development and Flood Risk, is an area of developed floodplain served by significant infrastructure, including flood defences. Under TAN 15 development in such areas can take place subject to the application of the justification tests including acceptability of consequences. It is important for the consideration of this application to note that waste disposal sites are regarded as highly vulnerable development within TAN 15. Highly vulnerable development includes those industrial uses where there would be an attendant risk to the public and the water environment should the site be inundated.

Development shall only be permitted within a C1 and C2 flood zone if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement<sup>1</sup> ; or,



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- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

In terms of criterion i. & ii. the development would be justified on the basis that it is located within the Swansea Enterprise Park which is an established employment area. Under the LDP there are no dedicated employment allocations within the Swansea Enterprise Park, however, it is recognised and accepted that the proposed development would contribute to maintaining and enhancing employment opportunities within this established commercial and industrial area. In respect to criterion iii. the site is previously developed land and concurs with the broad aims of PPW.

In order to demonstrate compliance with criteria iv. the ES includes a flooding consequences assessment (FCA) which assesses the modelled flood risk to the site from the Nant Y Fendrod and River Tawe. NRW have reviewed the model and provided detail feedback to the applicant which has resulted in the submission of further modelling information. NRW's model review has highlighted several technical issues in relation to the modelling for the flooding from Nant-y-Fendrod. NRW have recommended that the modeller reviews the comments, but acknowledge that the matters raised are not so significant that they would impact on the model results. On this basis it is not considered necessary to refer the FCA back to the applicant for further modelling alterations. The flood risk will therefore be considered based on the information and recommendations set out within the FCA.

The FCA considers that the site would remain flood free in the 1% (1 in 100 year) event, even when taking into account the addition of the latest 30% climate change allowance on flows. The FCA also reports the site would remain flood free in the 0.1% (1 in 1000 year) event if the flood defences remain intact. NRW have confirmed the proposed development therefore satisfies the flood free threshold requirement in Table A1.14 of TAN15.

However, there remains a residual risk of flooding at the site from the River Tawe in the event of a flood defence breach or overtopping during the extreme 0.1% event. The FCA considers the consequences of these extreme flood events on the development are significant with flood depths modelled to be in excess of 1m. In such a situation flood mapping indicates the site would be inundated within 3-4 hours from the start of overtopping.

Clearly in view of the nature of the proposed development whereby waste would be stored at the site as feed for the incinerator, there is a concern in principle with the provision of a waste use at the site, which has the potential to result in environmental harm, should the site be flooded. In this respect the FCA provides confirmation that the site would only be flooded in an extreme 1 in 1000 year event. In such circumstances the majority of the Swansea Enterprise Park and adjoining low lying land would be flooded and there would be potential for widespread environmental damage. The development must therefore be considered within the context of the activities taking place within the Swansea Enterprise Park as a whole and the consequences of the site flooding in such an extreme event. Page 56

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In terms of the principle of a waste development in this area, the FCA considers the environmental risk posed by the non-hazardous commercial waste would be insignificant compared to the contamination of flood water by debris and sewerage within the wider flood plain should there be an extreme event.

It is important to note the waste that would be stored and processed at the site is waste that is currently sent to the bailing plant which is also indicated as a "Preferred Area" for the development of waste treatment under Policy RP8. This is located adjacent to the eastern bank of the River Tawe and would also flood in an extreme 1 in 1000 year event. On this basis, in the event that the application is not approved, the waste that would be diverted to the proposed development which is currently collected from commercial and industrial premises by the applicant would still be deposited at the bailing plant within the Swansea Enterprise Park and would still be located within an area at risk of flooding in an extreme event. In simple terms the proposed development does not propose to bring further commercial waste into the Swansea Enterprise Park over and above the volumes that are currently being bulked up at bailing plant.

As referred to within the FCA, there is an established multi-agency protocol for flooding incidents in the Lower Swansea Valley. The protocol provides a framework of procedures that will alleviate residents, members of the public and businesses in the flood risk area, as far as practicable, from the effects of a 0.1% event caused by overtopping. The activation of the protocol is underpinned by NRW's Flood Warning structure. There is, therefore, a strategic multi-agency protocol in place to manage a flood event of the gravity that would affect the proposed site.

It falls to consider, therefore, whether appropriate mitigation measures can be put in place to address the residual risks to the development from the extreme flood event. The FCA states that waste within the building will be stored within bunkers constructed of reinforced concrete on three sides. It is proposed that concrete walls on the open side will be slotted to receive stop logs up to 1m high. The stop logs can be fitted in the event of a severe flood warning to contain waste and prevent any further contamination. Ash from the proposed development would be stored in a sealed skip containers circa 2m high. These are removed from the site when they are full. These measures would prevent ash escaping to the local environment.

To safeguard from any risk associated with the inundation of the incinerator plant, it is proposed that the energy recovery facility will be shut down in the event of a severe flood warning. Given there would be an estimated 3 to 4 hours from overtopping to site inundation, this time period is considered to be sufficient to implement the mitigation measures and evacuate the premises. A condition will be necessary to ensure the flood mitigation, management and evacuation procedures outlined within the FCA are implemented through a site specific flood management plan.

The proposed development will increase the footprint of the building by some 180sqm. The building is not intended to be flood resistant and will be allowed to flood in the event of an extreme overtopping scenario. Therefore the FCA states there will be no significant loss of flood plain as a result of the development as the development will not increase flood risk to the surrounding area as a result of displaced flood water. NRW state it is difficult to confirm this statement explicitly, but that it may be considered reasonable given the scale of development and the existing operational use of the application site.

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In light of the foregoing and having regard to the advice from NRW, who have not objected to the proposal, it is considered the provision of a sustainable waste management facility within this flood risk area is acceptable on the basis that it can be justified under TAN 15 and that the consequences of flooding in an extreme event can be adequately managed so as to mitigate any significant environmental or human health consequences. The proposal would not result in a greater volume of waste within the Swansea Enterprise Park over and above existing volumes that are currently transported by the applicant to the bailing plant. Moreover, in view of the small scale of the development it is unlikely the development would result in an increase flood risk elsewhere. On this basis the development would not conflict with LDP Policies RP4 and RP5.

### **Drainage**

The Council's drainage officer has noted that the site for the proposed extension is currently hard surface, therefore, it is unlikely that any surface water attenuation will be required.

The drainage officer considers the applicant should assess whether there is any water quality risks/impacts, consider them as part of the application and assess whether any control measures are required to protect the local water environment.

In this respect the FCA noted that a small volume of condensate liquid will be generated by the energy recovery facility and will need to be disposed of via a connection to the foul drain within the site. This will be considered as trade effluent, and will require discharge consent to be agreed with DCWW via a separate process. DCWW have noted that a trade effluent discharge consent may be required and have further indicated that they would not consider the communication of any additional domestic surface water flows to the public sewer. The latter reference to 'domestic' flows is considered to be an error.

Notwithstanding this, and in light of the waste processes that would take place at the site, it is recommended that a condition is imposed requiring the submission of a drainage strategy to demonstrate that measures can be put in place to protect the local water environment from potential contaminated runoff at the site. Subject to such a condition, it is considered the proposed development would not conflict with LDP Policies EU4, RP4 and RP5.

### **Land Contamination**

The ES includes a chapter on "Ground Conditions" which considers existing land contamination and the impacts of the development on environmental receptors and human health.

The land immediately surrounding the site was used as grassland and marshland from circa 1870s until the 1980s and 1990s when it was incrementally developed with industrial and commercial premises. A colliery operated 110m southeast until circa 1890, prior to it being converted to a tin plate works. Various other steel/ tin plate works, and their associated slag heaps, were noted in the surrounding land; the nearest was located 100m southeast. By the 1980s the steel/ tin plate works were removed and the areas developed with industrial and commercial premises.

In view on the past uses on or near the site there is a potential for below ground contamination, however, the ES reports that no ground breaking works are required to facility the development of the extension.

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NRW have offered no objection to the application on contamination grounds and have recommended a condition relating to unforeseen contamination. This is considered to be necessary to address the residual risks posed to the environment and human health from potential contamination arising from past uses at the site. Subject to this condition it is considered that the proposed development would accord with LDP Policy RP6.

### Economic Development

The wider site is Biffa's depot for waste collection services for Swansea and the surrounding area employing circa 40 members of staff, with a fleet of approximately 15 vehicles.

The submission states that the proposed development will contribute to retaining the existing work force on the site and would provide enhanced economic and environmental benefits in terms of new direct and indirect employment opportunities, investment in local waste management facilities in Swansea and the provision of 0.4 megawatts of renewable energy.

In accordance with the advice contained within TAN 21 : Economic Development, the economic benefits of development are a material planning consideration. The TAN states that where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary.

The applicant states that the proposed construction phase will involve approximately 10 construction jobs and is expected to last approximately 1 years. It will generate 15 new full-time employment opportunities based on a 12hr (4 on - 4 off) shift pattern. In addition, the development will support a number of in-direct jobs and services from suppliers and companies in the local area.

Concerns have been raised in letters of objection that the siting of an incinerator and energy recovery facility in this location may have a detrimental impact on the economy of the area, including that the development would have a negative impact on the housing market and the proposed strategic housing allocation at Swansea Vale under LDP Policy SD I. A specific concern has also been raised by a wholesales food business on Clarion Close who consider they could not operate safely next to an incinerator, having regard to smells, dust and pollution that would arise from the development.

These concern are noted, however, for the above reasons it is considered that the proposed location of the facility within the Swansea Enterprise Park is acceptable in principle within an established commercial and industrial area and the submission has been able to demonstrate that the proposal would not result in any significant environmental or human health impacts. The housing areas allocated within the LDP strategic development site for Swansea Vale are located further from the application site than existing housing where the submission has been able to demonstrate that the proposed development would not result in any significant impacts. The proposed development, therefore, should not prejudice the development or occupation of future housing within the allocated strategic site.

Concerns have also been raised in letters of objection suggesting that increased local air pollution levels may result in an extension to the 50mph zone on the M4 that could reduce Swansea's productivity and competitiveness. In view of the conclusions of the air quality modelling, this concern can be afforded little weight.

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Overall, the applicant considers the proposal represents an investment of circa £5 million in the existing facility at Clarion Close and estimate that a minimum direct investment of £1 million would be injected into the local economy by the proposals. Several letters of support have noted that the proposals would result in the creation of local jobs.

The applicant further considers that the presence of an on-site energy and heat supply facility will increase the attractiveness of Enterprise Park for new users with heat requirements, or the redevelopment of existing premises wishing to take advantage of this local supply to reduce energy costs and meet wider sustainability objectives.

The TAN states that where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. In this instance the ES has demonstrated that the proposals would not result in any significant environmental or social impacts. In view of the anticipated number of jobs that would be directly created by the development and the contribution the development would make to providing a renewable source of heat and energy, it is considered, that medium weight should be afforded to the proposals in terms of the positive impacts the development may have on the local economy.

### **Alternative Sites**

Concerns have been raised that Biffa have not undertaken an alternative site assessment. The ES notes that the site is already in use by the applicant as a depot and offices for the applicant's waste management services. The existing building is not currently being used and the proposal would put the building to an economic use. The ES explains that no other consideration has therefore been given to alternative sites.

In the absence of the ES identifying any significant environmental or human health impact associated with the proposed development, it is not considered necessary for any further consideration of alternative sites for the proposed development.

### **Decommissioning**

PPW advises that energy-related developments should be decommissioned and sites remediated as soon as their use ceases. A condition is therefore considered to be necessary to require a decommissioning scheme to be approved by the local planning authority.

### **Other Matters**

Concerns have been raised that the proposed development would not be in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015. In response to this concern, the LDP has been prepared with full consideration of the Council's duties to work towards Wales' seven shared well being goals and to contribute to sustainable development and management of natural resources. As the proposed development would not conflict with LDP Policies, it is considered that the proposal would be entirely consistent with the goals of the Well-being and Future Generations Act. The application has been considered on the basis that it would result in the sustainable re-use of a waste resources that would otherwise be diverted to landfill by producing electricity for export to the national grid and potentially to provide hot water/heat in the local area.

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In order to ensure that the proposal would indeed produce energy and potentially heat, it will be necessary to impose planning conditions for infrastructure to be put in place to achieve these requirements. This is considered to be necessary to ensure the proposed development would accord with the waste hierarchy and would constitute a sustainable form of development.

Concerns have been raised by objectors that the proposal would not accord with the Well-Being Plan produced by the Public Services Board. In response to these concerns, the overarching local level strategic framework for the LDP was provided by the Single Integrated Plan (SIP). Its purpose was to improve the well-being of people in the County by ensuring that professionals and the public worked together through the Public Service Board. The SIP and the LDP had a consistent shared vision for the kind of place that the County should be. The SIP set out to achieve this vision through the community well-being outcome objectives, which the LDP seeks to take forward in land use planning terms. The SIP has now been replaced by the Swansea Local Well-Being Plan which has similar objectives reflected in its four well-being objectives and one cross-cutting action. It was concluded that the LDP provided a sufficiently robust planning framework to support the delivery of the Well-Being Plan and on this basis, the concern that the proposal would not accord with the Well-Being Plan is afforded little weight as the proposed development is not considered to conflict with LDP Policies.

Objectors are concerned that the proposal would generate significant amounts of CO<sub>2</sub> and this is a valid concern. In response to this concern, it is acknowledged the incineration process will produce CO<sub>2</sub> and other emissions, however, it is also clear that landfilling waste also results in significant long-term environmental and human health problems. National waste planning policy is clear that landfilling should be eliminated as far as possible. Moreover, the Welsh Government considers energy from waste at high efficiencies is a vital component of the waste management system in Wales. Any negative impacts arising from CO<sub>2</sub> emissions must be balanced against the positive environmental impacts of the development in terms of reducing local and wider pollution on roads; the production of electricity and heat through a renewable resource; and the reduction of waste to landfill. Significant weight in favour of the proposal must be afforded to the scheme based on its compliance with the waste hierarchy and national waste planning policy.

The incineration process will produce residues in the form of bottom ash, slag and boiler ash, which will be removed from the site for disposal by landfill. Concerns have been raised that the transportation of this ash may result in detrimental environmental impacts that have not been considered. In response to this concern, bottom ash and fly ash will need to be disposed of in a legal manner, where they will not create any extra pollution at other sites. There are legitimate after-uses for some of these products, for example, as low-grade aggregates and these matters are controlled by the waste regulation authorities. The residues from the incineration process will be transported in sealed containers so as to prevent disposal of residues to the environment. These matters are controlled through the environmental permit.

Concerns have been raised by objectors that the applicant has not engaged with the community and that there has not been meaningful consultation by the Council with local communities. In response to this concern, the proposals were the subject of a formal Pre-Application Consultation (PAC) as required by Article 2F (1) of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

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The applicant has indicated that this included the issuing of 149 letters to local residents, site notices, notification of community and specialist consultees and the uploading of the complete planning submission to a public access web-site during June and July 2018 for a period in excess of the minimum requirement of 28 days. A secondary round of informal consultation took place after the statutory PAC period. A circa. 540 letters drop of the area surrounding the site was undertaken in July and a public consultation event was held at the site in August. It is considered public consultation exercise undertaken by the applicant exceeded the statutory requirements. In addition, the LPA have undertaken two formal consultation exercises as indicated above. These consultations are considered to accord with the requirements of the Town and Country Planning (General Permitted Development) Order 2012 as amended and the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. On this basis the concerns that there have been a lack of engagement and consultation with the local community are considered to carry little weight.

Letters of objection express concerns that the development would not be compliant with the requirements of the Rights of Children and Young Persons (Wales) Measure 2011 which require governments to have due regard to the rights and obligations contained in the United Nations Convention on the Rights of the Child 1989. In this respect, it is also noted that objections have been submitted by staff and pupils at Ysgol Gymraeg Lon Las on the grounds of increased traffic, noise, health impacts and impacts on the wildlife within the nature reserve. These concerns are duly noted, however, as the applicant has provided evidence to demonstrate that the development would not result in any unacceptable environmental or human health impacts, it is not considered that the proposed development would conflict with Article 3 (best interests of the child), Article 6 (life, survival and development) or Article 24 (health and health services). In this respect it is considered the proposal would also not conflict with Article 8 of the Human Rights Act 1988 in respect of the right to respect private and family life as the proposal would not result in unacceptable impacts upon nearby properties.

There are concerns from objectors that the proposed development could potentially treat waste from outside of the Swansea area. This is considered to be a valid concern as extensive vehicle trips to collect waste outside of the Swansea area for treatment within the Swansea Enterprise Park would counterbalance the positive environmental impacts of reducing HGV trips to the Trecatti landfill. Notwithstanding this, TAN 21 states that planning authorities should not attempt to restrict waste management development within their boundaries to deal only with arising in their areas.

The applicant has indicated within the submission that the proposed facility would collect waste from the "Swansea area" but this area has not been defined within the submission. The applicant has subsequently clarified that 85% of the waste collected by Biffa from existing business addresses are within the City and County of Swansea area. The remaining 15% of collected waste comes from existing business addressees located within adjacent postcode areas. On the basis that the collections outside of the City and County of Swansea area are sufficiently close to the site that they would not negatively impact upon the sustainability benefits of the scheme, it is recommended that a condition is imposed to restrict the reception of waste at the proposed site to waste from Swansea and the surrounding areas. This would be reasonable and necessary to ensure the proposal accords with the principle of sustainable development.

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Concerns have been raised that the proposed development would result in a detrimental impacts upon recycling rates in Swansea. In response to this concern the waste currently collected by Biffa is mixed commercial and industrial waste which is bulked up at the Swansea bailing plant with no recycling/recovery taking place prior to being sent to landfill. The proposed development would recover ferrous and non-ferrous metals and would typically represent 2% or 420 tonnes of material that would otherwise be diverted to landfill. The proposed development would therefore make a positive material contribute to diverting recyclable material from landfill and in this respect positive weight may be afforded to the proposal. On this basis the proposal would be unlikely to result in a detrimental impact upon recycling rates.

Concerns have been raised that the applicant is working in partnership with a company "Covanta" which, according to the objection letter, has been fined in the US for releasing harmful chemicals from energy from waste plants. The past history of a waste operator, whether positive or negative, is not a planning matter in this instance. If approved, the operation of the development would need to be in accordance with the requirements of the environmental permit and the conditions of the planning permission which would prevent any significant environmental or human health impacts. This concern is therefore afforded little weight.

Concerns have been raised by objectors that the proposed development would burn refuse derived fuel (RFD). The applicant has confirmed that it would not burn RDF. Moreover, RDF is not listed within the draft environmental permit as an a waste type that can be accepted at the proposed facility. This concern is therefore afforded little weight.

### Overall Conclusion

The proposed development is for a small scale energy from waste incineration facility within the established commercial and industrial area of the Swansea Enterprise Park. The proposed facility would be subject to a Part B environmental permit. The development is proposed at the applicant's existing depot and would be facilitated by an extension to an existing building and the provision of plant and machinery, including the erection of a 25m flue. The proposal would result in the site receiving some 21,000 tonnes of commercial and trade waste per year that is currently bulked up at the Swansea Enterprise Park and sent for landfilling at Trecatti, Merthyr Tydfil. Metal within the waste would be extracted prior to the waste being treated and incinerated. The energy produced would be exported to the national grid or exported locally. There is also potential for heat to be exported within the local area. The provision of an energy from waste facility which will divert waste from landfill would accord with the waste hierarchy and national waste planning policy as set out within TAN 15 and 'Towards Zero Waste'. Significant positive weight should be afforded to the development for this reason.

The application submission has been able to demonstrate that the proposal would not result in any significant impact impacts upon the character and appearance of the area and would preserve the setting of heritage assets in the local area. Significant concerns have been raised by the local community, including comments received from a local school, regarding the health impacts of the proposal, with the main concern being air quality and health impacts. The ABMUHB and the Council's Pollution Control Division consider that the proposal would not result in any significant impacts in this respect. Significant concerns have also been raised regarding the impact of the proposed development upon locally and nationally designated nature conservation sites.



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Comments received by NRW and the Council's planning ecologist indicate that the proposed development would not result in any unacceptable ecological impacts upon designated sites. The application is located within a flood risk area and has been accompanied by a flooding consequences assessment which has been reviewed by NRW. The provision of a waste facility within this established commercial and industrial area is considered to be justified and the consequences of flooding are understood and can be adequately mitigated. NRW have not objected to the proposal on flood risk grounds. The proposed development would reduce vehicle trips on the local road network and would not result in any material highway safety impacts, which weighs in favour of the proposed development.

Overall in the planning balance, the concerns expressed by objectors in relation to the proximity of the development to a local school and housing have been fully considered, as have the economic and environmental impacts of the development. However, in the absence of any substantive evidence to demonstrate that the proposal, either alone or in combination with other proposals, would result in unacceptable environmental or human health impacts, or any significant detrimental impacts on the economy of the area, it is considered that the proposed development would be in accordance with both national and local planning policy. Significant weight must be afforded to the proposals for this reason.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this decision, the local planning authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act. For the above reasons the development is accordingly recommended for approval.

### RECOMMENDATION

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 02 REV P1 (SWIP buildings proposed site layout), 5.1 (Site location), received 21st September 2018. SK101 (Proposed plan), SK102 (Proposed elevation sheet 1 of 2), SK103 (Proposed elevation sheet 2 of 2), received 8th October 2018.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 No development approved by this permission shall be commenced until a construction environment management plan (CEMP) detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the Local Planning Authority. The details of the CEMP shall be implemented as approved.  
Reason: To prevent pollution of controlled waters and the wider environment in accordance with LDP Policies RP1, RP3 and RP4.

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- 4 Prior to the installation of any external lighting in association with the development hereby approved a scheme of external lighting for the construction and operational phases of the development shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall be implemented in accordance with the approved details and shall be retained as approved for the duration of the development.  
Reason: To mitigate detrimental impacts to local wildlife within and surrounding the site.
- 5 Prior to the commencement of development on the 25m flue, details of its external facing materials shall be submitted to and approved in writing by the local planning authority. the development shall be constructed in accordance with the approved details.  
Reason: To ensure the proposed facing material would be appropriate having regard to the sensitive setting of the development and its relationship to housing and heritage assets in accordance with LDP Policies PS2, HC1, HC2, ER5, EU1 and RP8.
- 6 Prior to the commencement of the use hereby approved, the building shall be fitted with fast closing doors in accordance with details which shall be submitted to and approved in writing by the local planning authority. The doors shall be implemented as approved and shall be retained as such for the lifetime of the development.  
Reason: To mitigate any significant noise impacts to surrounding properties in accordance with LDP Policies PS2 and RP2.
- 7 Prior to the commencement of development the applicant shall submit to the local planning authority for approval details of a scheme for the installation of infrastructure works to export electricity to the national grid and to provide a hot water/heating and power connections for use by properties in the local area. The infrastructure works shall be completed in accordance with the approved scheme prior to the incineration of any waste at the site and shall be retained thereafter as approved for the lifetime of the development.  
Reason: To ensure the proposed development is a sustainable form of development and accords with the waste hierarchy in accordance with LDP Polices PS2, EU1 and RP8.
- 8 Prior to the reception of any waste at the site, a flood management and mitigation plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and operated in accordance with the approved plan for the lifetime of the development.  
Reason: To ensure the development is designed and operated having full regard to its location within a flood zone in accordance with LDP Policy RP5.
- 9 The development hereby approved shall only accept waste for processing and incineration from within the 'Swansea area' which shall be defined in accordance with details to be submitted to and approved in writing by the local planning authority prior to the reception of any waste at the site.  
Reason: To ensure the proposed development accords with the principles of sustainable development and the nearest appropriate installation principle in accordance with LDP Policy RP8.

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- 10 The waste operator shall keep a record of the movements of waste vehicles to and from the site to confirm compliance with condition 9. This record shall be submitted to the local planning authority upon request.  
Reason: To ensure the proposed development accords with the principles of sustainable development and the nearest appropriate installation principle in accordance with LDP Policy RP8.
- 11 Prior to the reception of any waste at the development hereby approved details of a scheme to prevent and control vermin, birds and pests at the site shall be submitted to any approved in writing by the local planning authority. The development shall at all times be operated in accordance with the approved scheme for the lifetime of the development.  
Reason: To ensure the development would not result in any environmental nuisance in accordance with LDP Policy RP1.
- 12 No heavy goods vehicles associated with the development hereby approved shall enter or leave the site outside of the hours of 6am to 5pm on Mondays to Saturdays and no heavy goods vehicles associated with the development hereby approved shall enter or leave the site on Sundays and Bank Holidays except in emergencies.  
Reason: To mitigate the noise impacts of the development on nearby properties in accordance with LDP Policy RP2.
- 13 No waste received at the site or residues from the incineration process shall be stored outside the building.  
Reason: To prevent environmental nuisance in accordance with LDP Policies RP1 and RP3.
- 14 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.  
Reason: There may be unidentified areas of contamination at the site that could pose a risk to controlled waters and human health if they are not remediated in accordance with LDP Policy RP6.
- 15 Prior to the commencement of development details of a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the local planning authority. The drainage scheme shall be implemented in accordance with the approved details prior to the reception of any waste at the site and shall thereafter be retained in accordance with the approved details for the lifetime of the development.  
Reason: To ensure the development would not result in any flooding or impacts upon controlled waters in accordance with LDP Policies RP4 and RP5.

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- 16 Prior to the reception of any waste in association with the development hereby approved details of a scheme for the decommissioning of the plant including the 25m flue shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within 6 months of the cessation of waste incineration processes at the site.

Reason: To ensure the site is decommissioned in a satisfactory manner in accordance with TAN 21: Waste

### Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, HC1, HC2, SI1, ER1, ER5, ER6, ER8, ER9, T1. T6, EU1, EU4, RP1, RP2, RP3, RP4, RP5, RP6, RP8.
-



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#### LDP - CV1 - Key Villages

Key Villages - 18 Key Villages are considered suitable for accommodating small scale development, including new homes, community facilities and sustainable enterprises. Development at Key Villages must comply with Policy principles.

#### LDP - RP10 - Sustainable Waste Management for New Development

Sustainable Waste Management for New Development - development will be required to incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

#### LDP - ER8 - Habitats and Species

Habitats and Species - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

#### LDP - ER9 - Ecological Networks and Features of Importance for Biodiversity

Ecological Networks and Features of Importance for Biodiversity - Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

#### LDP - SI3 - Education Facilities

Education Facilities - Where residential development generates a requirement for school places, developers will be required to either: provide land and/or premises for new schools or make financial contributions towards providing new or improved school facilities. Proposals for the development of new primary and secondary education must comply with specific criteria.

#### LDP - PS1 - Sustainable Places

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

#### LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

#### LDP - PS3 - Sustainable Housing Strategy

Sustainable Housing Strategy - the Plan provides for the development of up to 15,600 homes to promote the creation and enhancement of sustainable communities.

#### LDP - IO1 - Supporting Infrastructure

Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

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#### LDP - H2 - Affordable Housing Strategy

Affordable Housing Strategy - provision will be made to deliver a minimum 3,310 affordable homes over the Plan period.

#### LDP - H5 - Local Needs Housing Exception Site

Local Needs Housing Exception Sites - Sites are allocated at 6 locations for local needs housing to meet an identified social and/or economic need. Development proposals for the allocations exception sites must provide a minimum of 51% affordable housing for local needs and a maximum of 49% enabling Local Needs Market Housing, and comply with relevant policy principles.

#### LDP - SI1 - Health and Wellbeing

Health and Wellbeing - health inequalities will be reduced and healthy lifestyles encouraged by complying with set criteria.

#### LDP - SI6 - Provision of New Open Space

Provision of New Open Space -Open space provision will be sought for all residential development proposals in accordance with the policy principles, and in accordance with relevant criteria relating to design and landscaping principles. The quantity, quality and location of the open space contribution required will be determined against the most recent Open Space Assessment and Open Space Strategy.

#### LDP - SI8 - Community Safety

#### LDP - ER2 - Strategic Green Infrastructure Network

Strategic Green Infrastructure Network - Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

#### LDP - ER4 -Gower Area of Outstanding Natura Beauty (AONB)

Gower Area of Outstanding Natura Beauty (AONB) - Development must have regard to the purpose of the designation to conserve and enhance the natural beauty of the area in accordance with policy criteria. Cumulative impact will also be taken into consideration. Development proposals that are outside, but closely interlinked with the AONB must not have an unacceptable detrimental impact on the natural beauty of the AONB.

#### LDP - ER11 - Trees, Hedgerows and Development

Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

Where necessary a tree survey; arboricultural impact assessment; an arboricultural method statement; tree protection plan and/or scheme for tree replacement, including details of planting and aftercare will be required in support of a planning application.

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#### LDP - T1 - Transport Measures and Infrastructure

Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependent the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

#### LDP - T2 - Active Travel

Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy.

#### LDP - T5 - Design Principles for Transport Measures and Infrastructure

Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

#### LDP - T6 - Parking

Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate. The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

#### LDP - EU4 - Public Utilities and New Development

Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

Development that requires new or improved utility infrastructure will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

#### LDP - RP4 - Water Pollution and the Protection of Water Resources

Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.



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### Site History

#### App Number

#### Proposal

#### Status

#### Decision Date

2018/0112/PRE

PRE-APP - 73 dwellings and associated access, play area and landscaping works

WDN

13.11.2018

2018/2580/FUL

Construction of 70 dwelling units comprising: 36 'affordable' dwellings :- 12 x one bed apartments, 15 x two bed houses, 3 x two bed bungalows and 6 x three bed houses; and 34 'local needs' open market dwellings:-10 x two bed houses, 6 x three bed houses, 4 x three bed bungalows, and 14 x four bed houses, and associated detached garages, access, highway works, open space and landscaping. (Amended layout)

PDE

### RESPONSE TO CONSULTATIONS

Fourteen local residents were directly consulted and the application has been advertised by way of site notices and a press notice as a "departure" application.

ONE HUNDRED and THIRTY EIGHT (138) letters of objection and TWO letters of SUPPORT have been received.

Three petitions of OBJECTION have been submitted to the Planning Department in response to this planning application. However, these three petitions were raised in relation to the LDP process and were not specifically raised in respect of the planning application subject of this report.

The petition reference numbers and grounds for objection were:

45152 - no grounds stated, 895 signatures

45153 - "Save Gower Area of Outstanding Natural Beauty and its Green Field Sites" 2280 signatures

45154 - "Do not build houses in the field opposite Pennard Drive in Pennard, Gower" 456 signatures

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These petitions were considered by the Planning Inspectors as part of the LDP examination process. On the basis that these petitions were specifically raised to the LDP process and not to this planning application - and are not 'transferable' to the planning application given they are distinct planning processes separated by a significant period of time - they should only be given limited weight by members of the Planning Committee.

The **OBJECTIONS** received raise the following (summarised) material planning concerns:

- o Conflicts with the Unitary Development Plan (UDP) as the site forms part of the open countryside and within the Gower Area of Outstanding Natural Beauty (AONB).
- o Conflicts with National Policy & Planning Policy Wales (PPW) for protection of AONB (conservation and enhancement).
- o No convincing evidence for any overriding need for housing development of this scale.
- o It should be 100% affordable housing.
- o The application is premature in relation to the LDP.
- o Concerns over additional traffic through the village.
- o Traffic danger to children walking home from school.
- o Weak public transport system which will not support this application.
- o The layout is overdevelopment, badly designed with too many houses crammed into the site which will be unsightly.
- o The houses will have tiny gardens.
- o The layout has too many narrow roads and not enough parking.
- o Additional traffic congestion.
- o Traffic entering Pennard Road from the site will be chaotic at peak times.
- o The site exits onto a blind bend and cuts across the footpath used to access the school.
- o Poor access to Pennard on a dangerous road which at parts is single track with no footpaths.
- o The existing roads are narrow and can't take any increase in delivery vehicles and refuse trucks.
- o Impacts upon the school with additional pupils.
- o The Doctors surgery is already struggling to cope with its catchments of Gower patients.
- o Impacts upon the sewerage system which is at capacity. The sewer outfall at Hael Lane has continuous problems.
- o Private roads can deteriorate over time e.g. Browns Drive.
- o Negative impact on flora and fauna.
- o Increased waste, sound and light pollution.
- o Not enough local amenities.
- o There is little employment in the village to sustain a development on this scale.
- o Poor drainage and impacts upon subterranean water courses.
- o Development should be on brownfield sites.
- o Sustainability - there is no evidence to support the need for this high density development in a small, rural village.
- o Legality - the reclassification of AONB sites as Gower Fringe needs to be called into question.
- o It is the responsibility of the Council to protect AONB sites for everyone.
- o The fields covered by the proposed development have experienced sink holes.
- o There will be a need for conditions to ensure that the properties are purchased / rented by local people.

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- o The developer should pay for improvements to the infrastructure, sewerage disposal, electricity supply and schools.
- o The proposal does not comply with the requirements of SI 1 of the LDP as it is inaccessible by non-car transport to primary and secondary healthcare providers. There is no good interconnectivity between places and active travel is impossible due the lack of green infrastructure network.
- o The emerging LDP requires open space provision including the creation of new onsite facilities or the improvement of existing local provision off-site along with appropriate maintenance contributions, this is clearly missing for this plan. This development also contravenes SI 8. The development has no lighting and will provide many dark corners for opportunities for criminal activity.
- o To make changes to existing roadways would further urbanize the area. Additionally, the rural nature of the location means that horse riders are frequent users of the access lane. The large increase in traffic caused by 70 additional dwellings will drive such horse traffic away, further urbanizing our environment. It makes no opportunity to provide walking or cycling access, in fact, has a significant impact on the public footpath adjacent to the development linking Pennard Rd with Pennard Drive.
- o This proposed development contravenes Policy RP 9 as no appropriate adequate or effective provision has been made for the storage recycling and other sustainable management of waste. In addition, the shared driveway and narrow winding roadway with only a single access point is unsuitable for recycling and refuse vehicles and personnel.
- o I believe that local occupancy criteria should be applied to the local need market homes and formally tied to an appropriate planning mechanism and/or legal agreement and to ensure that the dwellings are not used as a second home/holiday home, in addition, these restraints should be continuous regardless of subsequent transfer of property. I also believe that the definition of "local" is deeply flawed and believe that provision should be primarily aimed at need from the immediate locality.
- o Prime agricultural land is being taken for housing.
- o Loss of visual amenity to surrounding dwellings.
- o Loss of ancient hedgerow and negative impact on biodiversity.
- o There is a problem with surface water drainage in the area.
- o This represents creep towards Kittle and would not enhance the area for the many visitors who frequent the area.
- o Limited access for emergency vehicles.
- o It would be visible from the main road and visually transform the approach to the village.
- o Not in keeping with the rural character of the area.
- o The area is prone to flooding in heavy rain. Surface water pools at the bottom of the field as soil samples show there is clay present.
- o The proposed 6 eco-houses with grey metal profile roofing is not appropriate to Gower and does not meet the Gower Design Guide.
- o The internal roads are narrow with no pavements in parts.
- o There is little provision for recycling.
- o No street lighting - risk to pedestrians.
- o No visitor parking in the layout.
- o Rural exception site policy conflicts with the RTPi Cymru's findings in their research - the exception site policy works best when the development plan framework is mature and robust.
- o Mixed Tenure - the proposals include an apartment block which I consider to contravene the intentions of Policy H5

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- o Increase in population will change the nature and character of Pennard.
- o Loss of residential amenity for the existing properties of the Linkside Estate.
- o Who is going to 'police' the local housing vs not local requirement.
- o With the additional traffic there would be a dangerous increase in emissions and air pollution.
- o If this application is agreed, it opens up the possibility of development of other fields.
- o Bishopston school is over capacity.
- o The removal of the hedgerow will be catastrophic for the birds and other wildlife.

The letters of **SUPPORT** are summarised below:

- o I would like to see a range of affordable housing with preference given to those already living in the Ward, not expensive housing for people from other areas.
- o I would love my kids to have a chance to continue to live in the village as they grow up.
- o Glad to see this application - much needed low cost housing to attract young families to the area.
- o Without young families moving in, the area will start dying off and the school won't have enough children to sustain, local housing is too expensive for them to afford.

Amended plans were submitted showing amendments to the layout of the proposal

The amendments relate to alterations to the parking areas, changes to the footpath link within the site and the re-orientation of a number of dwellings.

The original fourteen neighbouring dwellings were reconsulted (14 days) and site notices were displayed close to the site.

Due to this report being written prior to the consultation expiry date, and any additional objector / comments received in response to the re-consultation exercise will be reported to the Planning Committee by means of an update sheet.

### **Rebecca Evans AM**

#### *AONB & LDP issues*

- o There is concern that the scale of the development is not in keeping with the need to protect an Area of Outstanding Natural Beauty.
- o There are still many brownfield sites undeveloped elsewhere in the county.
- o My constituents state that as the LDP is not yet finalised, it would appear that it is only sensible that no decisions should be made until this is done. However, the LDP does require open spaces within developments, and what little open space remains on the site has been "pushed to a far corner."

#### *Housing need*

- o A recent survey is understood to have identified the need for 200 additional houses across the whole of the Gower Peninsula. As such, a number of my constituents dispute that building 70 of these in one small rural community can be justified as meeting "exceptional local need."

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o My constituents believe that local occupancy criteria should be applied to the local need market homes and formally tied to an appropriate planning mechanism and/or legal agreement and to ensure that the dwellings are not used as second or holiday homes, in addition, these restraints should be continuous regardless of subsequent transfer of property.

### *Transport and roads*

o The only access route into Pennard is along a narrow, winding lane: B4436. Constituents are concerned that there are already problems with congestion and damage to the road surface. My constituents state that this road is not suitable for the heavy vehicles involved in construction and the additional daily traffic that such a development would bring.

o My constituents raise the point that if the main road in to the village can be widened then why can't a new access point in to this proposed development be created from the main road, rather than all the additional traffic having to come along Pennard Drive?

o The main entrance to the proposed development is off Pennard Drive, on a busy, narrow bend where there are problems with parked cars, buses and delivery vans. Children walk to and from Pennard Primary School along this road, using the footpath which runs alongside the field. The Council's report on the previous submission for this proposed development described this access point as "dangerous" and yet it remains unchanged on the current plans. My constituents would like to know why this is the case.

o My constituents have commented that on the plans the roads look significantly narrower than Pennard Drive, and no street lighting is indicated.

o My constituents would like to know if emergency access to the development has been considered.

o My constituents raise the point that after looking at the plans, there appear to be too many homes in the space provided, the roads will be too narrow to accommodate access to Council vehicles, delivery vans, emergency vehicles combined with the inevitable roadside parking.

My constituents are concerned that a development of this size would mean an estimate of 100 more cars accessing the village and parking in this small area. Pavement parking would be inevitable.

o A number of my constituents raise the issue of a lack of pavements in the development, leading to increased danger for pedestrians.

o Constituents have also raised the issue of future adoption of the highways by the local authority, where parts of the road system are marked as private and others as being of a porous surface, which could lead to potential dispute.

o A number of constituents raised the issue of refuse collection and limited access for the collection lorries, especially to turn around. The on-road parking will further exacerbate the issue.

### *Environmental issues*

o My constituents note that the current plans appear to show the destruction of the mature hedgerow which runs along Pennard Drive to construct driveways and front gardens for the proposed houses.

o There are also concerns about surface drainage and the appearance of sinkholes locally.

o My constituents are concerned that the proposed development will be on agricultural land, stating that as a resource, once lost, cannot be recovered.

o There are concerns that the development will lead to increased light and traffic pollution.

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o My constituents state that Pennard has only recently had a large housing development at Burrows Close, and this proposed development will adversely change the environment of Pennard from rural to urban, with "Urban Sprawl" towards Kittle.

### *Tourism*

o My constituents believe that this development could have a negative impact on tourism, and tourism is an industry on which many Pennard residents are dependant.

### *Local services & employment*

o My constituents inform me that Gower Medical Centre is at capacity and alternates between Pennard and Scurlage. There is no public transport between the two.  
o Some of my constituents state there is insufficient work in the village to warrant the building of 70 additional houses.

### *Other infrastructure*

o A number of my constituents have real concerns as to the capacity of the local sewerage system and its ability to cope with any further demand.  
o Some of my constituents believe the developers should be asked to pay, in full, the additional cost consequent upon the development, in improving the infrastructure, including the sewage disposal, electricity supply and school. This payment must prior to the commencement of development be assessed and secured by a bond, to prevent non-payment.  
o Some of my constituents believe that the proposed development contravenes policy RP 9 as no appropriate adequate or effective provision has been made for the storage recycling and other sustainable management of waste.

### *Miscellaneous*

o Some constituents (but not all) have added that they have no objection in principle to the building of new homes in the village, especially affordable homes, but the infrastructure must be in place and the buildings must have sufficient space around them for access, safety and community living.

### **Ward Councillor**

I object to this development for the following reasons:

- o It contravenes Policy EV26 for the Gower ANOB;
- o It pre-empts the approval of the emerging LDP;
- o Many local services are already inadequate and do not support this level of development;
- o The design of the development as outlined in the application is inadequate in many respects and doesn't explain how local service inadequacies will be resolved;
- o Risks associated with the access to the site;
- o Over-intensification of the site; and
- o Lack of open spaces.

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### *The Gower AONB*

Policy EV26 states that "Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a materially adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted".

Pennard is an important village within the AONB and encompasses a number of Gower's iconic features. In view of the absolute significance of the AONB designation EV26 should be afforded considerable weight.

### *LDP*

a. Pre-emption - Planning consideration of a development of this size should wait until the LDP has been finalised. Not to do so is pre-empting acceptance of the LDP. This development should be reviewed in the light of any further amendments to the emerging LDP.

b. The Housing Review - The method of arriving at the total number of homes and affordable housing in the Gower and Gower fringe areas requires justification. There is insufficient work in the Pennard Ward to warrant the building of 70 additional houses. Policy HC3 requires "Provision of affordable housing in areas where a demonstrable lack of affordable housing exists". The Housing Review requirement for 500 additional homes on Gower covered a very wide area, covering much of West Swansea. The 70 homes in this development are required for an area far beyond that of the Pennard Ward, and putting them in one place will simply put more traffic on to the roads of Gower, to its further detriment.

As such a large development is not required by the village itself, this will result in further urbanisation. Pennard will become a suburb of Swansea not a distinct village with its own character and close community. LDP Policy CV1 requires that development should not have a suburbanising effect; a typical suburban form should be avoided. That within the AONB rural settlement dwellings should contribute positively to their settings and enhance the quality of the landscape. Encroachment into the open landscape to the detriment of its character and appearance and would not achieve these aims. H5.4 allocation at Pennard Drive, amongst others, should be substantially reduced in size and be solely for local needs affordable housing. Such proposals can be dealt with by means of the new Policy H5A (MAC 181).

c. Open Spaces - The emerging LDP requires open spaces to be an integral part off developments and within those developments. What little open space remains on this site has been pushed to a far corner.

### *Local Services*

a. Sewage - Policy EV33 requires that "where a sewage system is inadequate satisfactory improvements should be provided prior to the development becoming operational". The works at Hael Lane are shown under the Policy Framework to be at capacity i.e. it cannot deal with any further increases in sewage and foul waters. Frequent incidents in the area support this view.

b. Sewage Plans - The Welsh Water plans provided indicate that the organisation does not know the extent of the present sewage system on the Pennard Drive/Linkside Estate.

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The plans of the sewers are incomplete with many of the sewers suddenly coming to a stop with a question mark on it! It is also believed that there are private sewers within the estate. It is imperative that a plan of the full complete sewage system should be ascertained before any additional properties are added to it.

c. Main Roads - The main Pennard Road is narrow in parts from Pennard Church to the school. It is struggling to cope with the current traffic and there have been several incidents in the narrower sections. It is also a road frequently used by cyclists and horse riders for which there is no additional provision such as cycle lanes. It is also possible to meet cattle moving between areas of common land. Motorists do not accord it the care required in a country lane. Experience suggest there will be at least two cars per new property despite the affordability tag and necessary for most working people to get to work.

d. Green Travel - Pennard Road provides no safe walking or cycling links between Pennard Village, Pennard Church and the intervening properties. There is little interconnectivity between places or facilities for active green travel as required in SL 1 of the LDP. Pennard Community Council has been struggling to find a solution to this for several years, with minimal funds and opposition from some landowners impeding progress.

e. Doctor's Surgery - The present surgery is stretched to capacity, hence many of the facilities and specialist surgeries are provided at the main site in Scurlage, to which there is no bus service and people have to travel by car.

f. Bus Service - At present there is an hourly service during week days, but only to the city centre. Links to the hospitals and other areas through the university site are no longer available. The timings are difficult for working residents, especially shift workers and the service is unreliable because of the vehicles used and frequent obstructions on narrow main and side roads (many caused by inconsiderate parking). This further encourages residents, particularly younger ones, to feel that a car is essential for living in Pennard.

### *Design of the development*

a. Over Intensification of the site - The application is an over intensification of the site, as such is not in keeping with the rest of the village. ED006.2 Phasing and Delivery document point 3.253 considered the 2.2 ha site to have a capacity of 60 units which would be a density of 27 dwellings per ha. The application does not show any respect for the AONB and the reason for the existence of the AONB.

b. Site Access - Access to the site is shown off Pennard Drive, which would create additional traffic past the entrance to the school, village hub and the Pennard Drive estate. The latest traffic survey (Sept 2018) showed a daily average of over 4500 traffic movements past this entrance. The coincidence of travel at school and work times creates greater pressures at certain times of the day. There is also still a double driveway opening at the exit from the public footpath used by children from the school. This would create a serious risk to pedestrians. The road access to the site should be from the main Pennard Road, with traffic calming measures on the approach to the village. The reasoning that it is impossible to get access across a metre wide strip of common land is untrue and is not acceptable. It does require more effort. The said land is the property of Swansea Highways and as such could be used for Highway development.



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c. Eco Houses - There are 6 eco-friendly properties shown on the plan, which have grey metal profile roofing. Although supportive of the concept of sustainable homes, the use of metal roofing is not appropriate to Gower and does not meet the Gower Design Guide A1.94f. The application is for homes that reflect the vernacular Gower styles not contemporary designs. These do not respect the character of the AONB.

d. Internal Roads - As noted on the Highways reports these are narrow with no pavements in many places. On road parking could prevent access for large delivery lorries or emergency vehicles. Lack of pavements increases the danger to pedestrians. There should be no further driveways directly on to the busy Pennard Drive, which is also a bus route. Parts of the road system are marked as private and others as being of a porous surface. These are two issues that might prevent the adoption of the highways by Swansea City Council (which has happened before in Pennard at significant extra cost to residents).

e. On-site Parking - Rear parking is specified for many of the properties. Experience suggests that this would simply encourage parking on the roadways in front of properties, exacerbating the parking on Pennard Drive and within the narrow road on the development site. The local bus could not get around the estate recently and had to return in the same direction it had come, missing several stops and leaving passengers behind. This is not the first occasion this has occurred, and it greatly effects the many elderly people who live in the area.

f. Street lighting - There is none indicated in the plans or design documentation, creating a risk to pedestrians and security of property. The village has issues with drugs and young people from out of the area hanging around. Appropriate street lighting must be included, and plans provided for review by the Highways Department.

g. Recycling - There is little provision for the storage of recycling at many of the properties. Also limited access for the collection lorries, especially to turn around. On-road parking will further exacerbate the issue.

h. Ancient Hedgerows - The present design breaks into the ancient hedgerow in several places along the east of Pennard Drive to form driveways. One might imagine it all being removed for the length of Pennard Drive, leaving only the section alongside the public footpath. Our City does not have a good track record for protecting such heritage, hence the wanton destruction of a very large old tree in Penllergaer.

### *Other risks*

a. Land Drainage - There are concerns about the water drainage from the site. Large ponds form at the bottom (NE corner) of the development site and in the next field during wet weather. The soil analysis indicates that there are clay soils in parts of the field. Three years ago, Parkmill was seriously flooded by waters flowing off these Pennard fields. Many of the houses in Parkmill were at risk as well as an impassable road. Whilst extensive drainage works have been carried out in Parkmill itself to mitigate any further such flooding, it highlights the extent of the water drainage from these north sloping fields in Pennard.

b. Sink Holes - These are a known problem around the site and no testing seems to have been carried out to assess the risks.

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### *Conditions to be applied to the development*

- a. Planning consideration of a development of this size should wait until the LDP has been finalised.
- b. No development should be permitted until all infrastructure improvements have been made. This provides a time gap for any arrangements for the use of common land to be cleared whilst sewage, drainage etc are updated to the required standard.
- c. The developer should pay for any improvements to the sewage, highways etc. No costs should fall to the public purse. It is imperative that a plan of the full complete sewage system should be ascertained before any additional properties are added to it.
- d. Bonds should be taken prior to any works commencing to ensure all internal roads and footpaths are completed to an acceptable standard.
- e. It is imperative that any affordable homes have conditions attached to ensure they remain affordable and are only open to those with local links. Holiday homes should not be permitted. A feature of Pennard development history is that in a desirable area people with money buy what is to them cheap and then have spare cash to overdevelop the plot.
- f. Safe vehicular access should be provided within the design to ensure safety of all users including pedestrians, preferably with access directly onto Pennard Road with traffic calming measures applied
- g. The hedgerow to the west of the development must be protected as far as possible.
- h. The developer needs to be appraised in advance of the conditions that would be applied and how such conditions would be enforced: to ensure an approved development is sympathetic to the Pennard environment and addresses the various service inadequacies prior to the commencement of any development. This might make the development uneconomic.

### **Pennard Community Council**

#### Object

The Community Council fully supports the comments made at our recent public meeting and would also like to add to this with the following submission:

1. This application is clearly well within the AONB and as such requires the greatest of scrutiny in order to comply with the current UDP and draft LDP.
2. We are against the proposal to capture this land into the village envelope. The Community Council accepts the need for low cost housing in the area but the methodology of arriving at the required numbers requires clarification and justification. This query is legitimate in view of the recent applications in the AONB at Llanrhidian, Higher Lane, the Greyhound Oldwalls development and the completed development in Scurlage.

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3. We stress the need for conditions to ensure the properties are purchased/rented by local people. Whilst we have difficulty in devising effective conditions, it is for the applicant and the LPA to do so. Are 70 homes necessary to satisfy, in whole or part, that requirement in one development over a short period of time?

4. In view of the fact that the LDP has yet to be approved, we believe that this application is presumptuous. This application should not be even considered until the LDP has been finalised. However within the emerging LDP we consider this to be an inappropriate development in the countryside as we do not have the jobs infrastructure and community facilities to justify a development of this size.

5. The Community Council feel that this development is an over-development and shows little respect for the AONB. The housing types appear to follow the Design Guide but the density and lack of open spaces do not. This development does not provide an attractive legible healthy accessible or safe environment. Loss of visual amenity to surrounding dwellings, loss of ancient hedgerow and negative impact on biodiversity. The identified need is for 300 homes in the Gower fringe zone, we feel this development is disproportionate that almost 25% should be located in such a small site in one location, and far too much for the identifiable need in the immediate locality. This also contravenes ER 4 and ER 11 of the emerging LDP. Furthermore, breaks in the ancient hedgerow will affect biodiversity of the entire hedgerow in a disproportionate way.

6. One image on the drawings is explained by the caption 'private'. Private roads rarely get adopted unless the frontages subsequently make them up to standard and that never happens as some or most frontages fail to contribute to the cost. The roads deteriorate for all time, eg Browns Drive and become a constant problem.

7. This development does not comply with the requirements of SI 1 of the emerging LDP. The reasons for this include inaccessibility by non-car transport to primary and secondary healthcare provision. There is no good interconnectivity between places and active travel is impossible due to lack of green infrastructure network. Such travel would result to significant risk to life.

8. The developers should be asked to pay, in full, the additional cost consequent upon the development, in improving the infrastructure, including the sewage disposal, electricity supply and school. This payment must prior to commencement of development be assessed and secured by a bond, in the event of non-payment. Otherwise such cost falls upon the CCS and the statutory undertakings, i.e. the paying public. These are problems created by the developer and must be resolved by the developer or at its cost.

9. We query the entrance to this development. As shown, it increases the burden on the existing and sole entrance road to the estate? The highway immediately fronting the school, surgery and library would become more hazardous. The recent erection of a pelican crossing outside the school, surgery and library indicates the concern of the CCS for the safety of pedestrians. An entrance further along the highway would serve to divert the additional traffic from that location.

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10. The emerging LDP requires open space provision including the creation of new onsite facilities or the improvement of existing local provision off site along with appropriate maintenance contributions, this is clearly missing for this plan. This development also contravenes SI 8. The development has no lighting and will provide many dark corners for opportunities of criminal activity.

11. Taking into consideration the nature, scale and sighting of this proposed development it is not supported by appropriate transport measures or infrastructure. To make changes to existing roadways would further urbanize the area. Additionally, the rural nature of the location means that horse riders are frequent users of the access lane. The large increase in traffic caused by 70 additional dwellings will drive such horse traffic away, further urbanizing our environment. It makes no opportunity to provide walking or cycling access, in fact has a significant impact on the public footpath adjacent to the development linking Pennard Rd with Pennard Dr. The proximity of a shared driveway with access onto Pennard Dr to this footpath will endanger life.

12. This proposed development contravenes policy RP 9 as no appropriate adequate or effective provision has been made for the recycling storage and other sustainable management of waste. In addition, the shared driveway and narrow winding roadway with only a single access point is unsuitable for recycling and refuse vehicles and personnel. There are two turning spaces within the development which due to insufficient parking provision will inevitable have vehicles parked in them, refuse vehicles will be unable to turn around in the development. This will be aggravated by the increasing incidents of parcel and grocery delivery vehicles.

13. We believe local occupancy criteria should be applied to the local need market homes and formally tied to an appropriate planning mechanism and/or legal agreement and to ensure that the dwellings are not used as a second home/holiday home. In addition these restraints should be continuous regardless of subsequent transfer of property. We believe the definition of 'local' is deeply flawed and believe that provision should be primarily aimed at need from the immediate locality.

14. We believe this proposal will be of detriment to subterranean water courses in the immediate vicinity of the site in this area. Furthermore, sewage and drainage infrastructure is insufficient to accommodate additional flows. Finally we have considered our comments with the emerging LDP in mind. If any changes should occur in the LDP from its current format that could relate to our proper consideration of this application then the application should be returned to public consultation. If this is not possible then consideration of this development should be delayed awaiting validation of the LDP.

### **Gower Society**

We have looked in detail at the above application and offer the following observations:

We have no alternative but to strongly object to this application and we would be obliged if you would take our comments into account in arriving at your final decision.

1. This application is clearly well within the AONB and as such requires the greatest of scrutiny in order to comply with the current UDP and draft LDP.

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2. We are against the proposal to capture this land into the village envelope. The Society accepts the need for low cost housing in the area but the methodology of arriving at the required numbers requires clarification and justification. This query is legitimate in view of the recent applications in the AONB at Llanrhidian, Higher Lane and the completed development in Scurlage.
3. We stress the need for conditions to ensure the properties are purchased/rented by local people. Whilst we have difficulty in devising effective conditions, it is for the applicant and the LPA to do so. Are 70 homes necessary to satisfy, in whole or part, that requirement in one development over a short period of time?
4. In view of the fact that the LDP has yet to be approved, we believe that this application is presumptuous. This application should not be even considered until the LDP has been finalised.
5. The Society feel that this development is an over-development and shows little respect for the AONB. The housing types appear to follow the Design Guide but the density and lack of open spaces do not. The recent development in Scurlage is an example as to how this should be done.
6. One image on the drawings is explained by the caption "private". Private roads rarely get adopted unless the frontages subsequently make them up to standard and that never happens as some or most frontages fail to contribute to the cost. The roads deteriorate for all time, e.g. Caswell Avenue and become a constant problem.
7. The developers should be asked to pay, in full, the additional cost consequent upon the development, in improving the infrastructure, including the sewage disposal, electricity supply and school. This payment must, prior to commencement of development, be assessed and secured by a bond in the event of non-payment. Otherwise such cost falls upon the CCS and the statutory undertakings, i.e. the paying public. These are problems created by the developer and must be resolved by the developer or at its cost.
8. Finally we query the entrance to this development. As shown, it increases the burden on the existing and sole entrance road to the estate? The highway immediately fronting the school, surgery and library would become more hazardous. The recent erection of a pelican crossing outside the school, surgery and library indicates the concern of the CCS for the safety of pedestrians. An entrance further along the highway would serve to divert the additional traffic from that location.

### Natural Resources Wales

#### Initial Comments

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not meet these requirements.

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### *Requirements:*

We require information about the likely impacts of the proposals on dormice, a European Protected Species. We require that the developer produce a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development to be submitted and approved in writing by the Local Planning Authority. We require the following additional Landscape information to inform the application. Visual Appraisal, Landscape Mitigation Plan, Ecological Management Plan.

### *European protected species*

We note that the following documents support the application:

PEA report entitled 'Coastal Housing Land Adjacent to Pennard Drive, Pennard. Preliminary Ecological Appraisal by Soltys Brewster dated 19th August 2016; and Letter from Soltys Brewster to Asbri Planning entitled 'Land adjacent to Pennard Drive, Pennard. Ecological Appraisal - 2018 Update Report Letter, dated 30th August 2018.

We note the conclusions of the above reports, particularly in respect to comments relating to dormice. We agree that the applicant should engage with the Local Planning Authority Ecologist to agree the surveys required to support the application. If, as a result of surveys, dormice are found to be present in habitats on or bordering the site, or the application is taken forward assuming their presence in such habitats, then the submitted application should include a dormouse conservation strategy which sets out full details of the likely impacts on the species and all of the mitigation that will be put in place to off-set the anticipated impacts. We would be pleased to review our position and provide further advice when consulted on the information specified above.

### *Natural Resource Management*

To protect water quality and prevent any potential deterioration in Water Framework Directive Classification.

The Method Statement should identify the following as a minimum.

- o Storage facilities for all fuels, oils and chemicals.
- o Details on any water features on the site and how they will be protected.
- o Full details of how any watercourses will be crossed or confirmation that this is not applicable.
- o Any sources of pollution (including silt), potential pathways for that pollution to enter any watercourses within the vicinity of the site and appropriate pollution control measures to be implemented on site.
- o Details of the nature, type and quantity of materials to be imported on to the site.
- o Measures for dealing with any contaminated material (demolition waste or excavated waste).
- o Details on waste types that will be produced and how they will be managed.
- o Details on any invasive species on site and how they will be managed.
- o Identification of any buried services, such as foul sewers, so that they are protected.
- o Details of emergency contact, for example Natural Resources Wales pollution hotline 0300 065 3000.

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The Method Statement should then be efficiently communicated to all contractors and subcontractors (for example, via toolbox talks) and any deficiencies rectified immediately

### *Landscape*

A Landscape Character Appraisal has been carried out but does not include a visual appraisal. The Design and Access Statement provides some information on views and some photographs, however a Landscape and Visual Appraisal is required to adequately address this aspect, given the sensitivity of the site within the Gower AONB. A Landscape Mitigation Plan is proposed which indicates the proposed and existing hedgerows.

Our comments above only relate specifically to matters that are included on our checklist on our website at this link (<https://naturalresources.wales/guidance-and-advice/businesssectors/planning-and-development/our-role-in-planning-and-development/our-role-inplanning-and-development/?lang=en>).

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

### Final NRW comments

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified, and we would not object provided you attach them to the planning permission.

Conditions:

A condition should be attached to any planning permission your Authority may grant to produce a site-specific:

- o Construction Environmental Management Plan (CEMP)
- o Landscape and Ecological Management Plan

### *Natural Resource Management*

Construction Environmental Management Plan (CEMP) - The biggest risk from a pollution viewpoint, occurs during construction. The developer should therefore plan the works carefully, so that contaminated water cannot run uncontrolled into any watercourses (including ditches). We therefore advise that a condition should be attached to any planning permission your Authority may grant to produce a site-specific Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development.

The method statement should identify the following as a minimum

- o Storage facilities for all fuels, oils and chemicals.
- o Details on any water features on the site and how they will be protected.
- o Full details of how any watercourses will be crossed or confirmation that this is not applicable.

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- o Any sources of pollution (including silt), potential pathways for that pollution to enter any watercourses within the vicinity of the site and appropriate pollution control measures to be implemented on site.
- o Details of the nature, type and quantity of materials to be imported on to the site.
- o Measures for dealing with any contaminated material (demolition waste or excavated waste).
- o Details on waste types that will be produced and how they will be managed.
- o Details on any invasive species on site and how they will be managed.
- o Identification of any buried services, such as foul sewers, so that they are protected.
- o Details of emergency contacts, for example Natural Resources Wales' Pollution hotline 0300 065 3000.

The Method Statement should then be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

### *Landscape*

#### Landscape and Ecological Management Plan

We have reviewed the submitted Landscape & Visual Impact Assessment (Jan 19). Whilst we agree that the proposal is unlikely to have significant adverse visual effects on the AONB landscape, we remain concerned about the scale, intensity and suburban character of the development. The scale and design of this proposal should have regard to the Gower AONB Design Guide, which applies to all parts of the AONB.

If your Authority is minded to approve the application a condition should be attached requiring: A Landscape and Ecological Management Plan to be submitted and approved in writing by the Local Planning Authority.

#### Advisory:

European protected species

We note that the following further information has been submitted in support of the above application:

- o 'Land adjacent to Pennard Drive, Pennard. Dormouse Mitigation Strategy' by Soltys Brewster dated 17 January 2019.

In view of this additional information we wish to make the following observations regarding the mitigation strategy:

- o It would be good practice to check for dormouse nests prior to clearance works taking place;
- o Monitoring and aftercare arrangements are recommended for a period immediately after hedgerow translocation to check for the success of the translocation, to include watering in prolonged periods of dry weather, and replacement of any failed stock;
- o If a dormouse nest is found (paras 3.3 and 3.8), the point of contact for advice is the project ecologist (who should advise on the mitigation and any EPS licence required).



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We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

### **Dwr Cymru/Welsh Water (DCWW)**

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

#### *Sewerage*

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town and Country Planning (Development Management Procedure)(Wales) (Amendment) Order 2016. We note that our consultation response (Ref: PPA0003568) has been acknowledged and included at Appendix 8 of the accompanying Pre-Application Consultation (PAC) Report, prepared by Asbri Planning Ltd, which offers no objection to 70 no. units notwithstanding its status as an allocated site for 60 no. units in the Deposit LDP. Our response acknowledged receipt of a 'Drainage Strategy Plan' (Drawing No. 2200-500), which accompanies the 'Drainage Strategy Report' (Ref: DS01) as part of this planning application submission (Ref: 2018/2580/FUL) and is considered acceptable in principle.

Accordingly, if you are minded to grant Planning Consent for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

**Condition:** No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

**Reason:** To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

#### *Advisory Notes*

The applicant may need to apply to Dwr Cymru/Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption" - 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).

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The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

### *Sewage Treatment*

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

I can confirm that further investigatory works have been undertaken at Southgate (Hael Lane) WwTW and established that there is suitable capacity to accommodate this allocated development site (Ref: H5.4) for 70 dwellings on land north of Pennard Road. No objection to planning application 2018/2580/FUL.

### *Water Supply*

Dwr Cymru Welsh Water has no objection to the proposed development.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com).

### **Glamorgan Gwent Archaeological Trust (GGAT)**

Thank you for notifying us of this application; consequently, we have consulted the information on your website and also the information in the Historic Environment Record. The proposal will require archaeological mitigation.

The Historic Environment Record notes that the proposed development area is within the Gower AONB; and whilst not within a Registered Historic Landscape, is within the area that has been characterised in the same format as it is within the AONB. It is within character area HLCA051: Kittle characterised as: *largely post-medieval agricultural landscape and former manorial centre: dispersed farmsteads and small clustered settlement; agri-industrial features; communication routes; woodland; and find spots*. There is evidence in the wider area of prehistoric activity along the coastal zone and uplands; evidence of Roman activity from late Iron Age and Roman promontory forts; Medieval and post-Medieval religious and settlement activity.

The supporting information includes an archaeological desk based assessment undertaken by Archaeology Wales (dated September 2018, report reference 1710); the report meets current professional standards. It has gathered the known information from appropriate sources regarding the historic environment and archaeological resource and has assessed the impact of the proposal and potential for archaeological remains. The results note the evidence of activity above, and the use of the highway as a multi period roadway. It also notes the post-Medieval pound to the south of the road boundary.

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All of data is assessed by period and likelihood and the potential therefore varies between Low (local) for prehistoric, Medieval and post-Medieval, and Medium (Regional) for Romano-British. It concludes that an archaeological watching brief would be appropriate mitigation for the proposed development.

We concur with this and in order to mitigate this, we therefore recommend that a condition requiring the applicant to submit and implement a programme of archaeological work in accordance with a written scheme of investigation should be attached to any consent granted by your Members. We envisage that this programme of work will take the form of an archaeological watching brief during any ground disturbing work. The written scheme must have detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated and analysed, and it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014:

*No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.*

*Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.*

We also recommend that a note should be attached to the planning consent explaining that: A detailed report on the archaeological work, as required by the condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA) ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is our Policy to recommend that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an MCIfA accredited Member.

### **Designing Out Crime Officer - Police**

(This consultee was only consulted in respect of the original (and now superseded) scheme. The comments below were taken into account when the scheme was amended. The Placemaking and Heritage Officer refers to this consultee's comments in his own comments.)

Pleased with parts of the layout but has concerns over certain parts. Some of the rear parking bays are not overlooked and hence are vulnerable to crime. Concerns are also raised over the footpaths that run between Plots 3 and 4 and Plots 47 and 48. Concerns raised over the location of the LAP as it is adjacent to Pennard Road. These areas should be located where they are afforded good natural surveillance from residents.

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### Placemaking and Heritage Officer

The LDP policy context allocates this site for the delivery of affordable housing on a rural Gower fringe site supported by a minority element of market housing to meet local needs.

This is a significant development proposal within the Gower AoNB. With 70 new homes the proposal makes best use of this greenfield site for a new neighbourhood of approximately 175 people including children. It must be assessed against both the adopted Gower Design Guide and the adopted Residential Design Guide.

The site is well located within Pennard, offering access to local facilities including a school, shop, public transport and closely connected to the existing community.

The site is 380m at its closest point to the edge of Kilvrough Manor Historic Park and Garden, 750m from the main listed house and 460m to the gazebo/former walled garden of the manor. The landform and intervening vegetation mean that there will be no/negligible impact on the setting of the designated heritage assets.

The site is a grass paddock largely devoid of features except for mature hedges along the south and west boundaries. The north boundary abuts the rear of existing modern properties fronting onto a cul-de-sac off Pennard Drive. The east boundary is visually open with a post and rail fence onto the adjoin field. The south boundary abuts Pennard Road which is the main route in/out of Pennard. This is an historic lane with the former village pound for stray livestock 20m from the site to the east.

Whilst the site lies in the AoNB, the adjacent Pennard Drive houses offer no vernacular design references. These modern (circa 1970s) homes offer no response to the place or landscape.

The site will form a new rural edge to Pennard with views in/out from the east. A landscape setting assessment has informed this application.

The southern part of the site retains the hedge onto Pennard Road and faces development onto this area.

The southern half of the eastern boundary has an outward facing aspect with development set back and an informal open space/natural play area forming a sensitive transition to the countryside. The northern half of the eastern boundary has gardens backing on and the landscape mitigation plan proposes this translocation of western hedge to the eastern boundary plus additional planting which is welcomed to soften the relationship to the landscape.

The western boundary acts as a 'suburban transition' with the proposed development facing onto Pennard Drive with direct frontage access.

The north-western part of the site includes a pedestrian link to maximise integration of communities and provides access for existing residents to the play facilities in the south-east area. The Police's Designing Out Crime Officer was concerned about the potential for anti-social behaviour in this area and to address this risk, this area has been positively redesigned to ensure natural surveillance from the new homes and to avoid dominance by parked cars.

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The Police's Designing Out Crime Officer was also concerned to ensure that rear parking areas are well overlooked and in the cases of the plots where flats are proposed, the overlooking is ensured through the dual aspect of the walk-up (maisonette) flats with habitable room windows in the rear elevation directly supervising the parking area.

The backland plots (26/27 and 68/69) sit behind the main frontage homes and have been redesigned to be subservient (1.5 storey with the first floor in the roof) in accordance with vernacular character and the adopted Infill/ Backland Design Guide.

The scheme has been referred to the Design Commission for Wales and they suggested opening up the eastern area to bring green infrastructure into the heart of the site. It has been suggested to the applicant that they omit a unit to open up this area, but instead the layout around plot 43 has been redesigned to create green frontages/verges along the east-west street which is welcomed. Plus this opens up views from the main entrance of the wider countryside.

There have been internal discussions within the Council about place-led street designs. This is clearly and strongly advocated as national policy in the recent update of Planning Policy Wales (ed10) which states:

*The Welsh Government policy, Manual for Streets and its companion guide Manual for Streets 220, requires that street design should not follow the conventional engineering-led approach. The design of new or enhanced streets should respond to urban design principles, including those in Manual for Streets and the Active Travel Design Guidance<sup>21</sup>, and not adhere to ridged standards. Design Bulletin 32: Residential Roads and Footpaths has been superseded by Manual for Streets. (PPW 4.2.21)*

*Planning authorities must ensure the design of streets contributes to the creation of high-quality places, which will require a multi-disciplinary approach, and should challenge development proposals with standardised, prescriptive, engineering-focussed, risk-adverse street designs. (PPW 4.1.22)*

*Design and Access Statements should demonstrate how the design of new or enhanced streets has responded to urban design principles, including the guidance in Manual for Streets and the Active Travel Design Guidance. (PPW 4.1.24)*

The street and lane layout has been subjected to a stage 1 safety audit. This has resulted in a few minor changes but overall the highway design maintains the 'place-led' approach with grass verges and gentle meandering alignments whilst ensuring acceptable safe access for all vehicles including service and emergency vehicles.

The existing footpath alongside the west boundary leading to the school crossing is retained along with the hedge and made safer with overlooking from adjacent new homes.

In general the house types positively reflect the traditional Gower Vernacular in accordance with the Gower Design Guide and this is demonstrated in the precedent analysis section of the DAS.

The roof pitches and details are welcomed and the inclusion of cottage type bungalows is positive to provide a wide range of accommodation types.

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The materials including stone and rough cast render are welcomed and the render colours will need careful selection which can be controlled by condition. The use of natural stone is welcomed and it will be important to use the correct natural stone for this area. These detailed aspects can be addressed via a material sample panel on site. The use of timber windows is noted and welcomed.

Most homes include a porch; the larger homes show stone built pitched porches as per the Gower Vernacular. The smaller cottage homes (mostly the affordable units) show a cantilevered timber pitched canopy and whilst this is different, it is contextual because the smaller vernacular homes often had a simpler canopy or none at all. Plus the walk-up flats (affordable units) have stone porches. Therefore whilst the aspiration is for private and affordable homes to be indistinguishable, in this instance the differences in porches is a justifiable contextual response.

Key corner plots are dual aspect with windows to habitable rooms in the side elevations in order to positively turn the corner and maximise natural surveillance.

The layout includes six low energy/ local construction homes (plots 30-35) at the north end. Very little justification has been provided, but these timber clad homes with sheet roofs do accord with the 'contemporary vernacular' strand of the Gower Design Guide and are similar in appearance and construction to the chalet homes found in Gower, albeit two storeys rather than single storey.

The Case Officer needs to check separation distances and amenity aspects, but it is noted that there is no proposed topographical information such as proposed slab levels.

Approval is recommended with the following conditions:

- o Composite material sample panel on site
- o Large scale drawings of:
  - Porch/ canopy/ front door
  - Chimney
  - Eaves/ Verge
  - Typical windows
- o Locations of meter cupboards

### Head of Engineering and Transportation

The Highway Authority, in responding to the above application, gives the following substantive response: No Objection subject to conditions.

### *Background*

The proposed development consists of 70 new residential properties comprising of 36 affordable units and 34 market housing, in a mix of 2, 3 and 4 bed. The site was subject to a previous Pre Application 2018/0112/PRE and a Pre Application Consultation exercise was undertaken and Highways response issued, this is included in the PAC response.

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### *Trip Generation*

A trip rate analysis and multimodal impact has been presented with the Transport Statement. TRICS predicts a total daily 2 way flow of 308 vehicle trips, with worst case hours in the AM and PM peaks of 34 and 36, 2 way trips respectively. This amounts to broadly 1 additional vehicle every 2 minutes and as such it is agreed that this will have no material effect on the operation of the network.

### *Public Transport*

The site is served by the existing number 14 service, this runs an hourly service and uses existing bus stops on both Pennard Drive and Pennard Road.

### *Walking and Cycling*

The site has continuous footway provision to the nearby school, medical centre and other local facilities, and a controlled pedestrian crossing has recently been installed on Pennard Road. An independent Stage 1 Road Safety Audit has been undertaken, and highlighted the potential for poor pedestrian visibility crossing Pennard Drive in the vicinity of the development access. The RSA recommends the provision of dropped kerbs and tactile paving to encourage crossing at an appropriate location, this can be undertaken via section 106 contribution. Adequate cycle storage has been provided to the rear of the flats.

### *Accident Analysis*

The study area is appropriate for the level of traffic generated and shows no Personal Injury Accidents (PIA) in the latest study period. Interrogation of the Authority's held accident data shows 3 slight PIAs in the latest 3 year period slightly outside the study area, there are no common causation factors. As such it is not considered the proposals will have a negative effect on road safety.

### *Site Access*

The site is proposed to be accessed via a new priority junction constructed on Pennard Drive. Concerns were raised at PAC over the location of the proposed access, although it did appear to meet the 25mph Manual for Streets visibility splay. In addition as the junction is located immediately after a 90 degree bend it is reasonable to consider the major road visibility distance, and stopping sight distance. At this location it is compromised from the west by the bend in the road and the high boundary hedge surrounding number 144 Pennard Drive. The minimum required SSD of 33m could not be met. The applicant has altered the access proposals moving the junction to the north. As such the required visibility distance and stopping sight distance can be achieved.

### *Internal Layout*

Some concerns were raised at PAC stage, and through dialogue with the developer regarding the internal layout. The stage 1 RSA also considered the internal estate roads and made several recommendations. These have been incorporated into the latest layout 2200-01R.

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Carriageways are broadly 5.5m wide throughout the site, however the original proposed footway provision was substandard. In early iterations of the layout some roads had no footways, and those that did were predominantly only 1m wide. This was deemed unacceptable. The internal layout has been amended, minimum 1.8m footways have been provided throughout the site, swept path analysis has been verified and provides for safe access and egress for service and fire vehicles.

Off carriageway footway links are also provided through part of the site. Parking levels accord with the parking SPG. Concern was raised over the arrangement for plots 18-21, where rear parking court spaces were thought to be too distant from the properties, this has been amended.

Plots 4-7, 19-21, 25-29 44, 58-63, 64-66 and 67-70 are to be accessed via shared drives. These shared drives will be suitably demarked and will not be considered for adoption. However the remainder of the site and main estate roads are thought to be suitable for adoption.

Concerns were raised over access to the parking for plot 65. These spaces appeared difficult to access and exit. Revised layout 2200-01R has been received and the issues have been resolved. Plots 1-11 are accessed directly from Pennard Drive, the boundaries of these properties should be kept below 600mm to maintain visibility.

### *Off Site Highway Works*

The RSA recommends additional pedestrian provision in the vicinity of the site access. This should be secured as part of a section 106 agreement. In addition the existing 20mph limit of Pennard Road should be extended to a zone, to include Pennard Drive and Linkside Drive.

### *Highway Recommendation*

On balance the Highway Authority has no objection to the proposed development subject to the conditions below.

### Suggested Conditions

- o The applicant will enter into a section 106 agreement with the Highway Authority to deliver improved pedestrian facilities in the vicinity of the proposed new access junction, and to extend the existing Pennard Road 20mph limit into a 20mph zone encompassing the existing Pennard Drive / Linkside Drive estate.
- o All access works would be subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.
- o The applicant is advised that the Local Planning Authority would require either a copy of a completed agreement between the applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.



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- o All front boundary treatments, both on Pennard Drive and through the new estate roads shall be kept to below 600mm, in the interests of pedestrian and vehicular safety.

Note1. The Developer must contact the Highway Management Group, City and County of Swansea, The Guildhall, c/o Civic Centre, Swansea, SA1 3SN before carrying out any work. Please e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)

Note 2: The applicant is advised that to discharge condition 2 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

### Drainage Officer

Based on the submitted Drainage Strategy Report which includes - Pennard Infiltration Test Results, we recommend the following is appended to any permissions given.

#### Condition

No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

#### Reason

To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.

#### Informatives

Significant change to drainage requirements will impact new developments from January 2019. From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m<sup>2</sup> or more will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers. These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins in accordance with Schedule 3 of the Flood and Water Management Act (FWMA) 2010. The SAB will have a duty to adopt compliant systems so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval.

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### Tree Officer

The application has been accompanied by a tree report in accordance with BS5837:2012. The report identifies some good quality trees - category B in the south-eastern corner of the site. The site layout shows that the area near to the trees will be an area of landscaping. Therefore the only risk to the trees is from uncontrolled construction traffic, storage/ delivery of materials/soil and poor routing of services. A suitably worded condition can ensure any of these problems do not occur. The site should be suitably landscaped to include tree planting in the creation of Place.

### Ecology Officer

#### Initial Comments

Outcome Of Ecological Investigation

#### *Relevant documents received:*

PEA, Soltys Brewster (Aug, 2016)

Update letter report, Soltys Brewster (Aug, 2018)

Dormouse Mitigation Strategy & Hedgerow Translocation Strategy (Soltys Brewster, Jan 2019)

#### *Ecological Appraisal*

The letter report of Aug 30th 2018 is not acceptable as a fully updated Ecological Appraisal. A new report is required to be submitted, updating the 2016 findings with the 2018 surveys/evidence.

#### *Bats*

The network of trees and hedgerows provide good foraging and commuting habitat for various species of bat and should be retained to maintain this and improved to increase connectivity to other similar habitat. Please note the following:

All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

Pre-construction/site clearance checks for bats must be undertaken (including of any trees destined for felling).

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### *Dormice*

Although dormice are under-recorded in the area, there are some records within 2.5 km of the site. Suitable habitat exists and so it must be established whether the species is present here. Surveys following best practise guidelines (ie. standards set within the English Nature (2006) Dormouse Conservation Handbook-2nd Edition) are therefore required, as per NRW response 18/1/19. It is essential to employ an experienced dormouse ecologist to undertake the surveys using the appropriate survey methods. The survey report must be submitted to the LPA, along with the proposed dormouse mitigation strategy and a species protection/management plan, should evidence of dormice be recorded.

Although the submission of the Dormouse Mitigation Strategy (Soltys Brewster, Jan 2019) is acknowledged, minimal detail is given in the document regarding actual Dormouse mitigation/conservation/enhancement proposals. The emphasis of the document is on hedgerow translocation works.

Please note: Dormice are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. Consequently, it is an offence to intentionally or recklessly kill a dormouse, disturb a dormouse whilst it is occupying a resting place or breeding site.

During construction, further checks should be made for the presence of dormice before and during site clearance operations.

Pre-commencement Site Check - As no surveys are planned to be undertaken, and the Dormouse Mitigation Strategy is based on the precautionary principle, the following procedure is essential. Immediately prior to the commencement of any pre-construction/enabling works on-site, including vegetation clearance, a site walkover must be conducted by a suitably qualified ecologist, to determine any significant changes to those habitats supported by the site with respect to dormouse. The purpose of the site walkover is to determine whether any further, species-specific working methodologies beyond those contained within the Dormouse Mitigation Strategy/Hedgerow Translocation Strategy document will be required. This must be submitted to the LPA for approval prior to construction.

### *Breeding /nesting birds*

As suitable habitat exists on site for nesting birds, please include the following informative:

It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds)

- o Kill, injure or take any wild bird
- o Take, damage or destroy the nest of any wild bird while that nest is in use or being built
- o Take or destroy an egg of any wild bird
- o Disturb dependent young (schedule 1 birds)

No clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings shall be undertaken during the bird nesting season, March to August

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### *Vegetation clearance procedures*

A tool-box talk must be given to the vegetation clearance contractors by the ecologist prior to commencement, with respect to the legal protection afforded to dormice and breeding birds, the working methodologies to be employed, identification of individuals and their nests, and procedures to be followed should any evidence of dormice, breeding birds or active nests be encountered during the works. Any other ecological considerations/potential constraints will also be identified.

A thorough pre-commencement check for dormice, their nests and active bird nests will be undertaken by the ecologist immediately prior to the clearance of woodland, hedgerow, shrub and scrub sections.

Should any active bird nest or bird nest under construction be found, then a buffer zone of at least a 5m radius (or wider dependent upon species found, to be advised by the ecologist), will be created around the nest and maintained until all eggs have hatched and chicks fledged, before works can recommence within this area.

Should an active dormouse be encountered during the clearance works, then the individual will be given adequate time to disperse of its own accord and away from the area subject to the clearance works and towards retained habitat adjacent, before re-commencing with the clearance works.

### *Reptiles*

The report concluded that suitable habitat on site (ie hedgerow bases and field margins) exists for reptiles/amphibians. Within 1km of the development site, there are records of 2 reptile species and 2 amphibian species. Please 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:

- o A reptile mitigation strategy is required.
- o Pre-construction checks for any species are required.
- o Any vegetation clearance must be undertaken avoiding the main hibernation period (October-March). - informative or condition

### *Hedgehog*

Records show that there is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline. On this basis, the following Informative must be added to any permission granted:

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To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should be covered at night or be fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped. It is also possible to provide enhancements for hedgehogs (and other wildlife), by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.

### *Other European Protected Species*

Pre-construction checks must be undertaken for badger and otter (both species recorded within 1km of the site).

All trenches and excavations must be fenced off or covered-over at night to prevent any otters (or other animals such as hedgehogs) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped otters (and other wildlife) each morning before starting construction activities. This should be included as a statement in the CEMP.

In addition, please include the following Informatives:

Protected species may be present. Many species are protected under the Wildlife & Countryside Act 1981 (as amended) or are listed in the Conservation of Habitats and Species Regulations 2010 (this legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal).

Badgers are protected under the Protection of Badgers Act 1992. It is an offence to wilfully kill, injure or take a badger; to interfere with a sett by damaging or obstructing it or by disturbing a badger when it is occupying a badger sett, with intent or recklessly.

If evidence of any protected species is encountered e.g. live or dead animals, droppings or their resting or breeding places, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

### *Small pearl-bordered fritillary*

This priority Section 7 butterfly species is recorded from the locality. To mitigate for any loss of habitat, areas of damp grassland and grassland with bracken and/or patches of scrub must be retained and planting of the food source of the species ie common dog violet (*Viola riviniana*) and marsh violet (*V. palustris*) must be undertaken. This will ensure connectivity with other meta-populations.

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### *Ecological Management Plan*

An Ecological Management Plan for the entire site is required to be submitted to the LPA for approval. This site-specific document must outline processes and instructions to manage the site, and its operations, in such a way so as to protect and enhance the biodiversity and ecology of the site, and surrounding area.

### *Landscaping*

Native trees, shrubs and wildflowers should be planted as part of the landscape scheme. The species must be of local or at least Welsh provenance. A number of trees/scrub and woodland are identified to be removed to facilitate the proposed development design. These habitats have significant value for wildlife and must be mitigated for, such as via compensatory tree planting, hedgerow and shrub planting or ongoing woodland management. Details of the proposed mitigation, together with a plan for aftercare is required to be submitted. The higher value trees/shrubs must be retained and during the entire construction phase, steps must be taken to ensure no adverse impact occurs to this flora. The boundary hedgerow is to be retained and gaps planted/infilled with native species of local provenance to increase biodiversity and connectivity.

As per 5.2 of the Landscape Character and Visual Impact Assessment of Proposed Residential Development at Pennard Report (TDA, Jan 2019), there should be integration of the development into the existing field pattern and the retention of all existing trees and hedgerows wherever possible in accordance with LANDMAP recommendations.

### *Hedgerows*

There needs to be a thorough assessment of the hedgerow's health and vigour prior to making a decision on the potential suitability of a hedge for translocation - I have had a look at the hedgerow assessment and am happy with the information provided, in terms of the health of the hedgerow and prospect of translocating it. This must be undertaken in accordance with and by strictly adhering to the methodology outlined in the Dormouse Mitigation Strategy Report (Soltys Brewster, Jan 2019) - (Document Ref - 1672002/R01).

A written schedule of works should be drawn up and agreed with any contractors engaged on the project. When moving a hedgerow, all works must take place in the dormant season (November to March). It is generally considered advisable to coppice and/or trim the shrubs prior to translocation. When moving the hedge, the shrubs should be lifted with the utmost care and placed immediately into a prepared trench, which is to be their final destination. They should not be stored for any length of time. To ensure successful results that can be replicated, it is essential that hedgerows are surveyed prior to translocation and that the hedgerow is monitored after it is moved.

It is recommended that gaps caused by failures be planted up with native species of local or at least Welsh provenance. A management plan should be drawn up for the translocated hedge and submitted to the LPA for approval.

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Further monitoring of the translocated hedge sections is necessary to assess its ongoing progress. The ecological development of the translocated hedges needs to be monitored and compared with new hedges at the same stage of development.

Native hedgerows should ideally be managed on a rotational basis to maintain flower and fruit protection, dense structure, varying heights, and the establishment of standard trees within the hedgerow.

Wherever feasible a strip of grassland and/or tall-herb between 0.5-2m wide should be allowed to develop along either side of the hedge and be managed by cutting 1-2 times per year, preferably with at least some sections cut every other year.

Recommendations: Monitoring must be undertaken during the recovery process of the hedge to accurately assess the ecological implications of the translocation and any potential problems which will need addressing.

Long-term Maintenance and Management: To ensure the long-term viability of all retained, translocated and newly planted trees, hedgerows and shrubs on-site, an assessment of their condition must be carried out by an Arboricultural Association (AA), approved arboricultural contractor or professional arboriculturalist every two years for the first five years, to ensure that the tree stock is managed for its health and safety and its lifespan and coverage optimised.

### *Invasive Non-native species (INNS)*

An INNS Strategy for the site is required to be submitted, regarding Monbretia, Japanese rose and other garden escapes (and any other species recorded on site). A method statement for removal of the INNS pre-construction is also required to be submitted, together with an updated pre-construction INNS survey.

### *Suds*

From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m<sup>2</sup> or more require sustainable drainage to manage on-site surface water. Although this application was received before this date, and the submitted Drainage Strategy Report (Spring Design, Jan 2019), is noted, it is advised that reference is made to the draft Swansea Council LDP. In particular:

### RP 3: WATER POLLUTION AND THE PROTECTION OF WATER RESOURCES

- o Development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted.
- o Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable.
- o Watercourses will be safeguarded through green corridors/riparian buffers: to protect water habitats and species; water quality and to provide for flood plain capacity.
- o Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

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SuDS work by making use of landscape and natural vegetation to control the flow of surface water and reduce the risk of flooding. Designs can include ponds, permeable paving and swales, which slow down the discharge of surface water more than conventional piped drainage.

See also RP 1: SAFEGUARDING PUBLIC HEALTH AND NATURAL RESOURCES. Further details with Matters Arising Changes (MACS) schedule can be found at: <https://www.swansea.gov.uk/ldp>

### *Lighting strategy*

A sensitive lighting strategy, designed to ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the construction, or operation phases of the development must be submitted. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species. This lighting strategy should be agreed with the LPA Planning Ecologist.

The lighting strategy must detail measures to ensure that protected species using the site for commuting and foraging purposes can continue to do so, without disturbance.

The lighting strategy must be placed as a condition on any planning permission granted.

### *Green Infrastructure*

Draft LDP Policy ER 2 requires that in order to be acceptable, development must not compromise the integrity of the green infrastructure system. This means that where a development proposal will result in loss in green infrastructure and consequently a loss in ecosystem service provision, mitigation and compensation measures will be required. The emerging LDP policy now requires that compensatory measures should maintain and enhance the green infrastructure network. The emerging policy criteria set out the type of measures that could be incorporated into a development scheme to achieve this.

No comprehensive survey of the site's green infrastructure provision has been provided. In order to effectively implement draft LDP Policy ER 2, a green infrastructure assessment is required.

### *CEMP*

The Construction and Environmental Management Plan (CEMP) documents the systems and controls to be adopted to minimise any adverse environmental effects during construction. The CEMP must be adopted by all Contractors and Sub-contractors working on the development to ensure a consistent and coordinated approach to construction management and to manage environmental impacts.

A detailed CEMP is required to be submitted to the LPA for approval and must outline all necessary pollution prevention measures (especially regarding the adjacent SINCS and water bodies eg ponds), for the construction and operational phase of the development.



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Condition:

No development approved by this permission shall be commenced until a CEMP detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the Local Planning Authority. The details of the PPMS shall be implemented as approved.

Reason :Prevent pollution of controlled waters and the wider environment.

### *Ecological enhancement*

Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section 6.4 Paragraph 6.4.3 states that "... *The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement ...*".

In addition, The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). Under this Duty, development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

TAN 5 confirms that under Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006, every public authority has a duty to "have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". Paragraph 2.1 of Tan 5 also states that the Town and Country Planning system in Wales should look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally (PPW 5.1).

In view of this, the addition of ecological enhancement measures in the form of integrated bat boxes/bricks and bird boxes (for particularly swifts, sparrows, starling and other species) into the walls of new buildings is very welcomed. Where possible, these should also be erected on suitable trees around the site. Log and brush piles should be created under hedgerows to provide refugia and hibernacula for amphibians, reptiles, small mammals and invertebrates. Log piles should be located in a variety of locations, such as damp places, with some situated in more sunny locations. These should be stacked and perhaps some amounts of leaf litter added.

Hedgehog friendly fencing around the whole site is desirable together with tree planting and infilling gaps in hedgerows along the site boundary of native species of local provenance. Dormouse boxes should also be installed (by a licensed ecologist) on suitable hedgerows, trees and shrubs to enhance the site for the species.

### Final Ecology Comments

*Further comments following receipt of additional information:*

Outcome Of Ecological Investigation

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### *Hedgerow translocation*

Please see all previous comments regarding hedgerows.

The hedgerow assessment report (ArBTS, received 27/2/19) provides adequate information in terms of assessing the health of the hedgerow and prospect of translocating it. The translocation must be undertaken in accordance with and by strictly adhering to the methodology outlined in the Dormouse Mitigation Strategy Report (Soltys Brewster, Jan 2019) - (Document Ref - 1672002/R01).

Please note that monitoring of the hedgerow immediately after translocation is required, together with aftercare procedures to check the success of the translocation and ensure watering during prolonged dry weather and replacement of any failed stock.

### *Long-term Maintenance and Management of hedgerow*

To ensure the long-term viability of all retained, translocated and newly planted trees, hedgerows and shrubs onsite, an assessment of their condition must be carried out by an Arboricultural Association (AA), approved arboricultural contractor or professional arboriculturalist every two years for the first five years, to ensure that the tree stock is managed for its health and safety and its lifespan and coverage optimised.

### *Dormouse*

Pre-commencement Site Check - The submitted Dormouse Mitigation Strategy is based on the precautionary principle, and therefore the following procedure is essential. Immediately prior to the commencement of any pre-construction/enabling works on-site, including vegetation clearance, a site walkover must be conducted by a suitably qualified ecologist, to determine any significant changes to those habitats supported by the site with respect to dormouse. The purpose of the site walkover is to determine whether any further, species-specific working methodologies beyond those contained within the Dormouse Mitigation Strategy/Hedgerow Translocation Strategy document will be required. This must be submitted to the LPA for approval prior to construction.

Please note: Dormice are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. Consequently, it is an offence to intentionally or recklessly kill a dormouse, disturb a dormouse whilst it is occupying a resting place or breeding site.

Dormouse boxes should be installed (by a licensed ecologist) on suitable hedgerows, trees and shrubs to enhance the site for the species.

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### *Vegetation clearance procedures*

A tool-box talk must be given to the vegetation clearance contractors by the ecologist prior to commencement, with respect to the legal protection afforded to dormice (and breeding birds), the working methodologies to be employed, identification of individuals and their nests, and procedures to be followed should any evidence of dormice, breeding birds or active nests be encountered during the works. Any other ecological considerations/potential constraints should also be identified.

As outlined above, a thorough pre-commencement check for dormice and their nests must be undertaken by the ecologist immediately prior to the clearance of woodland, hedgerow, shrub and scrub sections.

Should an active dormouse nest be encountered during the clearance works, the project ecologist must advise on mitigation measures and any EPS license required.

### **Housing Enabling Officer**

I can confirm the Housing Service supports the proposed 51% affordable housing on the Land North of Pennard Drive and East of Pennard Drive. I agree with the proposed siting of the affordable units, spread across the site and the proposed unit sizes and mix. The affordable housing needs to be built to DQR standard. The design and specification of the affordable units should be of equivalent quality to those used in the open market units. The exception to this being the 6 IHP units as they are different by design. The proposed plans show the standard build affordable units having a different porch design to the market units, the affordable units should be indistinguishable from the market units.

### **Education Officer**

Review of the effect on Catchment Schools of Proposed Development: -

Planning Application: 2018/2580/FUL Land North of Pennard Road and East of Pennard Drive, Southgate, Swansea. - Construction of 70 dwelling units comprising of 25 x 2 bed houses, 3 x 2 bed bungalows, 12 x 3 bed houses, 4 x 3 bed bungalows, 14 x 4 bed houses and 12 x 1 bed apartments with associated detached garages, access, highway works, open space and landscaping.

#### *Primary:*

English-medium: the English medium primary (Pennard Primary) currently has 15.57% surplus capacity, however by September 2024 the surplus capacity is expected to increase significantly to 42.45%

Welsh-medium: the Welsh medium primary (YGG Llwynderw) currently has 6.90% surplus capacity, however this expected to reduce to 1.25% by September 2024.

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### *Secondary:*

English-medium: the English medium secondary school (Bishopston Comprehensive) is currently over capacity by 0.27%, however this is expected to change slightly by September 2024 to 0.55% surplus capacity

Welsh-medium: the Welsh medium secondary school (YG Gwyr) currently has 11.48% surplus capacity, however by September 2024 it is expected to be over capacity by 16.97%.

### *Requested Contribution:*

Providing the information above, Education request no developer's contribution for the English medium primary school (Pennard Primary) and full contributions for the English medium secondary school (Bishopston Comprehensive). There is no request for contributions for the Welsh medium primary school (YGG Llwynderw) or the Welsh medium secondary school (YG Gwyr) due to the low impact of this development on pupil numbers and the potential contributions being too low to make any positive impact on the building.

Primary: No contributions for Pennard primary school due to the amount of unfilled places projected at the school

Secondary: the full generated amount of £158,480.00 plus indexation towards Bishopston comprehensive school.

The current 21st Century Schools project for Bishopston Comprehensive School is in the design stage and the scope is to refurbish and remodel the existing buildings, together with a two-storey extension to replace the demountables, which are no longer fit for purpose. It does not include the relatively recently constructed Specialist Teaching Facility, and will not result in a change to the capacity of the school. As part of the design stage of this project, options to add capacity to the school in the future that can then be implemented in the event that this development goes ahead will be incorporated.

### **Parks Officer**

With regard to the above mentioned Planning Application, having looked at the attached documents of the proposed development, I wish to make you aware of the following observations which I wish to be taken into consideration by the Parks Service which are as follows:

- o Public Open Space - An area of open space is proposed within the site which we have no objections to, but if we are required to adopt any POS a commuted sum will be required from the developer for any future maintenance.
- o The future responsibility of the existing trees which are to be retained and which will be included on any areas of POS within the development prior to any adoption for future maintenance.
- o Outdoor Play - There is brief mention of play provision which would be acceptable to the Parks Service due to the size of the proposed development and the current level of such provisions within the locality. We would however require further details of the design and layout of the proposed facility and details of the supplying manufacturer prior to approval.

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- o In principle we have no issues with adopting any play facility (if that is what the developer proposes) providing an appropriate Section 106 contribution is received (a total of £55,962 has been requested by the Parks Officer to cover the maintenance of the POS, LAP and tree maintenance).

### Pollution Control Officer

We have no comments to make for this application.

### APPRAISAL

This application is being reported to Planning Committee for determination due to the size of the development.

Full planning permission is sought for the construction of 70 residential dwellings with associated detached garages, access, highway works, open space and landscaping.

Of the 70 dwellings, 36 (51.4%) are proposed to be for affordable housing, comprising 12 x one bed apartments, 15 x two bed houses, 3 x two bed bungalows and 6 x three bed houses.

34 (48.6%) are proposed to be for 'local needs' open market housing comprising 10 x two bed houses, 6 x three bed houses, 4 x three bed bungalows, and 14 x four bed houses. The access to the site is from Pennard Drive.

The proposal includes an informal play area / informal activity trail which will include earth mounds, balance beams, climbing boulders and small wooden climbing frame, along with soft landscape elements including wildflower, grass seeding and ornamental trees, and would be located within the south-western part of the site.

The application site comprises a rectangular field measuring 2 hectares, located to the north of Pennard Road and to the east of Pennard Drive. The site is relatively flat with a shallow gradient towards the north-east. The site currently comprises grassland used for grazing.

The site is bound by a mature hedgerow and Pennard Road to the south, a mature hedgerow, a public footpath and Pennard Drive to the west, to the north by four houses (143-149 [odd] Pennard Drive) and to the east by a post and wire fence. Agricultural fields lie to the east.

The existing hedgerow facing Pennard Drive on the western boundary is proposed to be 'translocated' from its existing position to the eastern boundary of the site.

The existing hedgerow along the southern boundary with Pennard Road is to be retained, along with the hedgerow separating the public footpath and the site on the western boundary.

The site has an agricultural land classification of 3a - Good Quality (Best and most versatile Land).

The site is located within Gower Area of Outstanding Natural Beauty (AONB).

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The site is designated as a 'Local Needs Housing Exception Site' with the recently adopted Local Development Plan 2010-2025 (LDP).

### **Main Issues**

The main issues for consideration with regard to this application relate to the principle of residential development on this site, impacts of the development on the character and appearance of the area, residential amenity impacts on neighbouring occupiers, impacts of the development on access, parking and highway safety; impacts on trees, ecology, drainage and environmental interests, with regard to the provisions of the following policies: PS1, PS2, PS3, IO1, H2, H5, SI1, SI3, SI6, SI8, ER1, ER2, ER4, ER8, ER9, ER11, CV1, T1, T2, T5, T6, EU4, RP4 and RP10 of the Swansea Local Development Plan 2010-2025 (LDP).

The following Supplementary Guidance Notes (SPG) are also relevant:

Places to Live - Residential Design Guide (Adopted January 2014),

Parking Standards (Adopted March 2012),

Planning Obligations (Adopted March 2010),

Planning for Community Safety (Adopted December 2012),

The Protection of Trees on Development Sites (October 2016),

Gower AONB Design Guide (2011), and

Lighting Scheme Guidance for Gower AONB (October 2010).

There are no overriding issues with regard to the Human Rights Act.

### **Principle of Development**

The Local Development Plan 2010-2025 (LDP) was formally adopted on the 28th February 2019. As such, the LDP is the most up-to-date policy framework for determining planning applications.

The application site is allocated as a 'Local Needs Housing Exception site' under Policy H5 of the LDP.

LDP Policy H5 allocates sites for local needs housing to meet an identified social and/or economic need. The application site is allocated under the Policy as H 5.4.

The Policy states that proposals must provide a minimum of 51% affordable housing for local needs and a maximum of 49% of an enabling local needs market housing that meets an identified housing needs within the locality by providing an appropriate range of dwelling sizes, types and design specifications having regard to evidence of financial viability.

The occupancy of the Local Needs Market Housing will be restricted to "persons with a local connection" to be used as "their only or principal home" and will be formally tied to planning consent by means of legal agreements and/or conditions. Proposals that do not provide an appropriate number and range of dwellings to meet the identified social and/or economic needs of "persons with a local connection" within the locality will not be permitted.

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Within this application, the proposed ratio of affordable housing and market housing on the site meets H5 criteria - 36 affordable units (51.4%) and 34 Local needs market housing (48.6%) are proposed.

Evidence currently indicates that Pennard has a high proportion of 4 bedroom dwellings and few 2 bedroom dwellings. In order to accord with Policy H5, the planning application is therefore required to provide a suitable proportion of smaller market properties to provide opportunities for both newly formed households and those wishing to downsize; and limit the number of new 4 - bedroom plus properties.

The 36 (51.4%) units of affordable housing comprises:

- 12 x one bed apartments,
- 15 x two bed houses,
- 3 x two bed bungalows and
- 6 x three bed houses.

The 34 (48.6%) units of 'local needs' open market housing comprises:

- 10 x two bed houses,
- 6 x three bed houses,
- 4 x three bed bungalows, and
- 14 x four bed houses.

The mix of types of houses is welcomed and reflects the needs of the area identified within the LDP. Furthermore, the integration of affordable and market housing in the layout of the development is welcomed.

It should be noted that in order to comply with LDP Policy H5, a local occupancy criteria condition will be applied to the local needs market homes to ensure that the dwellings are not used as a second home/holiday home.

It is considered that the scheme is acceptable in terms of the principle of development, as it complies with the criteria set out in Policy H5 of the adopted LDP. The application will deliver a proportion and absolute number of affordable and market homes that will serve to address a particular local need within the Gower Fringe Zone, which marks a positive and welcome contribution to development needs for the area, on a site that has been endorsed by the Council as being appropriate in principle for such development.

As such, the principle of the development is considered to be acceptable and complies with the provisions of Policy H5 of the adopted Local Development Plan 2010-2025.

### **Agricultural Land Classification**

The Applicant submitted an Agricultural Land Classification report with the application which identifies the site as being Subgrade 3a - Good Quality (Best and most versatile Land). Welsh Government Officers have confirmed that the survey has been completed in accordance with the Revised Guidelines and Criteria for Assessing Agricultural Land Quality (MAFF1988) and provides a reliable picture of agricultural land quality across the site.

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Planning Policy Wales (PPW) at paragraph 4.10 states that "*Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade*".

The principle of developing the site is considered to be acceptable due to it being allocated as a Local Needs Housing Exception site within the recently adopted LDP.

The issue of the site being Grade 3a agricultural land would have already been considered during the LDP process, prior to the site being designated as a Local Needs Housing Exception site. Consequently, the need to provide the development (in accordance with the LDP designation) outweighs the need to protect this Grade 3a agricultural land.

### **Placemaking / Visual Amenity**

The proposed layout has been amended a number of times during the course of the application due to concerns regarding the layout of the dwellings and car parking areas.

It is considered that the proposed layout has a semi-rural character with grass verges throughout the site, and includes an informal open space / natural play area and as such would form a sensitive transition to the adjacent countryside.

The north-western and north-eastern parts of the site include pedestrian links to maximise integration of the existing and proposed communities. These links provide access for existing residents to the play facilities in the south-east part of the site and would have natural surveillance from the new homes either side of the pathways.

The plots are of a good size, with a variety of house types including detached, semi-detached and two small links of 3 dwellings. The adequate spacing between dwellings ensures an acceptable level of openness and greenery, which respects the site's location within Gower AONB.

It is considered that the house types positively reflect the traditional Gower Vernacular in accordance with the SPG - Gower Design guide, and the roof pitches and details are welcomed, along with the inclusion of cottage type bungalows to provide a good range of accommodation types.

The materials including rough cast render, natural stone, and timber windows are welcomed. The majority of the dwellings include a porch; the larger homes show stone built pitched porches as per Gower Vernacular. The smaller cottage homes (mostly the affordable units) show a cantilevered timber pitched canopy and whilst this is different, it is contextual due to the smaller vernacular homes often had a simpler canopy or none at all. The 'walk-up' flats (affordable units) have stone porches. Therefore whilst the aspiration is for private and affordable homes to be indistinguishable, in this instance the differences in porches is a justifiable contextual response.



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Key corner plots are dual aspect with windows to habitable rooms in the side elevations in order to positively turn the corner and maximise natural surveillance.

The layout includes six low energy/local construction homes (plots 30-35) at the northern end of the site. These houses would be timber clad homes with sheet roofs and it is considered that they do comply with the 'contemporary vernacular' strand of the SPG - Gower Design Guide and are similar in appearance and construction to the chalet homes found in Gower, albeit they are two storeys in height rather than single storey.

The submitted Landscape Character Appraisal and the Visual Impact Assessment provides and analysis of potential landscape and visual effects from the proposed development. The report includes an assessment of landscape effects upon identified LANDMAP aspect areas within which the site is located. The report concludes that the effects on the landscape character are predicted to be limited due to the combination of the topography, existing vegetation and existing man-made elements which screen the views of the proposed development. With the exception of the land within the site boundary itself, and the locations immediately surrounding it, it is considered that the development would not have a significant adverse impact on the natural assets of Gower AONB, and the development is of a form and scale, design, density and intensity of use that is compatible with the character of the Gower AONB. It is therefore accepted that the underlying landscape character of the Gower AONB will remain unchanged.

The report also concludes that there will be no significant effects on other statutory and non-statutory designated landscapes and features within the locality as a result of the proposed development.

A site visit has confirmed that there appears to be no views of the site from either the coastal paths or Pennard cliffs which run towards Pobbles Bay and Three Cliffs Bays, or from Pennard Castle and Cefn Bryn beyond.

As such, it is considered that the overall profile, context and character of the site and the surrounding landscape would not be detrimentally affected by the proposed development, and the character and appearance of Gower AONB would not be materially harmed by the proposed development.

With regard to potential light pollution within the Gower ANOB, it is acknowledged that light pollution can cause sky glow, glare and light trespass. As such a condition will be added to ensure that any new lighting within the development accords with the guidance given within the SPG - Lighting Scheme guidance for Gower AONB.

In terms of Placemaking, the proposed building heights, building lines, greening, play spaces, verges and street widths provide a legible and functional space for future occupiers. The inclusion of an informal play area / informal activity trail which will include earth mounds, balance beams, climbing boulders and small wooden climbing frame, along with soft landscape elements including wildflower, grass seeding and ornamental trees is welcomed. With regard to the Wales Fields in Trust (FIT) standards, the proposed play area is adequately overlooked and of an acceptable size and separation distance to accord with the requirements.

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The proposed layout, design, access, landscaping and scale of the proposed development are considered to be acceptable in terms of their impacts upon the character and visual appearance of the area.

The proposal is therefore considered to represent an acceptable form of development in terms of its impact upon the character and appearance of Gower AONB, and the layout and design of the development would create a good quality and distinctive streetscape and accords with the provisions of Policies PS1, PS2, SI1, SI6, SI8, ER2, ER4 of the adopted LDP and the SPG's - Places to Live: Residential Design Guide, Gower Design Guide, Planning for Community Safety and Lighting Scheme for Gower AONB.

### **Residential Amenity**

In terms of residential amenity impacts, the majority of the existing nearby residential houses are located on the opposite side of Pennard Drive from the application site, and as such there would be no material residential amenity impacts in terms of overlooking, overbearance or overshadowing impacts on local residents.

Four existing houses known as 143-149 (odd) Pennard Drive are located to the north of the application site. The proposed access and parking area for plots 1-3 and the rear gardens of plots 30-35 would abut the northern boundary of the site. New hedgerow planting is proposed for this northern site boundary. Sufficient separation distances are provided between the proposed dwellings and these existing four dwellings, which ensure that there would be no material residential amenity impacts in terms of overlooking, overbearing or overshadowing impacts on the occupiers of 143-149 (odd) Pennard Drive.

Nos. 151 Pennard Drive and 94 Pennard Road both have their side elevations facing the application site. They are currently separated from the application site by the public footpath and the existing trees and hedgerow (which is to be retained). The proposed dwellings (bungalow on plot 66 and a house on plot 67) would have their gable ends facing towards the retained hedge and footpath and as such, it is considered that they would not cause any residential amenity impacts in terms of overlooking, overbearance or overshadowing on these existing houses.

The layout of the proposed development ensures that all separation distances for back to back relationships accord (and exceed) the minimum separation distances set out in the SPG - Places to Live: Residential Design Guide, and all of the plots would have a standard 10m separation where first floor window overlook neighbouring private amenity space. All the house plots would have an acceptably sized private rear garden. The flats would have a small shared amenity space to the rear, adjacent to the parking areas.

In terms of the residential amenity of the existing and future occupiers, the application is considered to be acceptable and accords with the provisions of Policy PS2 of LDP and the SPG Places to Live: Residential Design Guide.

### **Transportation and Highway Safety**

The Head of Transportation and Engineering considers that the traffic impact of the development would not have a significant effect on the local highway network as detailed in the 'Response to Consultations' section of this report.

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A Transport Statement was submitted with the application which shows that the additional movements generated by the development can be incorporated into the existing traffic flows with some minor works being required in the form of improved pedestrian facilities in the vicinity of the proposed new access junction, and extending the existing Pennard Road 20mph limit into a 20mph zone encompassing the existing Pennard Drive / Linkside Drive estate. Access to the site is shown to be from Pennard Drive.

Whilst extensive concern has been raised regarding the additional traffic movements that would be created by the development, it is considered that the trips arising from the development would be approximately one additional vehicle every two minutes. It is therefore considered that the development traffic can be accommodated within the existing road network.

The layout of the new development shows that the internal roads have at least one footway together with a 5.5m carriageway which would allow for two way flows and safe pedestrian passage. A swept path analysis has been provided to demonstrate that refuse and emergency vehicles can enter / turn and leave the site in a forward gear. The shared drives will be suitably demarked and will not be considered for adoption. However the remainder of the site and main estate roads are considered to be suitable for adoption.

Parking provision within the site complies with the Council's parking standards.

As such, no highway objections are raised subject to the imposition of appropriate conditions, and the application is considered to be acceptable in this regard and accords with Policies T1, T2, T5 and T6 of the LDP and the SPG - Parking Standards.

### **Trees**

The Arboricultural Officer has raise no objection to the application as detailed in the Tree Officer comments set out earlier in this report.

None of the trees on the site are presently protected by a Tree Preservation Order or conservation area status. No existing trees are to be removed from the site. The main risks to trees is from uncontrolled construction traffic, storage/delivery of materials/soil and poor routing of services. A suitably worded condition can ensure any of these problems do not occur.

A number of new trees are proposed to be planted within the site, along the eastern and northern boundaries, and within the new informal play area. The full details of the proposed landscaping for the site will be required via a condition.

As such, no arboricultural objections are raised and the application is considered to be acceptable in this regard, and accords with the provision of Policy ER11 of the LDP and the SPG - The Protection of Trees on Development Sites.

### **Ecology**

The Ecology Officer and NRW have raised no objections to the application subject to conditions as detailed in the comments in the Ecology Officer and NRW observations section of this report.

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One hundred and twenty five metres of the western boundary hedge is proposed to be 'translocated' to the eastern boundary, and as such a full assessment of the existing hedge has been undertaken. The assessment has shown that the existing hedge is a mix of hawthorn, blackthorn, holly, hazel, lime and ash and is in good condition with no gaps, and that it has been well maintained by regular pruning. It is estimated that the hedge was planted within the last few decades. The report concludes that due to the age, thick dense nature and normal health of the hedge, then it will tolerate the translocation with a high success rate, providing the translocation is carried out in accordance with the details provided. This will be secured by condition. In addition, a condition will also be added to monitor the translocated hedge every two years for the first six years following the commencement of development to ensure that it remains healthy.

With regard to Dormice, a survey of the site indicates that there are none present. However, a condition will be used requiring a pre-commencement walk-over of the site to check for dormice before works commence. Should any dormice be found, then the applicant will be required to apply for a European Protected Species (EPS) Derogation Licence from NRW and a copy of the licence shall be submitted to the Local Planning Authority (LPA).

With regard to reptiles, a condition will be added requiring a pre-commencement walk-over of the site to check for reptiles. Should any reptiles be found, then the applicant is required to submit a mitigation strategy to the Local Planning Authority order to minimise the impacts of the scheme on any reptiles

With regard to hedgehogs and other mammals, a condition will be added requiring that any open excavations during construction phase shall either be covered or fitted with ramps to prevent any terrestrial mammals that may be present from becoming trapped in open excavations.

Although the Ecology Officer also asked for a condition to be imposed regarding the checking for bats prior to site clearance, there are no buildings or features that are proposed to be removed that would be suitable for bat use, and therefore this requested condition is not considered necessary in this instance.

With regard to any invasive non-native species and other 'garden escapes' a condition will be added requiring a method statement be submitted for its eradication

With regard to potential light impacts in relation to ecology, a condition will be added requiring a sensitive lighting strategy relating to both the construction and operational phases of the development to be submitted to the Local Planning Authority for its consideration. 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

A scheme of Ecological Enhancement Measures in the form of bird and bat boxes/bricks to be provided within or to the walls of the dwellings and on suitable trees within the site will be required via a condition.

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Conditions will also be added requiring a Landscape and Ecological Management Plan (LEMP), a Construction Environmental Management Plan / Pollution Prevention Plan (CEMP/PPP), as requested by NRW and the Ecology Officer.

It is considered that no protected species (including badgers, dormice, bats, or reptiles) would be detrimentally affected by the proposed development and as such, the application is considered to be acceptable in this regard and accords with the provisions of Policies ER8 and ER9 of the LDP.

### Affordable Housing

To comply with the recently adopted LDP Policy H5, the majority of the dwellings (51% minimum) on the site are required to be for affordable housing. The proposed ratio of affordable / local needs market dwellings is 36 (51.4%) affordable dwellings to 34 (48.6%) local need market dwellings.

The Council's local occupancy criteria will be applied to these affordable homes and delivery will be formally tied to an appropriate S106 legal agreement.

The Council's Housing Enabling Officer has confirmed that the details of the affordable housing provided on site is acceptable in terms of its tenure and dispersal across the site, and as such the application is considered to be acceptable in this regard and accords with the provisions of Policies H2 and H5 of the LDP. Of the 36 affordable units to be provided, 19 would be social rented and 17 would be intermediate housing. The Council's Housing Enabling Officer is satisfied with this ratio.

### Education

The projected number pupil numbers generated by the proposed development of 70 dwellings (having regard to the calculations contained within the Planning Obligations SPG) are as follows:

Primary: 16 (15 English and 1 Welsh Medium)

Secondary: 11 (10 English and 1 Welsh Medium)

With regard to primary school places, there is surplus capacity in Pennard Primary (English Medium) and Llwynderw Primary (Welsh Medium) and as such, no developer contribution is required for primary education.

With regard to Welsh medium secondary school places, there is surplus capacity at Gwyr and as such no developer contribution is required for Welsh medium secondary education.

With regard to English medium secondary school places, Bishopston Comprehensive school is currently over-capacity by 0.27% which is expected to change slightly to 0.55% capacity by 2024. As such Council Education Officers have requested £158,480.00 plus indexation towards Bishopston Comprehensive school.

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The requested education contribution will be secured via a Section 106 Legal Agreement, and as such, the application is considered to be acceptable in this regard and accords with the provisions of Policy SI3 of the LDP.

### **Drainage**

There are no objections raised to the application by statutory consultees on drainage grounds providing conditions are used relating to the comprehensive and integrated drainage of the site with regard to surface water and land drainage and sustainable drainage (SUDS), and the removal of permitted development allowances.

Dwr Cymru / Welsh Water (DCWW) have confirmed that they raise objection to the application subject to a condition stating that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

With regard to concerns raised by the objectors regarding the capacity of the Hael Lane Waste water Treatment Works (WwTW), DCWW have confirmed that, since the representations made by DCWW to the LDP consultation process, that further investigatory works have been undertaken at Hael Lane WwTW and that they have established that there is sufficient capacity to accommodate the proposed 70 dwellings within the development.

The application is therefore considered to be acceptable in this regard and accords with policies EU4 and RP4 of the LDP.

### **Response to Consultations**

Issues relating to LDP /UDP designation, the impact on the Gower AONB, housing need, sewerage, surface water and drainage, traffic, road and pedestrian safety, parking, access for emergency vehicles, school places, design, tenure and layout of the proposed development, agricultural fields, open space, hedgerows, protected species and habitats, rural exception criteria, density, affordable housing, trees, visual impacts, flooding, street lighting and play areas have been addressed above.

Concern has been raised regarding the existence of sink holes at the site. The applicant's agent acknowledges the concerns. A condition will be used requiring that appropriate site investigations be carried out and a report of the findings together with (where necessary) appropriate mitigation and remediation works which take into account any abnormal site conditions.

With regard to the concerns raised about the development not complying with the requirements of Policy SI 1 of the LDP in terms of inaccessibility by non-car transport to primary and secondary healthcare providers, interconnectivity between places and active travel being impossible due to the lack of a green infrastructure network, the following comments are made. Policy SI1 does not require all development to be accessible to both primary and secondary healthcare providers. Such a restriction would result in only sites that are within walking and cycling distances of Swansea's hospitals being acceptable for allocation/development, which is clearly not conducive to providing opportunities for new homes at a range of sites across the County.

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Neither would such an approach comply with key aspects of the LDP Strategy, including the allocation of major Strategic Development Areas at a number of locations (some of which are some distance from the hospitals) and smaller exception sites in rural and semi-rural locations for local need housing in particular. Rather, Policy SI1 (at criteria i) sets out a requirement for proposals for health care uses to be accessible by Active Travel modes. In any event, Pennard is identified in the LDP as a Key Village where small scale development for new homes is considered appropriate having regard to its relative accessibility and provision of facilities, including its primary healthcare clinic, shop and school, which are accessible by walking and cycling.

With regard to the comment made in respect of Rural Exception Sites and the review of the Royal Town Planning Institute's latest report within its 'Wales Planning Research Agenda' the following comments are made. Policy H5 does not relate to rural exception sites. It is titled 'Local Needs Housing Exception Sites' where market housing is permissible. In any event, the site is specifically allocated as a Local Needs Housing Exception Sites in the LDP, which has undergone a vigorous examination process. Consequently, regardless of any comments which may have been made by the RTPI on generic issues, the provisions of the LDP take primacy.

With regard to the other issues contained within the list of objection points including capacity on GP surgeries and bus services, these issues are not material planning considerations and so do not form a reason for refusal of the application.

### **Conclusion**

Having regard to all material planning considerations, including the provisions of the Human Rights Act, it is considered that the scheme is an acceptable form of development that will deliver a high proportion of affordable housing and local needs housing, and is acceptable, subject to a S106 agreement and conditions. It is considered that the proposal accords with the provisions of Policies: PS1, PS2, PS3, IO1, H2, H5, SI1, SI3, SI6, SI8, ER1, ER2, ER4, ER8, ER9, ER11, CV1, T1, T2, T5, T6, EU4, RP4 and RP10 of the Swansea Local Development Plan 2010-2025 (LDP), and the following Supplementary Planning Guidance Notes (SPG) - Places to Live - Residential Design Guide, Parking Standards, Planning Obligations, Planning for Community Safety, The Protection of Trees on Development Sites, Gower AONB Design Guide, and Lighting Scheme Guidance for Gower AONB.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

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### RECOMMENDATION

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

- o **36 Affordable housing units (51%) on the site comprising 19 social rent units (53%) provided at 42% ACG and DQR compliant, and 17 low costs home ownership (intermediate) (47%) provided at 70% ACG and DQR compliant. The specification of the AH units shall be of equivalent to those used in the local needs open market units. The AH shall be dispersed across the site in accordance with the layout shown on the approved plan: 2200-01 Rev R - Proposed Site Plan received on the 13th March 2019.**
- o **Maintenance and Management plans for the retained trees, new trees and planting, existing hedgerows, LAPS, opens spaces, and sustainable urban drainage system (SUDS) (including soakaways/infiltration trenches) to be submitted and implemented prior to the occupation of the 1st residential unit (unless these areas are to be adopted/maintained by the Council).**
- o **Highways: A contribution of £15,000 to deliver improved pedestrian facilities in the vicinity of the proposed new access junction, and to extend the existing Pennard Road 20mph limit into a 20mph zone encompassing the existing Pennard Drive / Linkside Drive estate. The contribution shall be paid prior to the occupation of the 1st residential unit.**
- o **Education contribution - a contribution of £158,480.00 plus indexation towards Bishopston comprehensive school. 50% of the education contribution (plus indexation) prior to the occupation of the first housing unit, and the second 50% prior to the occupation of the 25th housing unit.**
- o **A Management and Monitoring fee of £4,200 (based on 20% of the planning application fee.**
- o **The Council's legal fees of £1000 (relating to the preparation of the S106 agreement**

### Conditions

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents:  
  
2200\_100 - Site Location Plan received 7th December 2018.



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2200-01 Rev R - Site Layout  
2200-200 - Garage Plans and elevations  
D\_211\_01 Rev D - 211 Floor Plans  
D\_211\_02 rev D - 211 Elevations  
D\_321\_01 Rev B - 321 Floor Plans  
D\_321\_02 Rev C - 321 Elevations  
D\_421\_01 Rev A - Floor Plans  
D\_421\_02 Rev C - Elevations  
D\_421\_03 - Floor Plans  
D\_421\_04 - Elevations  
D\_531\_03 Rev A - Floor Plans  
D\_531\_04 Rev C - Elevations  
D\_531\_211\_01 Rev A - Floor Plans  
D\_531\_211\_02 Rev A - Elevations  
D\_531\_421\_01 Rev A - Floor plans  
D\_531\_421\_02 Rev A - Elevations  
D\_531\_532\_211\_01 Rev C - Floor Plans  
D\_531\_532\_211\_02 Rev E - Elevations  
D\_950\_01 Rev A - Floor Plans  
D\_950\_02 Rev B - Elevations  
D\_950\_03 - Floor Plans  
D\_950\_04 Rev A - Elevations  
P\_696\_01 Rev B - Floor Plans  
P\_696\_02 Rev D - Elevations  
P\_696\_03 - Floor Plan  
P\_696\_04 - Elevations  
P\_957\_01 Rev A - Floor Plans  
P\_957\_02 -Rev C - Elevations  
P\_1290\_01 - 1290 Rev C - Floor Plans  
P\_1290\_02 - 1290 Rev D - Elevations  
P\_1290\_03 - 1290 Rev B - Floor Plans  
P\_1290\_04 - 1290 Rev C - Elevations  
P\_1590\_01 - 1590 Rev B - Floor Plans  
P\_1590\_02 - 1590 Rev C - Elevations  
P\_1590\_03 - 1590 Rev B - Elevations  
P\_1590\_05 - 1590 - Floor Plans  
P\_1590\_06 - 1590 - Elevations  
2200-650-Rev A - Swept Path Assessment  
2200-DS01- Rev C - Drainage Strategy  
Dormouse Mitigation Strategy, Issued (3).  
DTE-02-120 Rev B - Proposed elevations  
DTE-02-110 Rev B - Proposed Plans  
Received 13th March 2019

2200-202 - Site Sections  
2200-203 - Bin Store & Cycle Store Details  
D\_211\_03 Rev B - Floor Plans  
D\_211\_04 Rev B – Elevations

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D\_211\_05 Rev B - Floor Plans  
D\_211\_06 Rev B - 211 Elevations  
Received 14th March 2019

TDA.2448.03 - POS - Detailed Landscape Proposal, received 15th March 2019.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

- 3 The dwelling-houses identified as "local needs housing" shall not be occupied otherwise than by a **person with a local connection**, or the widow or widower of such a person and any dependents of such a person living with him or her, unless the property has been marketed for sale for a period of at least 16 weeks at market value price and at the end of the 16 week period a person with a local connection has not been identified as a purchaser.

This process must be repeated for every successor in title (repeat sale) to each individual dwelling.

In this condition the following definitions apply:

'Person with a Local Connection' means an individual who before taking up occupation of the dwelling satisfies one of the following conditions:

(1) The person has been in continuous employment in the Locality defined for at least the last 9 months and for a minimum of 16 hours per week immediately prior to occupation;  
or

(2) The person needs to live in the Locality defined because they need substantial care from a relative who lives in the Locality defined, or because they need to provide substantial care to a relative who lives in the Locality defined. Substantial care means that identified as required by a medical doctor or relevant statutory support agency; or

(3) The person has been continuously resident in the Locality defined for three years immediately prior to the occupation of the dwelling and is need of another dwelling resulting from changes to their household as detailed in informative 1 below:

- The 'Locality' is defined as the Council's administrative wards of Newton, Bishopston, West Cross, Mayals, Oystermouth, Gower, Pennard and Penclawdd.

The obligations contained in this condition shall not be binding or enforceable against any mortgagee or chargee or any receiver appointed by such a mortgagee or chargee or any person deriving title through such a mortgagee, chargee or receiver provided always that a successor in title of such a person will be bound by the obligations contained in this condition.

Reason: To ensure that the proposed market housing (dwellings not defined as affordable homes) meet an identified local social or economic need.

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- 4 The dwelling-houses identified as "local needs housing" shall only be occupied by a person as his or her **Only or Principal Home**. The Occupant will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request so to do) such information as the Authority may reasonably require in order to determine whether this condition is being observed.

In this condition, the following definition applies:

An '**Only or Principal Home**' is a dwelling house that is occupied continuously for a minimum period of six months in every twelve month period. For the avoidance of doubt the dwelling shall not be occupied as a holiday home, second home or for short term let accommodation.

Reason: To ensure that the proposed market housing (dwellings not defined as affordable homes) is used as the occupier(s) only or principal home.

- 5 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.

- 6 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, B, C, D and E of Schedule 2, part 1 shall not apply.

Reason: In the interests of residential and visual amenity and also to protect the integrity of the chosen surface water management system from additional impermeable areas that the surface-water system is not designed to accommodate.

- 8 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason: To ensure that the overall open plan housing layout is not prejudiced by uncontrolled development, and also in the interests of highway visibility.

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- 9 Prior to the commencement of development on site, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.

- 10 All garages shall be made available for the parking of vehicles at all times. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) none of the garages hereby approved shall not be used as or converted to domestic living accommodation.

Reason: To ensure adequate on-site car parking provision in the interests of highway safety.

- 11 Details/samples of all external materials (including a composite materials sample board), and details of the locations of any external meter boxes to be erected to the walls of the buildings hereby approved, shall be submitted to and approved in writing by the Local Planning Authority before development works commence on site. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

- 12 Prior to the commencement of development works on the site, large scale drawings illustrating details of the following elements of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority.

- o Porches/canopies/front doors
- o Chimneys
- o Eaves/ Verges
- o Typical windows and their reveals

The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and to preserve the character and appearance of Gower AONB.

- 13 Notwithstanding the drawings hereby approved, before each dwelling hereby approved is occupied, the means of enclosing the boundaries of the individual curtilage of that dwelling shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the amenities of future and neighbouring occupiers.

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- 14 No development or site clearance shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme. A detailed report on the archaeological work, as required by the condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

- 15 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence until a scheme for tree protection has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place other than in complete accordance with the approved tree protection scheme, unless otherwise agreed in writing by the Local Planning Authority. The tree protection scheme shall include the following information:

(a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established for retained trees. Where applicable, two lines shall be shown demonstrating the lines of temporary tree protective fencing during the demolition phase and during the construction phase.

(b) A British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan required by section a) of this condition.

(c) The specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;

(d) Details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;

(e) Details of any levels changes within or adjacent to protection zones;

(f) Details of the surface treatment to be applied within protection zones, including a full specification and method statement;

(g) The routing of overhead and underground services and the location of any wayleaves along with provisions for reducing their impact on trees to an acceptable level;

(h) A specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme;

(i) Provision for the prevention of soil compaction within planting areas;

(j) Provision for the prevention of damage to trees from soft landscape operations including details of the application of any herbicides;

(k) Provision for briefing construction personnel on compliance with the plan;

(l) Provision for signage of protection zones and precautionary areas;

(m) Details of contractor access during any demolition or building operations including haulage routes where soil is to be removed.

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(n) A tree protection mitigation plan detailing emergency tree protection and remediation measures which shall be implemented in the event that the tree protection measures are contravened.

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

- 16 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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.

- 17 No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- i) A statement setting out the design objectives and how these will be delivered;
  - ii) earthworks showing existing and proposed finished levels or contours;
  - iii) means of enclosure and retaining structures;
  - iv) other vehicle and pedestrian access and circulation areas;
    - a. hard surfacing materials;
  - v) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and
  - vi) any water features.

The landscaping works shall be carried out in accordance with the approved details immediately following the completion of the development. The completed scheme shall thereafter be managed and/or maintained in accordance with an approved scheme of management and/or maintenance to be submitted to and approved in writing by the Local Planning Authority before development takes place on the site.

Reason: In the interest of protecting visual amenity.

- 18 No development approved by this permission shall be commenced until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The construction phase of the development shall be carried out in accordance with the details/measures contained within the approved Site Waste Management Plan.

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Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

19 No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) / Pollution Prevention Plan (PPP) has been submitted to, and approved in writing by the Local Planning Authority. The approved document shall be adhered to throughout the construction phase of the development, and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately. As a minimum the plan should include the following points.

- a) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- b) How each of those watercourses and pathways will be protected from site run off during construction.
- c) How the water quality of the watercourses will be monitored and recorded.
- d) How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- e) Storage facilities for all fuels, oils and chemicals.
- f) Construction of compounds, car parks, offices, etc.
- g) Details of the nature, type and quantity of materials to be imported on to the site.
- h) Measures for dealing with any contaminated material (demolition waste or excavated waste).
- i) Identification of any buried services, such as foul sewers, so that they are protected.
- j) Details of emergency contacts, for example Natural Resources Wales pollution hotline 0800 065 3000.
- k) Demolition/Construction programme and timetable
- l) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
- m) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles
- n) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt
- o) Proposed working hours; p) Principal Contractor details, which will include a nominated contact for complaints;
- q) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM)
- r) Details of on site dust mitigation measures having regard to BPM
- s) Details of on site noise mitigation measures having regard to BPM
- t) Details of waste management arrangements (including any proposed crushing/screening operations)
- u) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by the Principle Contractor on Local Authority.

Reason: To ensure the protection of the surrounding land and water environment and to ensure that waste materials are managed efficiently.

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- 20 A Landscape and Ecological Management Plan (LEMP), shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. The LEMP shall thereafter be implemented in strict accordance with the approved details.

The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management e.g. to restore and enhance existing habitats, ensure successful establishment of new habitats etc.
- d) Appropriate management and monitoring options for achieving aims and objectives.
- e) Prescriptions for management actions to include but not be limited to; a scheme for reptile receptor enhancement and bat and bird box installation.
- f) Preparation of a work schedule and monitoring scheme (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the suitably skilled body or organization responsible for implementation of the plan.
- h) On-going monitoring, including of protected species, and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: In the interests of maintaining and managing the landscape and ecological features of the site.

- 21 No earlier than 3 months prior to the commencement of any pre-construction/enabling works at the site, including vegetation clearance, a site walkover must be conducted by a suitably qualified ecologist, to determine whether there are any dormouse/dormouse nests present at the site at that time. The results of the site walkover shall be submitted to and approved in writing by the Local Planning Authority for approval prior to the commencement or any pre-construction/enabling works. Should any dormice be found on the site, then the applicant shall apply for a EPS Derogation Licence from NRW and a copy of the licence shall be submitted to the Local Planning Authority.

Reason: In the interests of bio-diversity and in order to minimise the impacts of the scheme on any potential dormouse.

- 22 Any open excavations made during the construction phase of the development shall either be covered or fitted with ramps to prevent any terrestrial mammals that may be present from becoming trapped in open excavations. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped. Details of any ramps or covers to be used shall be submitted to and approved in writing by the Local Planning Authority prior to their use on site.

Reason: In the interest of protecting the ecology of the site and surrounding area.



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- 23 The existing section of hedge located along the western boundary of the site to be translocated, shall be translocated in accordance with the details contained on Drwg No 1874301-SBC-00-XX-SU-L-102 Rev PLO3 and the methodology contained within the Dormouse Mitigation Strategy received 13th March 2019, before any of the dwellings hereby approved are occupied.  
Reason: In the interest of protecting the ecology of the site.
- 24 An assessment of the condition of all retained, translocated and newly planted trees, hedgerows and shrubs located within the site shall be carried out by an Arboricultural Association (AA) approved arboricultural contractor or professional arboriculturalist every two years for the first six years following the commencement of development. The findings of each assessment shall be submitted to the Local Planning Authority within one month of the assessment being completed. In the event that an assessment indicates any retained, translocated and newly planted trees, hedgerows and shrubs have died, have been removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of similar size and species.  
Reason: To ensure that the retained, translocated and newly planted trees, hedgerows and shrubs are managed for their health and safety in the interests of ecology and visual amenity.
- 25 No earlier than 3 months prior to the commencement of any pre-construction/enabling works at the site, including vegetation clearance, a site walkover must be conducted by a suitably qualified ecologist, to determine whether there are any reptiles present at the site at that time. The results of the site walkover shall be submitted to and approved in writing by the Local Planning Authority for approval prior to the commencement or any pre-construction/enabling works. Should any reptiles be found on the site, then the applicant shall submit a reptile mitigation strategy to be approved in writing by the Local Planning Authority. The recommendations contained within the approved reptile mitigation strategy shall be implemented thereafter.  
Reason: In the interests of bio-diversity and in order to minimise the impacts of the scheme on any reptiles.
- 26 Prior to the commencement of development, a detailed method statement for the eradication of any Monbretia and Japanese Rose within the site shall be submitted to and approved in writing by the Local Planning Authority. The recommendations contained within the approved method statement shall be implemented prior to the commencement of works.  
Reason: In the interests of the ecology and amenity of the area.
- 27 Notwithstanding the details contained within the submitted Ecological Assessment, if, prior to the commencement of development any Invasive Non-Native Species (INNS) listed within Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) are identified on the site, no further development shall take place until a method statement for the 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 method statement.  
Reason: In the interests of the ecology and amenity of the area.

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- 28 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, other nocturnal species and the Gower AONB. 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, other nocturnal species and the Gower AONB.

- 29 Before development works commence on site, a scheme of Ecological Enhancement Measures (in the form of bird and bat boxes/bricks to be provided within or to the walls of the dwellings and on suitable trees within the site) shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Enhancement Measures shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Reason: In the interests of ecology and biodiversity enhancement.

- 30 No development shall take place until a site investigation of ground conditions has been carried out in accordance with a methodology to be first submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority before any development works commence. If any abnormal ground conditions are identified during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial measures shall thereafter be implemented as part of the proposed development carried.

Reason: To ensure that any abnormal ground conditions are identified, and addressed (if required).

- 31 If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation required by Condition 30, additional measures for their remediation in the form of an additional remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The additional remediation measures shall thereafter be implemented as part of the proposed development.

Reason: To ensure that any unexpected abnormal ground conditions are identified, and addressed (if required).

### Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: : PS1, PS2, PS3, IO1, H2, H5, SI1, SI3, SI6, SI8, ER1, ER2, ER4, ER8, ER9 ER11, CV1, T1, T2, T5, T6, EU4, RP4 and RP10

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- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 Birds may be present in the grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird

No works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

- 4 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (0300 065 3000).

- 5 Significant change to drainage requirements will impact new developments from January 2019. From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m<sup>2</sup> or more will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers. These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins in accordance with Schedule 3 of the Flood and Water Management Act (FWMA) 2010. The SAB will have a duty to adopt compliant systems so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval
- 6 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member

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- 7 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption" 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)
- 8 The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- 9 Protected species may be present. Many species are protected under the Wildlife & Countryside Act 1981 (as amended) or are listed in the Conservation of Habitats and Species Regulations 2010 (this legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal).
- 10 Badgers are protected under the Protection of Badgers Act 1992. It is an offence to wilfully kill, injure or take a badger; to interfere with a sett by damaging or obstructing it or by disturbing a badger when it is occupying a badger sett, with intent or recklessly.  
  
If evidence of any protected species is encountered e.g. live or dead animals, droppings or their resting or breeding places, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).
- 11 Please 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).
- 12 With regard to the landscaping condition, the proposed landscape scheme should include species common dog violet and marsh violet
- 13 The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)

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- 14 The applicant is advised that to discharge the S38 condition that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes
  - 15 All access works would be subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.
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#### LDP - SI3 - Education Facilities

Education Facilities - Where residential development generates a requirement for school places, developers will be required to either: provide land and/or premises for new schools or make financial contributions towards providing new or improved school facilities. Proposals for the development of new primary and secondary education must comply with specific criteria.

#### LDP - SI6 - Provision of New Open Space

Provision of New Open Space -Open space provision will be sought for all residential development proposals in accordance with the policy principles, and in accordance with relevant criteria relating to design and landscaping principles. The quantity, quality and location of the open space contribution required will be determined against the most recent Open Space Assessment and Open Space Strategy.

#### LDP - SI8 - Community Safety

#### LDP - ER1 - Climate Change

Climate Change - To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

#### LDP - ER2 - Strategic Green Infrastructure Network

Strategic Green Infrastructure Network - Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

#### LDP - ER6 - Designated Sites of Ecological Importance

Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation.

Development that would adversely affect locally designated sites should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that specified policy criteria are met.

#### LDP - ER8 - Habitats and Species

Habitats and Species - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

#### LDP - ER9 - Ecological Networks and Features of Importance for Biodiversity

Ecological Networks and Features of Importance for Biodiversity - Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network. Development that could have an adverse effect on such networks and features will only be permitted where specific criteria are met.

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#### LDP - ER11 - Trees, Hedgerows and Development

Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

Where necessary a tree survey; arboricultural impact assessment; an arboricultural method statement; tree protection plan and/or scheme for tree replacement, including details of planting and aftercare will be required in support of a planning application.

#### LDP - CV2 -Development in the Countryside

Development in the Countryside - Development outside defined settlement boundaries will be required to ensure the integrity of the countryside is conserved and enhanced. There is a presumption against development in the countryside except where it meets a specific set of criteria. Countryside development must be of a sustainable form with prudent management of natural resources and respect for the cultural heritage of the area. Where possible, existing buildings should be reused and where this is not feasible new buildings should be positioned close to existing buildings.

Proposals to increase residential chalets on 4 existing chalet sites will not be permitted.

#### LDP - T1 - Transport Measures and Infrastructure

Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

#### LDP - T2 - Active Travel

Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy.

#### LDP - T5 - Design Principles for Transport Measures and Infrastructure

Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

#### LDP - T6 - Parking

Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate. The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in breaches specified in the policy.



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#### LDP - T7 - Public Rights of Way and Recreational Routes

Public Rights of Way and Recreational Routes - development that significantly adversely affects the character, safety, enjoyment and convenient use of a Public Right of Way (PROW) will only be permitted where an acceptable alternative route is identified and provided. Linkages, and where appropriate extensions, to the existing PROW network will be expected from all new developments, which must have regard to the existing character of the PROW and the aspiration to improve access for all.

#### LDP - RP1 - Safeguarding and Public Health and Natural Resources

Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

#### LDP - RP4 - Water Pollution and the Protection of Water Resources

Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

#### LDP - RP5 - Avoidance of Flood Risk

Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

#### LDP - PS1 - Sustainable Places

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

#### LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

#### LDP - PS3 - Sustainable Housing Strategy

Sustainable Housing Strategy - the Plan provides for the development of up to 15,600 homes to promote the creation and enhancement of sustainable communities.

#### LDP - IO1 - Supporting Infrastructure

Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

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LDP - H2 - Affordable Housing Strategy

Affordable Housing Strategy - provision will be made to deliver a minimum 3,310 affordable homes over the Plan period.

LDP - H6 (5A) - 100% Affordable Housing Exception

100% Affordable Housing Exception Sites - Residential proposals on sites within or adjoining existing settlement boundaries where 100% of the proposed dwellings are for Affordable Housing for Local Needs will only be permitted where criteria are met relating to the location, scale, sustainability and impact of the development, and demonstration that the affordable homes provided will meet an identified local need in perpetuity.

### Site History

App Number	Proposal	Status	Decision Date
2019/0239/FUL	Construction of 20 bungalows (affordable) with associated drainage works and amenity space	PDE	

### APPRAISAL

#### Background

This application is being reported to Planning Committee, as it meets the threshold for reporting applications to Planning Committee and it has been advertised as a Departure to the Development Plan. As a "major" development (i.e. over 10 dwellings) the application has been the subject of a Pre- Application Consultation exercise.

This current application represents a revised scheme to that previously considered by the Local Planning Authority under application ref. 2018/0733/FUL which was for 20 open market residential units. The applicant indicates that in its (the local planning authority) consideration of that application a consultation response was received from the Authority's Housing Enabling Officer which advised as follows:

"The site is currently Green Wedge; I would comment that the site would fall under Policy EV17 & EV18 of the UDP, therefore should be for the specific purpose of providing affordable housing; 100% affordable housing would be sought".

The above planning application was subsequently withdrawn prior to a decision being made. The applicant indicates that this current planning application represents a direct response to this matter and seeks to assist in addressing the current level of under provision of affordable housing.

Since the submission of the current planning application, the Swansea Local Development Plan (LDP) was adopted by Councillors at a public meeting of Full Council on the 28th February 2019 and now forms the development plan for the City & County of Swansea under the provisions of Section 38(6) of the Planning Act.

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The site had previously formed part of a green wedge under the (now superseded) UDP but following a review of green wedges for the preparation of the LDP, it was no longer considered necessary for this designation, not because of any reduction in its landscape value, but since it is an area of countryside that extends to the Loughor River and there is no risk of settlement coalescence. Fundamentally, both local and national countryside protection policies serve to protect the area in question from urban sprawl in recognition of its intrinsic value as undeveloped land that is outside of the settlement boundary.

The application has been submitted along with a Phase 1 Habitat Survey and Report, a Bat Scoping Survey, a Transport Statement, Landscape Character and Visual Impact Assessment, a Tree Survey Report, Land Quality Report, Drainage Strategy, Archaeological Desk Based Assessment. In addition to these, the applicant has also submitted a note of affordable housing need.

### RESPONSE TO CONSULTATIONS

The application was advertised by means of a site notice and in the local press as a Departure to the Development Plan. **THREE LETTERS of OBJECTION** were received which raised the following points:

- o This land is good quality agricultural land, not "former agricultural land" as the developer states. The land was only removed from continuous agricultural use (for over 60 years) approx. 18 months ago when Barratt builders removed the top soil and set up their compound to enable the development of the adjacent housing site.
- o When approval was granted for Barratt Homes there was a caveat within that approval which stated that there was to be "No further development onto land (Green Wedge) in a westerly direction" of the Barratt site. The current Barratt site was to represent the final cut off point for any further development in that (westerly) direction. i.e no more westerly incursions into greenfield land. The land still forms part of the Green Wedge and therefore should not be developed on.
- o The Gorseinon area is being overrun with developments that are controlled by Housing Associations.
- o The proposed development has already been rejected in a previous application (last year) now re-submitted under the banner of "Affordable". Do the Housing Association get an easier ride through the planning system?
- o The proposed detention basin to deal with surface water, located within a few metres of my property is of such a size and depth that it represents a serious safety and health hazard.
- o The plans state that it will form part of an amenity area/open space. Given its size and depth it will have to be secured, fenced off and equipped with life saving equipment to protect from harm. It will also require regular safety inspections and the extraction of built up silt, litter and weeds.
- o During summer months and any dry spell the stagnation of retained water is guaranteed to cause smell and will create a breeding ground for mosquitoes and subsequent health issues associated with these insects e.g. dengue fever and malaria.
- o This area is regularly used by numerous walkers and lies in close proximity to a bridleway, two footpaths and a roadway.
- o Watercourse runs through my land and the risk of flooding to my home, land and outbuildings would undoubtedly increase along with the subsequent devaluation of my property.

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**The Coal Authority** - The application site falls partly within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority's information indicates that a thick coal seam outcrops at or close to the surface of the site which may have been worked in the past.

This Desk Based Assessment of Land Quality addresses, amongst other things, the potential risk posed by coal mining legacy to the development of the site for a residential end use. Based on a review of appropriate sources of coal mining and geological information, Section 4.3.1 of the report identifies the possible presence beneath the site of coal seams of potentially workable thicknesses at shallow depth and advises that the possibility of unrecorded shallow coal mine workings cannot be discounted.

The Coal Authority therefore welcomes the recommendation contained within Section 4.3.1 of the report that an intrusive site investigation (drilling of boreholes) should be undertaken prior to development in order to establish whether unrecorded shallow mine workings are present and to inform any necessary remedial measures required.

The Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed by a competent person to properly assess ground conditions and to establish the exact situation regarding coal mining legacy which could pose a risk to the proposed development. The applicant should ensure that the exact form of any intrusive site investigation is agreed with the Coal Authority's Permitting Team as part of their permit application.

The findings of the intrusive site investigations should be interpreted by a competent person and should be used to inform any mitigation measures, such as grouting stabilisation works and foundation solutions, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The Desk Based Assessment of Land Quality report does not provide any detailed assessment of risk posed by mine gas migration. Given the potential presence of shallow unrecorded mine workings beneath the site, the LPA may consider it prudent to seek comments from the Council's Environmental Health / Public Protection Team on this matter and any resultant need for gas monitoring and/or the incorporation of appropriate gas protection measures within the proposed development.

**The Coal Authority Recommendation to the LPA:**

The Coal Authority concurs with the recommendations of the Desk Based Assessment of Land Quality; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and to inform any remedial measures necessary to ensure the safety and stability of the proposed development.

Should planning permission be granted for the proposed development, a condition should therefore require the following prior to the commencement of development:

\* The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;

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- \* The submission of a report of findings arising from the intrusive site investigations, the results of any gas monitoring and a scheme of proposed remedial works for approval; and
- \* The implementation of those remedial works.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition to secure the above.

**Glamorgan Gwent Archaeological Trust** - The proposal will require archaeological mitigation: The archaeological desk-based assessment prepared by Archaeology Wales (dated December 2017 ref 1634) meets current professional standards and allows us to make an informed recommendation regarding the impact of the proposed works on the historic environment. The report assesses the information from a range of appropriate sources and has identified that there is a potential for the development works to encounter the route of a Roman road, and post medieval quarrying and habitation remains.

In order to mitigate this the report considers an archaeological watching brief appropriate, with which we concur. We therefore recommend that a condition for a programme of archaeological work in accordance with a written scheme of investigation should be attached to any consent granted by your Members and worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.

Condition: No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

We also recommend that a note should be attached to any planning permission explaining that: A detailed report on the archaeological work, as required by the condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.

The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA) ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited MCIfA grade Member.

Natural Resources Wales - We have significant concerns with the proposed development as submitted regarding European protected species. We recommend that you should only grant planning permission if the scheme can meet the following requirement. We would object if the scheme does not meet this requirement.

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European protected species:

Requirement - Bat Survey

Any trees being affected by the development will need to be assessed for bat roost potential by a licensed bat surveyor, any trees identified as having moderate or higher potential will need further inspection e.g. climbing/endoscope. The survey should be carried out in accordance with 'Bat Surveys; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016.

We note that the Phase 1 report by ESP Environmental dated October 2017 has not assessed for dormouse potential. We advise the applicant to speak to the Local Planning Authority Ecologist regarding the need for further surveys with respect to dormice.

Protected Sites

A watercourse lies to the north of the proposed development and provides a direct hydrological link between the application site and the Carmarthen Bay and Estuaries / Bae Caerfyrddin ac Aberoedd Special Area of Conservation. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires you, as the competent authority, to undertake an appropriate assessment of any plan or project which is likely to have significant effects, either alone or in combination with other plans and projects, on the SAC.

Given that the applicant proposes to discharge surface water from the site into the watercourse, we advise that your Authority must satisfy itself that there are no likely significant effects, either alone or in combination with other plans and projects, and if necessary undertake an appropriate assessment of the implications of the proposed scheme for the SAC in view of its conservation objectives, before granting planning permission.

Guidance on NRW's role in environmental assessment (SEAs, HRAs, EIAs etc) and their procedures can be found at: <https://cyfoethnaturiolcymru.sharepoint.com/en-gb/ourwork/Pages/The-role-of-Natural-Resources-Wales.aspx>.

There are links to individual pages on the right-hand side of the page for further information.

Flood Risk

Due to the sites proximity to an ordinary watercourse, we advise that that you consult with the Local Lead Flood Authority (LLFA) as they may have knowledge of any flood risk in this area. NRW has not modelled this ordinary watercourse so holds no flood risk information at this location. The LLFA can also advise on whether they consider an assessment of flood risk is required to aid your determination of the application.

Our comments above only relate specifically to matters that are included on our checklist 'Natural Resources Wales and Planning Consultations' (September 2018) which is published on our website at this link (<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en> ).

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We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

**Gorseinon Town Council** - Members reiterated their objections to this extension of the existing housing site into open countryside. The proposal is overdevelopment of the site which is served by only one access road which emerges onto Frampton Road at a very dangerous location. A new traffic junction solution is needed at that point. Unless there was a new junction proposed as part of the scheme the application was objected to.

SWP Designing Out Crime Officer - I am pleased with the site layout. All vehicle parking bays are within curtilage and/or overlooked. The bungalow at plot 20 must be separated from the access route by railings preferably 1.8m high in order to protect the front door. Windows in this plot should overlook the access route.

Offers other general safety and design advise.

**Dwr Cymru Welsh Water** - In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

We note that our consultation response (Ref: PPA0003767) has been acknowledged and included at Appendix 3 of the accompanying Pre-Application Consultation (PAC) Report, prepared by JCR Planning, which highlights that DCWW offered no objection to this proposal. Notwithstanding this, whilst we offered no objection in principle to the proposed disposal of surface water flows into a detention pond and existing watercourse, we recommended consultation with Natural Resources Wales and/or the Local Authority Building Control Department / Approved Building Inspector as the responsible regulatory body for these methods of drainage.

As part of this latest application (Ref: 2019/0239/FUL), it would appear the same 'Drainage Strategy Report' (Ref: 7333) and 'Proposed Drainage Concept' (Drawing No. 7333/500 Rev 02) have been submitted. However, with respect to our pre-application consultation response (Ref: PPA0003767), we would advise that this proposed development is subject to the Flood and Water Management Act 2010 (Schedule 3), as of 7th January 2019, and therefore is strongly recommended that the developer engage in pre-application consultation with the City & County of Swansea Council, as the relevant SuDS Approval Body (SAB). The SAB is responsible for any forthcoming applications which seeks approval of Sustainable Drainage Systems (SuDS) features in accordance with national standards, whereas DCWW is a statutory consultee to this application process.

Accordingly, if you are minded to grant Planning Consent for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

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Condition: No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes : As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Council's Drainage Officer - As this application has been submitted after the 7th January 2019 it is required to fully comply with the WG Mandatory SuDS Standards. This may necessitate unexpected changes in layout and/or density to accommodate SUDS features and will require changes in the planning application itself.

Section 4.4 and 4.5 are confusing, 4.4 mentions a discharge to open water while 4.5 mentions a discharge to the combined sewer. This should be altered and made clear on the proposal.

Section 4.6 on surface water management mentions several SuDS features such as permeable/block paving, basins and rainwater harvesting, however, other SuDS features have not been considered for conveyance and further water quality treatment such as swales, filter strips, filter drains, rain water gardens which should be used in a management train throughout the site rather than an end of pipe solution as proposed here.



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Based on the details submitted permission for the development under Schedule 3 of the Flood and Water Management Act 2010 would not be given as the mandatory SUDS Standards 3-5 have not been considered and features incorporated into the site.

Notwithstanding the above the proposed discharge point also has significant issues with tidal flooding causing surcharge of the systems, there are also issues regarding maintenance of the watercourse network in the area that may cause issues to the proposed discharge point.

Based on the details submitted and the likely required changes in street scene and layouts as a result of the requirements of Schedule 3, FWMA 2010 we must recommend the application be withdrawn or deferred pending the submission of a Drainage Strategy that meets the requirements of all relevant legislation and mandatory standards.

Council's Head of Transportation and Engineering - Since the adoption of the LDP the site is now formally outside of the settlement boundaries which adds weight to its inappropriateness for a sustainable residential development to be sited.

The application seeks to address highways concerns by the submission of a Transport Statement. However it is not considered that this document provides adequate justification for the development. The isochrones have been annotated 'as the crow flies' and if the actual walking routes were marked then it becomes clear that 400m doesn't encompass any local amenities, it doesn't even reach Frampton Road. Access to local amenities and public transport is key to the development of residential sites in terms of reducing down over reliance on cars.

In terms of layout it is conventional with carriageway and footways. There is a turning facility included which will allow for adequate turning for refuse vehicles etc. Part of the site is served by a private drive (plots 6-10) and whilst there is no formal facility for turning on the drive the distance from the hammerhead means that I would not wish to raise an objection to that element.

The car parking provision for the 2 bed units appears to meet the CCS Parking Standards but some of the drive widths do not comply with the minimums as advised in Manual for Streets (3.2m). The three bed units are short on parking. Also the car parking spaces are incorrectly detailed (too narrow). These layout and parking issues (and the financial contribution required towards road safety measures) could probably be overcome by appropriate conditions (and a Section 106 agreement) but given the over-riding concerns regarding the sustainability of the site then this is not considered relevant.

Refusal is therefore recommended on the grounds that the isolated location of this site dictates that the proposed development would be overly dependent upon access by car and therefore contrary to the provisions of Planning Policy Wales which seeks to encourage sustainable forms of development which are accessible to public transport and local amenities.

Council's Ecology Officer -

Relevant documents received:

Phase 1 Habitat Survey, ESP Environmental Ltd, Oct 2017

Bat Scoping Survey, ESP Environmental Ltd, Nov 2017

Penny Royal Management Plan, I & G Ecological Consulting, Oct 2018

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It is noted that none of the reports reference local wildlife records obtained from the local records centre SEWBREC. Nor do they consider any impacts on local nature conservation designations eg SINCs or SSSIs. A full Preliminary Ecological Assessment (PEA) is required to be submitted.

### Bats

The Bat Scoping Survey was not undertaken by a licensed bat worker and therefore does not provide enough detail. As local bat records exist, and suitable bat habitats are located on site, a further, more specific bat survey is required to be undertaken and submitted to the LPA.

Include informatives relating to bats, breeding/nesting birds, reptiles, hedgehogs, Other European Protected species.

### Pennyroyal *Mentha pulegium*

Pennyroyal was located in initial surveys and is listed under schedule 8 of the Wildlife and Countryside act 1981, Section 7 of the Environment Wales Act (2016). Pre-construction surveys and mapping of the plant are required. Throughout both the Construction & Operational phase, there must be due regard for protecting the species. The submitted Pennyroyal Management Plan must be adhered to and must be in place for a minimum of 5 years post construction and should include monitoring both during construction and for a minimum of 5 years post occupational phase. An annual monitoring report must be submitted to the LPA.

### Landscaping

The hedgerows and mature trees and understorey should be retained to provide habitat and also to keep connectivity with the wider landscape and to increase biodiversity. Native trees, shrubs and wildflowers should be planted as part of the landscape scheme, and gaps in the hedgerows should also be planted with native species. The species must be of local or at least Welsh provenance.

A Landscape and Planting Scheme strategy is required to be submitted to the LPA for approval, outlining native (species of local provenance) tree, hedgerow, wildflower and scrub planting and aftercare. The use of native species or species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes for lawns/ gardens to enhance the habitat for local birds and invertebrates.

### Invasive Non-Native Species (INNS)

An INNS Strategy for the site is required to be submitted. A method statement for removal of the INNS pre-construction is also required to be submitted, together with an updated pre-construction INNS survey.

### SUDS

It is advised that reference is made to the draft Swansea Council LDP. In particular:  
RP 3: WATER POLLUTION AND THE PROTECTION OF WATER RESOURCES

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- o Development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted.
- o Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable.
- o Watercourses will be safeguarded through green corridors/riparian buffers: to protect water habitats and species; water quality and to provide for flood plain capacity.
- o Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

SuDS work by making use of landscape and natural vegetation to control the flow of surface water and reduce the risk of flooding. Designs can include ponds, permeable paving and swales, which slow down the discharge of surface water more than conventional piped drainage.

See also RP 1: SAFEGUARDING PUBLIC HEALTH AND NATURAL RESOURCES.

#### Lighting strategy

A sensitive lighting strategy, designed to ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the construction, or operation phases of the development must be submitted. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species. This lighting strategy should be agreed with the LPA Planning Ecologist.

The lighting strategy must detail measures to ensure that protected species using the site for commuting and foraging purposes can continue to do so, without disturbance. The lighting strategy must be placed as a condition on any planning permission granted.

#### Green Infrastructure

Draft LDP Policy ER 2 requires that in order to be acceptable, development must not compromise the integrity of the green infrastructure system. This means that where a development proposal will result in loss in green infrastructure and consequently a loss in ecosystem service provision, mitigation and compensation measures will be required. The emerging LDP policy now requires that compensatory measures should maintain and enhance the green infrastructure network. The emerging policy criteria set out the type of measures that could be incorporated into a development scheme to achieve this.

No comprehensive survey of the site's green infrastructure provision has been provided. In order to effectively implement draft LDP Policy ER 2, a green infrastructure assessment is required.

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Construction Environmental Management Plan (CEMP)

A detailed CEMP is required to be submitted to the LPA for approval and must outline all necessary pollution prevention measures (especially regarding the adjacent Burry Inlet and Loughor Estuary SSSI and other water bodies), for the construction and operational phase of the development.

Condition: No development approved by this permission shall be commenced until a CEMP detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the Local Planning Authority. The details of the PPMS shall be implemented as approved.

Reason: Prevent pollution of controlled waters and the wider environment.

Ecological enhancement

Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section 6.4 Paragraph 6.4.3 states that 'The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...'

In addition, The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). Under this Duty, development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

TAN 5 confirms that under Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006, every public authority has a duty to "have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". Paragraph 2.1 of Tan 5 also states that the town and country planning system in Wales should look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally (PPW 5.1);

In view of this, the addition of ecological enhancement measures in the form of integrated bat boxes/bricks and bird boxes (for particularly swifts, sparrows, starling and other species) into the walls of new buildings is very welcomed. Where possible, these should also be erected on suitable trees around the site. Rubble/brash and log piles to provide habitats for reptiles, amphibians and other species would also be desirable, together with hedgehog friendly fencing. Tree planting and infilling gaps in hedgerows along the site boundary of native species of local provenance is also desirable.

**Council's Pollution Control Officer** - Request the inclusion of the following condition:

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Unforeseen Contamination:

If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously agreed in writing with the Local Planning Authority] shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination.

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

Request the inclusion of Informatives related to Construction Noise, Smoke/Burning of materials, Dust Control & Lighting.

**Council's Parks Division** - No comments to make on the proposed development but if it does proceed and the Parks Service is expected to adopt any POS and/or play facility, we would wish to be consulted to discuss proposals and any commuted sum contributions.

**Council's Rights of Way Section** - The site is affected by public footpath llwchwr 45 (LC45) and it appears that this path will need to be diverted; there is a time and cost implication to this which will need to be taken into account. We also have concerns about the proximity of the footpath to the proposed pond and would want to be made aware of safety proposals to mitigate risks to members of the public. We may look to improve the surface of the footpath using Section 106 monies.

**Council's Housing Enabling Officer** - This site is located within the Upper Loughor Ward, which falls within the Greater North West Strategic Housing Policy Zone. The Local Housing Market Assessment identifies a need for affordable housing within the Greater North West Zone.

The scheme is proposed as a 100% affordable units - 20 bungalows. The affordable housing bungalows must be built to DQR complaint standard. There is a lack of accessible affordable properties, bungalows, as very small numbers of them are actually developed. This scheme will bring forward affordable accommodation suitable for older persons and persons with restricted mobility and the inclusion of the larger 3 bedroom bungalows will give opportunity to families who may have reason to need an accessible property. Coastal Housing Association have confirmed they have demand for this property type. Therefore it is being supported by the Housing Service through the Programme Development Plan for Welsh Government funding. The scheme proposal being supported by Housing is for 6 three bed bungalows and 14 two bed bungalows.

**Council's Tree Officer** - The application is accompanied by a tree survey. However, the impact on the trees or vice versa has not been considered.

The principal concern is the proximity of the plots to the trees along the southern boundary. There will be significant shading and some of the gardens will have significant overhanging branches.

The applicant will need to submit an arboricultural impact assessment in accordance with BS5837:2012 for a more detailed response.

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### Council's Education Department -

#### Position of Capacity

##### Primary

English Medium - Tre Uchaf Primary has 10.19% surplus capacity in 2018, however, by September 2024 this is expected to increase to 30.10% surplus capacity.

Welsh Medium - YGG Pontybrenin currently has 8.58% surplus capacity however the capacity projections indicate that the surplus capacity will reduce significantly further by September 2024 to 0.60% which does not provide the school with any flexibility.

##### Secondary

English Medium - Penyrheol Comprehensive currently has 12.10% surplus capacity, this is expected to reduce to 8.51% surplus capacity by September 2024.

Welsh Medium - YGG Gwyr currently has 11.48% surplus capacity, however by September 2024 the school will be significantly over capacity by -16.97%.

#### Requested contribution

##### English Medium:

No developer contribution request for Tre-Uchaf Primary due to the number of unfilled places. Penyrheol Comprehensive is predicted to be less than 10% capacity which leaves the school with limited flexibility, however in line with CIL regulations there is no request for a developer's contribution as there are (limited) surplus spaces at the school.

##### Welsh Medium

No developer contribution request for YGG Pontybrenin due to the low impact of this development on pupil numbers.

Any contributions for the YGG Gwyr are deemed too low to make any positive impact on the buildings.

Summary: NO contribution requests for either Primary or Secondary catchment schools.

### Council's Strategic Planning Team -

#### Development Plan

The Swansea Local Development Plan (LDP) was adopted by Members at a public meeting of Full Council on the 28th February 2019 and now forms the development plan for the City and County of Swansea under the provisions of section 38(6) of the Planning Act.

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The site is situated outside of the settlement boundary in the countryside, which is clearly defined on the LDP Proposals Map. Development of the site would not conform to the LDP's key strategy for delivering sustainable development, contained in the Plan's strategic policies that set out the sustainable settlement strategy and sustainable housing strategy (Policies PS 1 and PS 3 apply). The LDP is clear in terms of presuming against development at such locations, unless it is for an exceptional form of development. Notwithstanding that the scheme is for all affordable housing, fundamentally the site is not an acceptable one to accommodate development having regard to the criteria 'tests' for 100% affordable housing sites, including whether it is 'logical' to further extend the settlement (Policies CV 2 and H 6 apply). The settlement limit at this location was defined in the newly adopted LDP following detailed appraisals of where the logical settlement limit should end at its western edge, and there is no justification for an incursion into the countryside at this location.

**Council's Placemaking and Heritage Officer** - In general terms the layout looks to be mostly acceptable however some questions are raised to the approach to parts of the scheme, specifically:

- Plots 17 & 18 are orientated perpendicularly away from the street. There appears to be enough room between plots 16 & 19 to accommodate these plots as street fronting dwellings as per the remainder of the row. The current approach overcomplicates the layout and necessitates the need for an additional share driveway/turning area to accommodate the current arrangement. These plots should therefore be re-orientated to face the street and provide a stronger and simpler character of street facing dwellings.
- Large gap between plots 12 and 13. By rearranging the row of dwellings at plots 8-14 with more even spacing more space can be freed up to accommodate more side drives (to address the relationship of the parking in front of plots 7 & 8) as well as to create a better relationship between dwellings and planting areas.
- The use of corner turning dwellings with a good level of active frontage is positive.
- The windows on the front elevation of the 850 type (excluding plot 20) should be amended to provide matching height windows.
- The shared driveway area serving plots 5 - 10 is tight and lacks a sufficient turning area/head to allow entering and exiting in a forward gear from this driveway. This is likely to be unacceptable to highways.
- The relocated garage to the north east side of plot 1 lies on the bend of the site entrance and is likely to raise concerns of highway safety in this location.

### APPRAISAL

This is a full planning application for 20 affordable bungalow comprising a mix of 2 and 3 bed bungalows on land off Heol Pentre Bach, Gorseinon. Access to the site is to be derived via its eastern boundary, via a new road to be constructed through the adjoining residential development. It will also require the relocation of a domestic garage of a unit that forms part of the adjacent scheme currently under construction (Barratt Homes development). This element forms part of this current submission.

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### The Site and its Surroundings

The application site relates to two undeveloped parcels of land covering an area of approximately 1.8ha and lies to the west of the development (Barratt Homes) currently under construction off Heol Pentre Bach. It lies outside the urban/settlement boundary in an area of countryside.

The southern and larger parcel of the two is set at a higher level than its northern counterpart. It consists of an enclosure of semi-improved grassland and has recently been used for the purposes of a construction compound in association with the adjoining residential development currently under construction to the east. The smaller northern enclosure comprises undeveloped grassland which also includes some pockets of the species Pennyroyal which is listed under schedule 8 of the Wildlife and Countryside Act 1981. This lower parcel is also dissected by a Public Footpath (LC45).

The boundaries of both parcels of land are largely defined by mature hedgerows and tree lines, with the exception of the northern boundary which is largely defined by a post and wire stock proof fence. The two parcels are themselves divided by a tree line/hedgerow but this does not extend their full width.

The character of the nearby residential areas is comprised of relatively modern suburban streets with various cul-de-sacs stretching off the main spine road, featuring predominately two storey detached and semi-detached properties.

### Main Issues

The main issues to consider in the determination of this application relate to the acceptability of the principle of the development at this location, the design/visual impact of the proposals, impact on neighbouring amenity, highway safety, ecology, drainage and water quality issues having regard to the prevailing provisions of relevant LDP Policies, associated SPG and National Planning Policy Guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### National Planning Policy

In terms of national guidance the following guidance in Planning Policy Wales (PPW) edition 10 is considered of relevance:

Location (3.56, 4.2.34) - New building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. Affordable housing exception policies should be clear that the release of small housing sites within or adjoining existing settlements for the provision of affordable housing to meet local needs is an exception, and sites must meet all the other criteria against which a housing development would be judged.

Placemaking - The concept of placemaking is central to PPW and delivering on the aspirations of the Well-being of Future Generations Act and achieving well-being through plan making and development management decisions. It defines placemaking as: a holistic approach to the planning and design of development and spaces, focused on positive outcomes.



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It draws upon an area's potential to create high quality development and public spaces that promote people's prosperity, health, happiness, and well-being in the widest sense. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place. Placemaking should not add additional cost to a development, but will require smart, multi-dimensional and innovative thinking to implement and should be considered at the earliest possible stage. Placemaking adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions. Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, and cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area.

Sustainable travel (para 4.19) - The planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which: are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car; are designed in a way which integrates them with existing land uses and neighbourhoods; and make it possible for all short journeys within and beyond the development to be easily made by walking and cycling. This includes creating connected and permeable road networks, with filtered permeability to prioritise walking and cycling, and careful consideration of issues such as street layout and dimensions, and the design and location of footways (including use of continuous footways at side streets), crossings, parking, trees, planters and surface materials.

Ecology - (paras 6.4.17, 20, 21) Planning authorities must follow a step-wise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible.

Drainage/utility infrastructure (para 6.6.9) - Adequacy of water supply and sewerage infrastructure should be fully considered when proposing development, both as a water service and because of consequential environmental and amenity impacts associated with lack of capacity.

### Local Development Plan

In the case of this particular proposal, there are a number of LDP policies that are considered relevant material considerations. The most pertinent Policies include:

PS1 (Sustainable Places); PS2 (Placemaking and Place Management); PS3 (Sustainable Housing Strategy); IO1 (Supporting Infrastructure); H2 (Affordable Housing Strategy); H6 (100% Affordable Housing Exception Sites); HC1 (Historic and Cultural Environment); HC3 (Development in the Welsh Language Sensitive Area); SI3 (Education Facilities); SI6 (Provision of New Open Space); ER1 (Climate Change); ER2 (Strategic Green Infrastructure Network); ER6 (Designated Sites of Ecological Importance); ER8 (Habitats & Species);

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ER9 (Ecological Networks & Features of Importance for Biodiversity); ER11 (Trees, Hedgerows and Development); CV2 (Development in the Countryside); T1 (Transport Measures & Infrastructure); T2 (Active Travel); T5 (Design Principles for Transport Measures & Infrastructure); T6 (Parking); T7 (Public Rights of Way and Recreational Routes); RP1 (Safeguarding Public Health & Natural Resources); RP4 (Water Pollution & the Protection of Water Resources); RP5 (Avoidance of Flood Risk).

In addition to the above, the following Supplementary Planning Guidance (SPG) are also considered relevant to the proposed development:

- o Places To Live - Residential Design Guide (Adopted January 2014)
- o Parking Standards (Adopted March 2012)
- o Planning Obligations (Adopted March 2010)
- o Planning for Community Safety (Adopted December 2012)
- o The Protection of Trees on Development Sites (2017)

### Policy Assessment / Principle of the Development

Fundamentally, the application site is situated on greenfield land outside of the settlement boundary defined on the LDP Proposals map. As such it is considered that the proposal does not conform with key strategic policies of the plan:

- The LDP sustainable strategy, defined in PS1 which directs development to the most sustainable locations within the defined settlement boundaries.
- The LDP sustainable housing strategy, set out in PS3, which directs windfall development to appropriate sites within the settlement focusing on the re-use of previously developed land.

Outside the defined settlement boundaries, Policy CV2 strictly controls development, in-line with national planning policy.

The LDP formation process fully considered the development opportunities for appropriate strategic and small scale greenfield releases on the edge of the settlement boundary within the vicinity of the site, in the Gorseinon and Loughor areas. Any opportunities for appropriate rounding off were considered in the context of all the recent evidence and assessments available. Land was allocated for housing in the Deposit LDP in-line with this strategy, to the east of the application site (Non-strategic site H1.36 - Land at Heol Pentrebach). In conjunction with this allocation, the Planning Authority fully assessed the settlement boundary and concluded that it should be drawn tightly around this neighbouring site, on the basis that the allocated site represented appropriate rounding off to the settlement in this area. This principle was accepted during the examination of the LDP, and alternative sites put forward by site promoters to the west of the LDP settlement boundary in this area were discounted by the Inspector. Deposit Plan housing site H1.36 was subsequently granted planning permission (2015/2506) and therefore in the final version of the LDP this is shown as a commitment, rounding off the settlement.

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The above mentioned planning permission for the adjacent site was granted on the basis that the western boundary of that site would represent the final incursion of development westwards into the countryside at this location, to secure the identified rounding off and a re-enforced defensible settlement boundary through its design. The street/mews highway details of that scheme were configured to exclude the opportunity for the proposed estate road to be extended at a later date or utilised by increased volumes of traffic. This was highlighted in the planning application decision report and was accepted by the applicant. This new planning application seeks to amend the design of the adjacent consented scheme but this is not considered acceptable since that scheme was approved to a design that did not facilitate expansion into the land to the west.

It is noted that this scheme proposed by the applicant is for 100% affordable housing. As such it should be judged against the exception criteria in LDP Policy H6 as well as Policy CV2.

Having regard to the above analysis it is considered that the proposal fails to accord with the key criteria set out in Policy H6 that requires 100% exception sites to be a logical extension to the existing settlement. There is clear evidence and a pattern of decision-making that illustrates that the site is not a logical extension of the settlement at this location. The proposals have also not demonstrated that there are no satisfactory alternative arrangements to meet the need within the locality. There are a range of deliverable housing sites in close proximity identified in the newly adopted LDP and the Council has demonstrated through the LDP Examination process a 5 year housing land supply on adoption of the LDP. The settlement limit has been clearly established in the newly adopted LDP and there is considered no justification for an incursion into the countryside at this location. On this basis it is also considered that the proposal therefore fails the criteria test of Policy CV2 which presumes against development in the countryside subject to defined criteria including at criterion (iii), affordable housing to meet local housing need at acceptable and sustainable locations within or adjoining settlements.

### Design/Visual Impact/Layout

The proposed layout comprises an extension to the adjoining residential development to the east currently under construction. It will also require the relocation of a domestic garage of a unit that forms part of the scheme currently under construction and so this element forms part of this current application. However, and as indicated above, the site to the east was designed to ensure that there would be no further encroachment of development in a westerly direction. The edge of that development marks the western extent of the settlement boundary at that point.

The dwellings, sited in the southern portion of the site, will be positioned around an adoptable estate road. Each dwelling will be served by a minimum of 2 parking spaces. All separation distances for back to back relationships accord with the minimum separation distances set out in the SPG - Places to Live: Residential Design. It is considered that all of the plots would have an acceptably sized private rear garden.

The northern enclosure will be retained as existing with the exception of an area utilised for the purposes of a surface water drainage system/basin. In conjunction with this there will be a strip of land separating the application site and adjoining residential development currently under construction. This area was originally proposed to be utilised as part of a drainage scheme that is no longer required by the neighbouring scheme.

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As part of this current planning application, it is proposed that this area remains undeveloped serving to act as a wildlife corridor facilitating connectivity to undeveloped land north and south of the application site.

External finishes proposed include, brickwork and painted/coloured render, roof tiles, white or brown UPVc windows and rainwater goods. These are considered to be acceptable and in accordance with the surrounding built context.

It is acknowledged that the proposed bungalows will, by their single storey nature, have a lesser visual impact in this setting than two storey houses. It is also noted that the layout comprising active frontages facing the new street and side drives is broadly in accordance with the adopted Residential Design Guide. However, plots 17 and 18 have been orientated perpendicularly to the street, which overcomplicates the proposed layout and necessitates the need for an additional shared driveway/turning area. There is considered sufficient space within the site to re-orientate these dwellings to face the street and provide a strong and simpler character of street facing dwellings. However, this issue is not considered to be significant enough to form a reason for the refusal of the application.

Whilst this issue, together with other design comments raised by the Placemaking & Design Officer, could be addressed as part of negotiations on the layout of the scheme, given the fundamental objection to the principle of the development it is considered the basic elements of the layout design do not overcome the unacceptable and unjustified incursion into the countryside beyond the defined settlement boundary. No negotiations have therefore been sought on the overall layout of the scheme.

### Neighbouring/Residential Amenity

In terms of residential amenity impacts, the nature of the application site is such that there are a limited number of existing properties that immediately adjoin it and indeed those that do are separated by the strong belt of retained mature trees which demarks the extent of the settlement boundary at this point. As such it is not considered there would be any material residential amenity impacts in terms of overlooking, overbearing or overshadowing impacts on the existing (currently under construction) dwellings.

The layout of the proposed development ensures that all separation distances for back to back relationships accord with the minimum separation distances set out in the SPG - Places to Live: Residential Design. It is considered that all of the plots would have an acceptably sized private rear garden. Notwithstanding this, in the absence of an arboricultural impact assessment, concerns have been raised by the Tree Officer in respect of the potential impact of trees (along the southern boundary of the site) on some of the proposed plots (in terms of overshadowing gardens etc). The impact of the proposed properties on these trees has also not been fully explored. The lack of information consequently forms a reason for the refusal of this application.

### Highway Safety/Parking/Public Footpaths

Turning now to access and highway safety, the Council's Head of Transportation and Engineering notes that as the site lies outside of the settlement boundary, this adds weight to the inappropriateness for a residential development to be created on the site.

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Moreover, the submitted Transport Statement has used "as the crow flies" distances as opposed to walking routes, and thus the 400m distances referred to in the Transport Statement does not encompass any local amenities, and therefore the occupiers of the proposed houses are likely to be reliant on car use.

Issues in respect of site layout and parking standards, together with a financial contribution required to be utilised towards road safety measures could be addressed by appropriate conditions and a Section 106 Agreement. However, these would not override the concerns regarding the sustainability of the site. Accordingly the Council's Head of Transportation and Engineering has recommended refusal on the grounds that the isolated location of the site dictates that the proposed development would be overly dependent upon car-use contrary to PPW which seeks to encourage sustainable forms of development which are accessible to public transport and local amenities.

The Rights of Way Team have advised that the site is affected by public footpath llwchwr 45 (LC45) and it appears that this path may need to be diverted. They have also raised concerns about the proximity of the footpath to the proposed pond and would want to be made aware of safety proposals to mitigate risks to members of the public. A Section 106 contribution would be requested to improve the surface of the footpath, but again, given the objection to the principle of the proposal, it has not been considered worthwhile to enter into any S106 negotiations.

### Ecology/Trees

The application is accompanied by a Phase 1 Ecological Survey and a Bat Scoping Survey. However, NRW have raised concerns in respect of the impact on European protected species (bats) and have requested a full Bat Survey. This concern has also been raised by the Council's Ecology Officer who have also raised concern that the scoping report has not been undertaken by a licenced bat worker. This is compounded by the fact that the reports do not reference local wildlife records obtained from the local records centre nor do they consider any impacts on local nature conservation designations e.g SINCs, SSSIs.

Turning to designated ecological sites, the application site currently provides a buffer between the urban settlement and the SSSI (Loughor Estuaries) and SAC (Carmarthen Bay & Estuaries), located on the other side of Gwynfe Road opposite the north-western boundary of the site. A watercourse lies to the north of the proposed development and provides a direct hydrological link between the site and the SAC/SSSI. The applicant proposed to discharge surface water from the site (via a detention basin) into the watercourse. However, given the above concerns, it is considered that the applicant has failed to demonstrate that the proposal would not have an unacceptable impact on European protected species or ecological sites of importance contrary to Policies ER6 and ER8 of the Swansea LDP.

Matters relating to a Management Plan for Pennyroyal, a listed species under Schedule 8 of the Wildlife and Countryside Act 1981, Invasive non-native species, landscaping and planting strategy, lighting strategy, Construction Environmental Management Plan could be secured by conditions. With respect to the request for a green infrastructure assessment, given the objection to the principle of the proposal it has not been considered worthwhile to request this at this stage.

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Turning now to trees, particularly those along the southern boundary, although the application is accompanied by a tree survey, the impact of the development on these trees or vice versa, has not been considered within the survey. The principal concern is the proximity of the plots to the trees along the southern boundary. There will, it is considered, be significant shading created by the trees and some of the gardens will have significant overhanging branches. As no arboricultural impact assessment has been provided in respect of the potential impact of the development on the trees, it is considered the applicant has failed to demonstrate that the proposal would not have an undue impact on the trees on the southern boundary of the site. Nor has it been demonstrated that the trees would not result in adverse levels of shading on the proposed properties.

### Education

The Education Officer has advised that given the level of unfilled spaces in the catchment English (primary and secondary) medium schools and the low impact of the development on Welsh medium primary and low contribution request for Welsh medium secondary. No education contribution requests have been made for this development.

### Archaeology

The submitted archaeological desk-based assessment assesses information from a range of appropriate sources and has identified that there is a potential for the development works to encounter the route of a Roman road, and post medieval quarrying and habitation remains. In order to mitigate this the report considers an archaeological watching brief appropriate

The Glamorgan Gwent Archaeological Trust agree with the assessment and have requested conditions be attached to any grant of consent requiring a written scheme of historic environment mitigation and that a detailed report of the archaeological work shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.

### Ground Conditions

The application site falls partly within the defined Development High Risk Area. Therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered as part of this planning application.

The application is accompanied by a Desk Based Assessment of Land Quality report which addresses, amongst other things, the potential risk posed by coal mining legacy to the development of the site for a residential end use.

The Coal Authority broadly concurs with the recommendations of the Desk Based Assessment of Land Quality report, that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and to inform any remedial measures necessary to ensure the safety and stability of the proposed development.

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The Coal Authority has offered no objection to the proposed development subject to the imposition of an appropriately worded condition to secure the undertaking of intrusive site investigations and any associated remedial works necessary.

The Council's Pollution Control division has requested the inclusion of a condition in the event of planning permission being granted in respect of unforeseen contamination.

### Drainage/Flooding

#### Foul Water

The submitted drainage strategy indicates that given the topography of the site (slopes from the southern boundary to the north-eastern boundary) the foul drainage layout would be a total gravitational system discharging into a manhole, prior to passing forward off-site into DCWW drainage constructed within the adjacent Barratt Homes development.

#### Surface Water

With respect to surface water run-off, percolation tests demonstrate the ground to be impermeable and as such infiltration systems including soakaways would not be appropriate.

There are no bodies of surface water within the site boundary. An ordinary watercourse lies just beyond the site's northern boundary where the ground level is at its lowest. The proposed development could take benefit of this watercourse by discharging a restricted surface waterflow (limited to greenfield run off volumes) with on-site attenuation measures.

The proposed method of attenuation storage is a dry detention basin located at the lowest part of the site (northern portion); this form of attenuation is normally a dry basin providing temporary storage and controlled release of detained run-off. Such basins are normally vegetative depressions that are mainly dry except during and immediately after storm events. The basin would be designed as an online storage facility with a flow controlled device prior to the passing forward to the receiving ordinary watercourse.

As of the 7th January 2019, Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with mandatory National Standards for sustainable drainage (SuDS). Schedule 3 to the FWMA 2010 also places a duty on local authorities as SuDS approving body to approve, adopt and maintain systems compliant with Section 17 of the schedule.

As this application was submitted after the 7th January 2019 it is required to comply with the above legislation. It is noted that the Council's Drainage Officer has advised that based on the details submitted, permission for the development under Schedule 3 of the Flood and Water Management Act 2010 would not be given, as the mandatory SUDS Standards 3-5 have not been considered and features incorporated into the site. However, as this matter is now controlled by separate legislation, it does not form a reason for the refusal of this planning application.

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### Response to Consultation

Turning to the letters of objection received, the following comments are made.

Matters relating to green wedge status/removal, drainage concerns and affordable housing have been addressed in the body of the report above.

In regards to concerns regarding insects and standing water, a permanently wet pond with standing water level is only one option. Other options include a system that will fully drain down and not include a standing water element. However, these details are not normally required at this stage. With regards to maintenance/safety concerns, all surface water schemes brought forward will be required to be supported by operation and maintenance plans and funding details which would be managed by the Authority for the lifetime of the development.

With regards to the watercourse that runs through neighbouring land, under common law, riparian owners are required to accept flows undiminished in quality and quantity through the land. In regards to additional flows being received by the watercourse as a result of climate change, the Swansea catchment is seeing increasing flooding events and erosion issues across the catchment, but in relation to the specific Heol Pentre Bach development currently being undertaken, the flows from that site are controlled to a low rate up to and including the 1 in 100 year storm including an appropriate allowance for climate change.

Matters relating to devaluation of property is not considered a material planning consideration.

### Conclusion

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

In conclusion, it is considered development of this site would not conform to the LDP's key strategy for delivering sustainable development. The LDP is clear in terms of presuming against development outside settlement boundaries, unless it is for an exceptional form of development. Notwithstanding that the scheme proposed is for 100% affordable housing, fundamentally the site is not considered acceptable having regard to the criteria tests for 100% affordable housing sites, including whether it is 'logical' to further extend the settlement. The settlement limit at this location was defined in the newly adopted LDP following detailed appraisals of where the logical settlement limit should end at its western edge, and there is considered to be no justification for an incursion into the countryside at this location. The layout of the site is also considered unacceptable in that the proposal represents a westward incursion into countryside and necessitates the alteration of a previously consented scheme designed not to facilitate expansion into the land to the west. In addition to the above, the isolated location of the site dictates that the proposed development would be overly dependent upon access by car, contrary to the provisions of PPW. The proposal therefore fails to comply with Policies H6 and CV2 of the Swansea LDP.



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The applicant has also failed to demonstrate that the proposal would not have an unacceptable impact on European Protected Species or designated sites of ecological interest, contrary to Policies ER6 and ER8 of the Swansea LDP.

Finally, the applicant has failed to demonstrate, through the submission of an arboricultural impact assessment, that the proposal will not have any undue impacts on or of the trees along the southern boundary of the site contrary to Policy ER11 of the Swansea LDP.

### **RECOMMENDATION**

#### **REFUSE for the following reasons:**

- 1 The proposed development, does not represent a logical extension to the existing settlement, is not considered to comprise a sustainable development that has reasonable access to a basic range of services, and the applicant has failed to demonstrate that there are no satisfactory alternative arrangements to meet the need within the locality, contrary to criteria (i), (ii) and (v) of Policy H6 of the Swansea Local Development Plan (2019).

The proposed development also therefore fails to comply with Policy CV2 of the Swansea Local Development Plan (2019), which presumes against development in the countryside, except where it meets defined criteria.

- 2 The applicant has failed to demonstrate that the proposal will not have an unacceptable impact on European Protected Species (bats), contrary to Policy ER8 of the Swansea Local Development Plan (2019).
- 3 The applicant has failed to demonstrate that the proposal will not have an unacceptable impact on the Burry Inlet and Loughor Estuary SSSI and Carmarthen Bay and Estuary SAC, contrary to Policy ER6 of the Swansea Local Development Plan (2019).
- 4 The applicant has failed to demonstrate, through the submission of an Arboricultural Impact Assessment, that the proposed development will not have any unacceptable impact on the trees that lie along the southern boundary of the site. Furthermore, it is not been demonstrated that these trees will not adversely impinge on the proposed properties that lie along the southern boundary of the site (by means of overshadowing gardens etc), which could lead to pressure from the occupiers of these properties to remove these trees. The proposed development is therefore considered to be contrary to Policy ER11 of the City & County of Swansea LDP.

### **Informatives**

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, PS3, IO1, H2, H6, HC1, HC3, SI3, SI6, ER1, ER2, ER6, ER8, ER9, ER11, CV2, T1, T2, T5, T6, T7, RP1, RP4, RP5.

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2 PLANS

LOC01A LOCATION PLAN ; PL01 PLANNING LAYOUT ; SC01 SCREENING DETAILS - FENCE ; CY01 TYPICAL GARAGE DETAILS ; GA01 TYPICAL GARAGE DETAILS ; HT624/01A HOUSE TYPE : 624 - Plots 10,11,13 & 14; HT750/01B HOUSE TYPE 750 - PLOTS 1, 4, 5,7, 15, 16 & 17; HT850/01B HOUSE TYPE 850 - PLOTS 2,6,8 & 9 ; HT850/02B HOUSE TYPE 850 PLOTS 3, 12, 18 AND 19; HT850/03 HOUSE TYPE 850 PLOT 20 received 31st January 2019.

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### Item 4 (Cont'd)

**Application Number:**

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#### LDP - H9 - Housing in Multiple Occupation

Housing in Multiple Occupation - Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where they comply with relevant policy principles.

#### LDP - RP2 - Noise Pollution

Noise Pollution - Where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPPA or would have an unacceptable impact on a Quiet Area will not be permitted.

#### LDP - T6 - Parking

Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate. The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

#### Site History

App Number	Proposal	Status	Decision Date
2019/0163/FUL	Retention of use as a 7 bedroom HMO	PDE	
94/0942	CHANGE OF USE FROM GROUND FLOOR OFFICES WITH SINGLE RESIDENTIAL UNIT ON FIRST AND SECOND FLOORS TO 2 NO. RESIDENTIAL UNITS	APP	16.11.1994
2016/0124	Change of use from offices (Class B1) to dwelling house (Class C3)	APP	17.03.2016
2004/1377	Change of use from dwelling (Class C3) to offices (Class B1)	APP	04.08.2004

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### Procedural Matters

This application is on the agenda as it has been called in by Councillor Peter May and meets the objection threshold.

### Description

Full planning permission is sought for the retention of a 7 bedroom HMO (Sui Generis). The floor plans indicate that the property contains two bedrooms, a toilet and a kitchen to the ground floor. The first floor contains three bedrooms and a bathroom, with two bedrooms to the third floor. The application has not included any details of bin or cycle storage, however, there is room to the rear of the site to contain both.

### Assessment of the immediate area

The site forms part of Walter Road, which is a long arterial road linking the city centre to the Uplands District Centre. The street was originally predominantly characterised by large three storey terraced dwellings, which were then converted to offices and other commercial uses. In more recent times anecdotal evidence shows that the demand for this type of office space has declined with a number of the properties converted to flats and HMOs. As an end of terrace property the side elevation of the property fronts on to Burman Street.

### Planning History

2004/1377 - application to change the use of the property from a dwelling (Class C3) to offices (Class B1), approved 4th August 2004.

2016/0124 - application to change the use of the property from offices (Class B1) to dwelling house (Class C3), approved 17th March 2016.

### Policy Issues

The Swansea Local Development Plan ('LDP') was adopted on 28th February 2019, the policies contained within this will therefore be used in the determination of this application.

In the case of this particular proposal, the LDP contains a specific policy relating to HMO applications - H9. It is significant that this policy has been substantively re-cast from the version that was originally drafted in the Deposit Plan and subsequently adopted. This re-write of the policy followed receipt of the Ministers of the Welsh Government (through the Cabinet Secretary for Energy, Planning and Rural Affairs) letter, sent to all Local Authorities in Wales in February 2018. The Ministerial correspondence emphasised that LPAs need to 'Put in place robust local evidenced based policies in their LDP against which planning applications for HMOs can be assessed', and that 'LPAs must not delegate the criteria for decisions on planning applications to SPG'. The LDP Examination Inspectors clearly articulated to the Council, that, in order to reflect the requirements set out by the Welsh Ministers, it was necessary for Policy H 9 of the Deposit LDP to be amended such that it includes a more prescriptive definition of what constitutes 'harmful concentration/intensification', including defining the actual HMO threshold limits within the policy.

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The policy was amended on that basis and significant additional detail was included with it, setting out the basis upon which such applications are proposed to be considered over the Plan period. The policy has been informed by a detailed evidence review, including a comprehensive programme of stakeholder engagement, undertaken by consultants on behalf of the Council. Having regard to the evidence review and the specific circumstances that apply for Swansea, the adopted Policy H 9 states:

*Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where:*

- I. Within the HMO Management Area, it would not lead to more than 25% of all residential properties within a 50m radius of the proposal being HMOs;*
- II. outside of the HMO Management Area, it would not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs;*
- III. the development would not result in a Class C3 dwelling being 'sandwiched' between adjoining HMO properties;*
- IV. the property is suited for use as a HMO, and will provide satisfactory private amenity space, dedicated areas for refuse storage and appropriate room sizes; and*
- V. there would be no unacceptable adverse impacts caused by noise nuisance and general disturbance.*

*HMO proposals within small streets that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street.*

*HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding material considerations that demonstrably outweigh any concerns regarding harmful concentration or intensification.*

**Public Response** - The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos.14 Burman Street and 106 Walter Road 25th January 2019. A site notice was also posted within the vicinity of the application site on 29th January 2019.

One letter of objection has been received, which can be summarised:

- o Over intensification of HMO's within a 10m radius, approval would represent 50% concentration, above the 25% threshold set out in the LDP.
- o Extracts from the LDP Inspectors reports.
- o Issues in regard to increase noise and disturbance.
- o Lack of suitable refuse facilities.
- o Lack of parking and highway safety concerns
- o Negative impact on social cohesion
- o Negative environmental impact
- o Lack of Environmental Impact Assessment submitted

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- o Contrary to the Well Being Act, Future Generations Act, UDP, Town & Country Planning Act 2014
- o Cost of HMO's are excessive and discriminatory
- o Request for a register to be made of all licenced HMOs, unlicensed HMOs and Purpose Built Student Accommodation is made and used in the assessment of this application.

One petition of objection has been received comprising 45 signatures.

*"We the undersigned object to the above planning application on the grounds that we believe that it will add to an already harmful concentration of HMOs in the area beyond the 10% tipping point, have a detrimental impact on the environment of the immediate neighbourhood and attract more cars causing parking difficulties on the street. It will also raise the HMOs to 12.9% in the area demonstrating a totally avoidable flaw in the 25% management zone policy including the percentage itself and the fact that the nearby flats have been counted to artificially lower the percentage to the benefit of the developer and detriment of the Uplands residents.*

*This petition is supported by Uplands councillors Irene Mann and Peter May.*

**HMO Team** - This property is fully up to standard in terms of HMO requirements and I would therefore have no comments to make on this application.

### Welsh Water

The application appears to rely on existing sewer connections and no new connections are to be made with the public sewerage system. Nonetheless, for the avoidance of doubt we would be grateful if you could provide the developer with the following advisory note:

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991.

### Re-consultation

It was noted that the site location plan red line did not include the front or rear curtilage. The application red line was amended, the application re-registered and a full re-consult was made.

One more letter of objection was received, which can be summarised:

- o The applicants assessment does not include 3 HMOs within the defined 50m radius.

**HMO Team** - no further comment.

### Key Issues

In view of the above mentioned policy context the key issues to consider in this planning application relate to the principle of the use of the property as a HMO, impact upon visual amenity, impact upon the residential amenities of neighbouring occupiers and future occupiers along with parking and highway safety impacts.

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### Principle of Use

As discussed above the application property is an end of terrace property along Walter Road which contains a mix of housing and commercial use. In terms of the principle of use, reference must be made to Policy H 9 of the Local Development Plan and specifically the radius approach contained within this Policy. Policy H 9 states that within the HMO Management Area a limit of 25% of all residential properties within a 50m radius can be HMOs. For the purpose of the calculation, as per paragraph 2.5.91 all 'residential properties' (which includes dwellinghouses and flats) are to be included in the calculation. The LDP text states: *"all residential properties falling into planning Use Class C3, C4, and large HMOs (sui generis) that are located within this defined radius will be counted as part of the analysis."*

It can be noted that the application property lies opposite a building which occupies 20 flats (Ty Sivertsen) which thus increases the number of residential properties within the 50m, however, the property also lies in proximity to a number of commercial units and is generally mixed in character.

In terms of calculation within a 50m radius of the application property there are 31 residential properties, according to records held 3 of these are existing HMOs. If the proposed HMO was approved the concentration percentage would increase from 9.6% to 12.9%, which is below the 25% threshold set out in the Policy. Accordingly the proposal therefore passes the harmful concentration/intensification test described in Policy H 9 of the LDP.

On the basis of the above the application would not result in damage to the character and social cohesion of the local area. It is therefore considered that the principle of a HMO in this location is acceptable and compliant to the aims and requirements Policy H 9 of the LDP. There are further criteria set out in Policy H 9 that need to be satisfied for the application to be considered acceptable, the property needs to be suitable for conversion, provide satisfactory amenity space, dedicated areas for refuse storage and appropriate room sizes. The proposal must also have no unacceptable adverse impacts caused by noise and general disturbance.

### Visual Amenity

The application does not include any physical external alterations and therefore would result in an acceptable on the character of the local area or streetscene.

### Residential Amenity

It is likely that the presence of a number of unrelated individuals and visitors could result in more movement and therefore noise and disturbance relative to a C3 dwelling. However, it cannot be regarded that this in itself would have a significant effect upon residential amenity of neighbouring occupiers. The property could attract additional visits to and from the premises but it would be difficult to argue that this in itself would be harmful. Furthermore the property is located on a busy main road which would already generate a level of noise and disturbance. On this basis it is considered that the proposal would have an acceptable impact upon the amenities of neighbouring occupiers in the area of Walter Road and Burman Street.



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In regard to the residential amenity of future occupants it is noted that bedroom 7 is relatively small. However whilst this is the case the room would be of a sufficient size for a single bed and occupant and is acceptable in this instance. The remaining room sizes and shared amenity area are of an appropriate size to serve the needs of 7 occupants. It is noted that the site lacks a true usable private amenity area, however, this circumstance is common to the properties along this terraced block, given their former use as offices.

In summary of these issues it can be concluded that the residential amenities of both neighbouring and future occupiers would be acceptably impacted by the conversion of this property and the use, which the applicant advises has been undertaken since July 2016, and is acceptable having regard to policy H 9 of the LDP.

### **Parking and Highway Safety**

The site is constrained in terms of its built development and whilst there is an existing access to the rear this appears of a width that would not adequately support parked cars or be regarded as an existing parking bay. There are street parking spaces along the curtilage of the site at Burman Street along with residents only bays in parts of the street. The submitted application information sets out proposals to install 7 No. cycle parking spaces as part of the development although no details have been supplied as part of this application.

In terms of considerations under the Authority's Car Parking Standards SPG HMO properties are required to have three parking spaces per 6 bedrooms and one for every additional bedroom. On this basis therefore the proposed HMO property would require a minimum of 4 parking spaces. A C3 use generates demand for 3 parking spaces. As such the new HMO results in a shortfall of 1 parking space.

Notwithstanding the shortfall of vehicular parking regard needs to be given to the lawful use of the property as well as its location in relation to services and amenities. As referenced in the supporting letter the property benefits from existing use as a single dwelling with 7 bedrooms. It is agreed that it is not unrealistic to suggest that a large family could occupy the property as a dwelling and bring a comparable number of vehicles to the property to that of the proposed HMO use. Furthermore the site is within a sustainable location, close to amenities, the City Centre and public transport routes where, in line with Planning Policy Wales (Edition 10, December 2018), measures to increase walk, cycle and public transport shall be encouraged.

Clearly the proposal for provision to be made for cycle storage is a material consideration and in this instance, alongside the lawful use of the property as a large dwelling and in context of its part commercial location, would outweigh slavish compliance with the SPG which would result in the requirement for on site parking. Subject to a detailed block plan identifying the cycle storage area, including details of the cycle storage facility itself, the application is considered to be acceptable in regard to highway safety.

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### Conclusions

In conclusion the proposal represents an acceptable form of development. The retention of the use of the property as a HMO would not result in an overconcentration of HMOs in the area and be acceptable in relation to the amenities of existing and proposed residents and complies with the requirements of Policies PS 1, PS 2, RP 2, H 9 and T6 of the Swansea Local Development Plan (Adopted February 2019).

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle under Part 2 Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this recommendation is in accordance with the sustainable development principles through its contribution towards one or more of the public bodies well-being objectives set out as required by Part 2 Section 9 of the WCFG Act.

### RECOMMENDATION

#### **APPROVE Subject to the following conditions:**

- 1 The development shall be carried out in accordance with the following approved plans and documents: CD/1008/01 A existing floor plans received on 23rd January 2019. Site location plan received 20th February 2019.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 2 Within a period of 1 month from the date of this decision full details of facilities for the secure and undercover storage of seven cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site within a period of 1 month from the approval of the details and shall thereafter be retained for the approved use and not used for any other purpose.  
Reason: In the interests of providing facilities for sustainable transport and general amenity.

### Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, H9, T6 and RP2.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991.



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### LDP - PS1 - Sustainable Places

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

### LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

### LDP - T6 - Parking

Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate. The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

### LDP - H9 - Housing in Multiple Occupation

Housing in Multiple Occupation - Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where they comply with relevant policy principles.

### Site History

App Number	Proposal	Status	Decision Date
2019/0191/FUL	Change of use from residential (Class C3) to 3 bed HMO (Class C4) for 3 people	PDE	

### Procedural Matters

This application is on the agenda as it has been called in by Councillor Joe Hale and meets the objection threshold.

### Description

Full planning permission is sought for the change of use if a residential dwelling (Class C3) to a HMO (Class C4) for 3 people at No. 39 Foxhole Road which is situated in the local ward of St Thomas.

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The submitted plans indicate that the property currently comprises of a kitchen and two living rooms to the ground floor with two bedrooms and a bathroom to the first floor. The proposed plans indicate that one of the living rooms to the ground floor will be converted to a bedroom, no other changes are proposed. Therefore the total number of bedrooms within the property will increase from two to three.

### Assessment of the immediate area

The application property is a two storey, mid terrace dwelling along Foxhole Road, St Thomas. Foxhole Road comprises of a mix street scene, with two storey dwellings and three storey flats along this street.

### Policy Issues

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

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

The Swansea Local Development Plan ('LDP') was adopted 28th February 2019, the policies contained within this will therefore be used in the determination of this application.

In the case of this particular proposal, the LDP contains a specific policy relating to HMO applications - H9. It is significant that this policy has been substantively re-cast from the version that was originally drafted in the Deposit Plan and subsequently adopted. This re-write of the policy followed receipt of the Ministers of the Welsh Government (through the Cabinet Secretary for Energy, Planning and Rural Affairs) letter, sent to all Local Authorities in Wales in February 2018. The Ministerial correspondence emphasised that LPAs need to 'Put in place robust local evidenced based policies in their LDP against which planning applications for HMOs can be assessed', and that 'LPAs must not delegate the criteria for decisions on planning applications to SPG'. The LDP Examination Inspectors clearly articulated to the Council, that, in order to reflect the requirements set out by the Welsh Ministers, it was necessary for Policy H 9 of the Deposit LDP to be amended such that it includes a more prescriptive definition of what constitutes 'harmful concentration/intensification', including defining the actual HMO threshold limits within the policy. The policy was amended on that basis and significant additional detail was included with it, setting out the basis upon which such applications are proposed to be considered over the Plan period. The policy has been informed by a detailed evidence review, including a comprehensive programme of stakeholder engagement, undertaken by consultants on behalf of the Council. Having regard to the evidence review and the specific circumstances that apply for Swansea, the adopted Policy H 9 states:

*"Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where,*

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- i. *Within the HMO Management Area, it would not lead to more than 25% of all residential properties within a 50m radius of the proposal being HMOs,*
- ii. *Outside of the HMO Management Area, I would not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs,*
- iii. *The development would not result in a Class C3 dwelling being 'sandwiched' between adjoining HMO properties*
- iv. *The property is suited for use as a HMO, and will provide satisfactory private amenity space, dedicated areas for refuse storage and appropriate room sizes, and*
- v. *There would be no unacceptable adverse impacts caused by noise, nuisance and general disturbance.*

*HMO proposals within small streets that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street.*

*HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding material considerations that demonstrably outweigh any concerns regarding harmful concentration or intensification.*

### Responses to Consultations

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters and the posting of a site notice within the vicinity of the application site.

A petition of 30 signatures has been received.

Four letters of objection has been received which is summarised below:

- o Loss of family units
- o To accept and place students first is discriminatory
- o Lack of parking
- o Noise and disruption
- o Unclear whether the room sizes are of an appropriate size
- o C4 classification is a maximum of 6 people not 3 as stipulated in the application form
- o Significant number of un-licensed HMOs in the area
- o 10% considered the tipping point for the destruction of community
- o Increase in pollution from vehicles
- o Loss of community
- o This application is in an area of outstanding beauty

### Dwr Cymru

Dwr Cymru responded with the following comments:

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The application appears to rely on existing sewer connections and no new connections are to be made with the public sewerage system. Nonetheless, for the avoidance of doubt we would be grateful if you could provide the developer with the following advisory notes:

### Advisory Notes

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industries Act 1991.

### **Analysis and Recommendation**

#### **Key Issues**

In view of the above mentioned policy context the key issues to consider in this planning application relate to the principle of the use of the dwellinghouse as a HMO, impact upon visual amenity, impact upon the residential amenities of neighbouring occupiers and future occupiers along with parking and highway safety impacts.

#### **Principle of Use**

The application property is a mid-terrace, two storey dwelling along Foxhole Road which is situated in the local ward of St Thomas. In terms of the principle of use, reference must be made to Policy H9 of the Local Development Plan and specifically the radius approach contained within this Policy. Policy H9 states that outside the HMO Management Area a limit of 10% if all residential properties within a 50m radius can be HMOs. The property is located outside the HMO management area therefore the concentration threshold is 10%.

Only 8 properties are captured when applying the 50m radius. In such instances paragraph 2.5.62 of Policy H9 directs the Council to select the nearest properties from the same side of the street as the proposed HMO so that at least 10 properties are captured. The map identifies the 50m radius and the 2 additional residential properties which accumulate to 10 residential properties. If the proposed HMO was approved it has been calculated that the concentration percentage would be 10%. Having regard to the above calculations, this proposal would consequently pass the harmful concentration/intensification test described in LDP Policy H9 Houses in Multiple Occupation. There are further criteria set out in Policy H9 that need to be satisfied for the application be considered acceptable, the property needs to be suitable for conversion, provide satisfactory amenity space, dedicated areas for refuse storage and appropriate room sizes. The proposal must also have no unacceptable adverse impacts caused by noise and general disturbance, which is discussed in the below paragraphs.

#### **Visual Amenity**

There are no external alterations proposed, therefore the proposed change of use will not have an impact upon the visual amenity of the dwelling or the wider surrounding street scene.

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### Residential Amenity

Regard needs to be given to the fact that a family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 3 people as a HMO would result in an unacceptable intensification of the use of the building over and above that which could be experienced as a dwelling house.

Furthermore the applicant has provided dimensioned floor plans which indicate that the bedroom to the ground floor will be approximately 10m<sup>2</sup>, the living room will be approximately 13.6m<sup>2</sup> and the kitchen will be approximately 9.3m<sup>2</sup>. The two bedrooms to the first floor will be approximately 17m<sup>2</sup> and 11m<sup>2</sup>. HMO Licensing standards require that a kitchen served by 1-4 people be at least 7m<sup>2</sup>, it has been demonstrated that this has been exceeded within the application property. The standards also require that for 1-4 people 1 full bathroom be provided, this has been indicated on the proposed floor plans. The HMO Licensing standards also require that a single bedroom (where a separate lounge is provided) be a minimum of 6.5m<sup>2</sup>, a double bedroom (where there is a separate lounge provided) be a minimum of 10.2m<sup>2</sup>. The proposed floor plans indicate that these standards can be met, therefore it is not considered that the proposal will result in inadequate living space for the future occupiers of the dwelling.

There is no evidence to suggest that this proposal would result in any harm to neighbouring occupiers by virtue of noise, nuisance or other disturbance.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies PS 1, PS 2, RP 2 and H9 of the Swansea Local Development Plan.

### Parking and Highway Safety

Regard needs to be given to the adopted Supplementary Planning Guidance document entitled 'Swansea Parking Standards' ('SPG'). For a HMO for up to 6 persons there is no requirement set out in the SPG for additional parking over and above that of a dwellinghouse.

Objections have been raised on grounds of a lack of parking to serve the HMO with concerns that on street parking is limited also. Concerns have been expressed by a resident about the potential for occupants to park vehicles on the pavement and cause obstructions to the occupier of No. 38 which has a drive and dropped kerb where the pavement adjoins the highway.

Whilst the concerns are noted regard here needs to be given to the fall-back position as a dwellinghouse that exists with no off street parking. Furthermore the actions of future residents, whether that be as a dwellinghouse or a HMO could not be controlled through a planning application or be a reason to withhold planning permission. In terms of the potential for highway safety impacts the scheme complies with the above mentioned SPG with no requirement for additional parking and it is not considered that use of the property for 3 people as a HMO would give rise to a level of parking demand that would give rise to highway safety concerns.



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In terms of further considerations the site lies within a sustainable edge of City Centre location where, in line with Planning Policy Wales (Edition 10, December 2018), measures to increase walk, cycle and public transport shall be encouraged. In order to encourage sustainable forms of travel full details for cycle storage to serve the future residents can be secured through a planning condition.

In view of the above, the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property, in compliance with the provisions of Policies H9 and T6.

### **Imposition of Conditions**

In order to control the nature of the development it is considered reasonable to impose planning conditions having regard to the tests set out in the Welsh Government Circular 016/2014 on the imposition of planning conditions. Condition 3 relates to requiring appropriate facilities for both refuse and bicycle storage to serve the future use as a HMO.

Condition 4 limits the number of occupiers of the property and is imposed given that the nature of a C4 use class would generally allow the property, without planning permission to be occupied by 6 people - a different proposal to that contained within the planning application and submitted plans. The key issue here is that once the property is approved as a C4 HMO and is set out as per the approved plans the description of the development being for 3 people would have no defined status in preventing such a change occurring without a separate restrictive condition being imposed. Whilst the imposition of such a condition could be considered unduly restrictive as part of a blanket approach, what needs consideration here is whether the change from 3 to 6 people would bring adverse harm to the living conditions of future occupiers and those of existing neighbouring residents having regard to Policies PS 2 and H9 of the Swansea Local Development Plan. In allowing an increase in the numbers of occupiers to occur without scrutiny of a planning application the change could allow additional bedrooms to be created which would provide for a different layout to that approved. This could have detrimental impacts upon future occupiers by reason of resulting in cramped living conditions and reduced shared spaces. For example additional occupiers would likely result in the need for extra bedrooms within the property. This could only be achieved by amending the layout of the approved HMO thus resulting in either smaller bedrooms or removing the shared living room. This could result in bedrooms without windows and generally a lack of shared space which would be unacceptable to both amenity and the future well-being of the occupiers. Whilst planning permissions should not generally be used to control internal spaces the issue is whether it would impact upon neighbouring occupiers should the nature of the use intensify. It is therefore considered that this condition is both reasonable and necessary in this instance and that any alterations to the number of occupiers be subject to planning control.

Condition 5 refers to the removal of permitted development rights and is suggested to tie into Condition 4 given that at a future date current permitted development rights provided for under the terms of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) would allow the property to be changed i.e extension added without the need for planning permission.

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Whilst such a restriction would generally be unreasonable for a householder development here the Local Planning Authority would have concerns with the intensification of the HMO use and allowing extensions to be added without the need for planning permission would conflict with the nature of the submitted and assessed scheme of development.

### Conclusions

As a result of assessment it has been concluded that the proposed HMO would not result in a harmful concentration of HMOs within this area. Furthermore the proposal would have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety, having regard to Policies PS 1, PS 2, H9 and T6 of the Swansea Local Development Plan and the Parking Standards SPG.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act. Approval is recommended.

### RECOMMENDATION

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan, received 28th January 2019, Proposed block plan, received 29th January 2019. Existing and proposed ground floor plan, existing and proposed first floor plan, received 22nd March 2019.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Notwithstanding the submitted details, prior to the first occupation of the development hereby approved, details of facilities for the secure and undercover storage of a minimum of three bicycles and refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained and not used for any other purpose.  
Reason: In the interests of sustainability and to encourage alternative forms of transport and to safeguard the visual amenity of the locality and the residential amenities of future occupiers.

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- 4 The use of the property as a HMO shall be limited to a maximum of 3 persons at any one time occupying the property in accordance with the internal layout indicated on the approved floor plans received 22nd March 2019.  
Reason: In order to restrict the use of the property to that applied for, in order to safeguard the amenities of neighbouring occupiers and the amenities of future occupiers of the HMO and to provide for suitable levels of internal space to serve the occupiers.
- 5 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking or re-enacting that order with or without modification), no extensions shall be erected to the property without the benefit of planning permission.  
Reason: In order to restrict the use of the property in order to safeguard the amenities of neighbouring occupiers and the amenities of future occupiers of the HMO to provide for suitable levels of internal space to serve the occupiers.

### Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, H9, T6 and RP2.
  - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
  - 3 The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industries Act 1991.
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## Planning Committee – 2<sup>nd</sup> April 2019

Item 6 (Cont'd)		Application Number:	2019/0319/TPO
2014/0116	To lop 1 Sycamore tree and 1 Oak tree and crown reduce 1 Red Oak tree covered by TPO 100	APP	19.05.2014
2010/1707	To crown lift and reduce one red oak tree, one sycamore tree and to reduce overhanging branches and upper growth on westerly facing stem on one oak tree covered by TPO No.100	APP	19.01.2011
2004/2596	To reduce overhanging branches from 1 Oak tree covered by TPO no 100	APP	24.12.2004

### RESPONSE TO CONSULTATIONS

None received.

### APPRAISAL

This application is reported to Committee as the application has been submitted by a Councillor.

The trees subject of the application are located on Council owned land located in between houses of Denbigh Drive, Ynysforgan. TPO 100 that was served and confirmed in 1979 prior to the development of the area protects them.

Trees on Council owned land are not usually protected by TPO, the Council protected these trees prior to adoption to ensure they were retained in the development. Their protection does have advantages as branches that overhang neighbouring properties could be cut back without control if they were not. This could lead to unsightly specimens that have a reduced life expectancy, affecting the local amenities in the long term.

The six trees are in a communal, amenity area that comprises of a grass area and footpath to some of the houses. A few of the trees overhang the neighbouring privately owned dwellings and the footpath. Collectively the tree have considerable amenity value, the value of individual specimens connected to previous management.

Tree T1, (TPO100:T042) an oak, is located near to 65 Denbigh Drive. The tree is approximately 20 metres in height and has previously undergone surgery, reducing it away from the adjacent property. The previous pruning has resulted in large pruning wounds. One limb at approximately 15 metres from ground level appears to have a crack in it that was probably the reason for some of the previous pruning. The previous pruning would have been to reduce the risk of failure associated with the crack.

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Minor dead wood is present in the crown that is typical of a tree of this age and species; it is not an indicator of poor physiological condition. The crown is slightly asymmetric but is not significant.

The pruning applied for would remove a high proportion of leaf bearing material that would reduce the trees photosynthetic ability. In addition to a decline in physiological health, the pruning would affect the trees amenity value, leaving large diameter wounds. A lesser amount of pruning would be acceptable as the tree could compensate for a lesser loss of leaf bearing material and the cuts would be of smaller diameter therefore not affecting amenity as much. It is recommended that pruning be approved subject to condition only permitting a reduction of 2 to 4 metres.

Tree T2 (TPO100:T044) an oak, is located centrally in an amenity area and overhangs the footpath to dwellings. The tree is approximately 16 metres in height and has a full open grown crown. The tree has been previously crown raised; however, the crown does not appear to have been reduced. This leaves the tree with a pleasing shape and good branch structure that adds to its visual amenity value. The crown does extend over the roof of number 64 Denbigh Crescent by a few metres.

Some significant deadwood i.e. in excess of 50mm in diameter was observed hanging over the footpath; this is typical of the species. Dead wood can be removed under exemption to the provisions of the preservation order.

The proposed reduction of 5 metres and cutting back the branches overhanging the footpath will adversely affect the trees health and the amenity it provides. A lesser amount of pruning would reduce the overhang of private properties whilst keeping the tree's value and health intact. Cutting back branches overhanging the footpath does not appear to be necessary to mitigate risk of falling branches. This can be effectively managed by programmed tree inspections and the removal of deadwood.

It is recommended that pruning be approved subject to condition only permitting a reduction of 2 to 4 metres.

Tree T3 (TPO100:T045) an oak, is located adjacent to the garden of number 52 Denbigh Crescent. The mature oak is approximately 16 metres in height. The crown of the tree has been previously raised and cut back from number 52 leaving an asymmetric shape. The trees amenity value is part of the overall group rather than its individual merit.

One of the upper secondary branches growing towards number 52 has a significant defect that will lead to failure in the long term. There is minor dead wood present, typical of the species. This is not an indicator of poor physiological health.

The proposed 5 metre reduction would adversely affect the trees health and amenity value. Lesser pruning would mitigate the likelihood of failure associated with the defected limb and manage the size of the tree in relation of the adjacent property.

It is recommended that pruning be approved subject to condition only permitting a reduction of 2 to 3 metres.

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**Item 6 (Cont'd)**

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Tree T4 (TPO100:T046) a maple, is located adjacent to the front drive of 52 Denbigh Crescent. The tree is approximately 13 metres in height and is suppressed by tree T3. The tree appears to be in good physiological condition with no signs of pests or diseases seen during the site visit. The tree has been previously pruned away from number 52 and to reduce the overhang over the adjacent footpath.

A 5 metre reduction of this tree would be excessive adversely affecting its amenity value and continuing good health. A lesser amount of pruning would improve the shape of the tree and maintain the separation between its crown and the adjacent dwelling / drive.

It is recommended that pruning be approved subject to condition only permitting a reduction of 2 to 3 metres.

Tree T5 (TPO100:T043) an oak is located adjacent to the garden of 64 Denbigh Crescent. The mature tree is approximately 12 metres in height. Previous pruning work has been carried out to remove the overhang over the adjacent garden as well as all round crown raising. The tree has also lost its leader at some stage. The tree has epicormic growth on its main stem and there is some significant deadwood present; these factors indicate a level of physiological stress.

A five metre reduction on this tree would leave little canopy remaining and would be clearly harmful to the tree and the amenity it provides. Some minor pruning to control its size and overhang into the garden of 64 would be possible whilst retaining the health and amenity value of the tree.

It is recommended that pruning be approved subject to condition only permitting a reduction of 1 to 2 metres. Dead wood may be removed under exemption.

Tree T6 (TPO100:T047) an oak, is located adjacent to the front drive of 52 Denbigh Crescent near to the road. The tree is approximately 12 metres in height and overhangs the drive, footpath and road.

The crown has been previously cut back in a pollard fashion (old form of management to encourage growth from cut points above ground level). The tree has regrown about 2 meters from the pollard cuts resulting in an unnatural shape, most noticeable in winter with the leaves absent. A large limb has also been removed where it encroached into the drive of 52 Denbigh Crescent.

Considering the previous management of this tree has already resulting in reduced amenity value, it is reasonable to allow repeat work. Few other management options are now suitable. However, this is less than the 5 metre reduction applied for.

It is recommended that pruning be approved subject to condition only permitting re-pollarding to a point just above the previous cuts.

### CONCLUSION:

The work controlled by condition will go some way to achieving the objectives of the applicant whilst maintaining the trees health and amenity value.

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With regard to all material considerations, including the Human Rights Act, the proposal, if controlled by condition is considered to represent an acceptable form of works to TPO protected trees.

### RECOMMENDATION

#### APPROVE subject to the following conditions:

- 1 Notwithstanding the submitted details, works to the oak tree, T1 (TPO100:T042), shall be limited to the following:-
  - i) Crown reduce by a maximum of 2 to 4 metres, cuts made to appropriate growth points.Reason: In the interests of visual amenity and safety, and the continued health of the tree.
- 2 Notwithstanding the submitted details, works to the oak tree, T2 (TPO100:T044), shall be limited to the following:-
  - i) Crown reduce by a maximum of 2 to 4 metres, cuts made to appropriate growth points.Reason: In the interests of visual amenity and safety, and the continued health of the tree.
- 3 Notwithstanding the submitted details, works to the oak tree, T3 (TPO100:T045), shall be limited to the following:-
  - i) Crown reduce by a maximum of 2 to 3 metres, cuts made to appropriate growth points.Reason: In the interests of visual amenity and safety, and the continued health of the tree.
- 4 Notwithstanding the submitted details, works to the maple tree, T4 (TPO100:T046), shall be limited to the following:-
  - i) Crown reduce by a maximum of 2 to 3 metres, cuts made to appropriate growth points.Reason: In the interests of visual amenity and safety, and the continued health of the tree.
- 5 Notwithstanding the submitted details, works to the maple tree, T5 (TPO100:T043), shall be limited to the following:-
  - i) Crown reduce by a maximum of 1 to 2 metres, cuts made to appropriate growth points.Reason: In the interests of visual amenity and safety, and the continued health of the tree.



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6 Notwithstanding the submitted details, works to the maple tree, T6 (TPO100:T047), shall be limited to the following:-

i) Re-pollard tree, cuts to be placed just above previous pollard cuts.

Reason: In the interests of visual amenity and safety, and the continued health of the tree.

7 The works to which this permission relates must be completed in its entirety no later than 2 years from the date of this consent, after which time the consent is no longer valid.

Reason: In the interests of visual amenity and for the Local Planning Authority to keep track of consented work.

8 The work shall be carried out to British Standard 3998 (2010) recommendations for tree work. The Local Planning Authority shall be notified a minimum of 7 working days before the work is to be carried out.

Reason: In the interests of visual amenity and safety, and to allow the Local Planning Authority the opportunity to inspect the works being carried out.

### Informatives

1 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (0300 065 3000).

2 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest is in use or being built
- Take or destroy an egg of any wild bird

You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.

3 This consent only gives permission to work on protected trees in the context of planning. If the tree is on a neighbour's land, consent to carry out any approved work beyond the boundary will be required from the tree owner.

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- 4 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
  - 5 The applicant or his contractor should contact the Council's Tree Officer (Tel. No. 01792 635724) with regard to the discharging of any of the conditions of this consent.
-

## Report of the Head of Planning & City Regeneration

Planning Committee – 2 April 2019

### Planning Application Refs: 2019/0577/106 and 2018/0358/S73

### Residential Development for the Construction of 41 Units, including Access and all other Associated Works Heol Pentre Bach, Gorseinon, Swansea, SA4 4ZA

#### 1.0 Purpose of the Report

- 1.1 To seek authorisation to modify the S106 agreement (planning obligation) for the development at Heol Pentre Bach.
- 1.2 The request has been submitted under S106A(1)(a) of the Town and Country Planning Act 1990 (as amended).

#### 2.0 Background

- 2.1 Permission for a residential development on the site was originally approved on 30<sup>th</sup> September 2016 subject to conditions and a S106 agreement (2015/2506). This permission was subsequently implemented.
- 2.2 A subsequent application sought a re-design of the site as a result of drainage constraints but keeping the same number of units (2017/0775). This permission was again approved subject to conditions and S106 agreement.
- 2.3 A subsequent S73 application was submitted to include an electrical substation and amend the parking arrangements in the southern end of the development (2018/0358/S73). The application was also approved subject to conditions and a S106 agreement in May 2018. This is the development that has been progressed on site.
- 2.4 The S106 agreement has not changed in substance since the original permission was granted.
- 2.5 The Planning Obligations associated with this development include:
  - Provision of 12 affordable housing units on site to DQR (29% of the development – of which 60% intermediate units at 70% of ACG or OMV (whichever is lower at the point of transfer) and 40% social rented at 42% ACG or OMV (whichever is lower at the point of transfer) – all to be disposed of via a RSL)
  - £52,440 contribution towards Education (£31,696 would be required towards Penyrheol Comprehensive School and £20,744 towards YGG Pontybrenin)
  - £750 contribution to replace two existing stiles with kissing gates
- 2.6 The planning obligations towards Education and PROW improvements have been received by the Council. The Affordable Housing units have been transferred to Pobl Group.

- 2.7 In terms of the Affordable Housing, the Officer Report noted the split of tenure between Social Rented and Intermediate (40% and 60% respectively). Following the transfer to Pobl Group, an issue has arisen in that the intermediate tenure properties are restricted to intermediate *rental* properties in the definitions contained within the S106 agreement. This would not allow Pobl to provide Low Cost Home Ownership (a Welsh Government approved intermediate product) on site. This appears to have been an error when the S106 agreement was drafted and Pobl are seeking to vary the S106 agreement to refer to “intermediate tenure” rather than “intermediate *rented* tenure”.
- 2.8 Pobl has submitted an application to vary the terms of the S106 Agreement. As the original application was reported to Planning Committee, any variation of the S106 Agreement also needs to be referred to Planning Committee.
- 2.9 As the S106 agreement was signed in May 2018, the applicant can only vary the terms of the S106 agreement in agreement with the Council.
- 2.10 A copy of the 2018 Officer Report to Planning Committee is attached as Appendix A.

### **3.0 Main Issues**

- 3.1 On an application for modification by agreement pursuant to section 106A(1)(a) of the 1990 Act the Courts have considered the matters that a Council must have regard to (see *R(Bachelor Enterprises Ltd) v North Dorset District Council* [2003] EWHC 3006 and in *R(Millgate Development Ltd) v Wokingham DC* [2011] EWCA Civ 1062).

The Council has to ask itself:

- a. Does the existing planning obligation still serve a useful planning purpose?;
  - b. If it does and modification is proposed, then the question is whether that planning purpose could be equally served by the proposed modification?
  - c. If it would, then the Council should agree to the modification;
  - d. If it would not then the Council should refuse the application to modify.
- 3.2 Any decision by the Council to agree to a modification of the S106 agreement could be the subject of a challenge via Judicial Review however the decision cannot be appealed.
- 3.3 Firstly, it is considered that the original obligation still serves a useful planning purpose in that the required affordable housing (12 units on site) would still be provided in the same split between intermediate and social rented housing. This would not change.
- 3.4 The requirement for Affordable Housing is clear in both local and national planning policy. Technical Advice Note 2: Affordable Housing (2006) provides practical guidance on the role of the planning system in delivering such housing. The guidance defines affordable housing for the purposes of the TAN and provides advice to local planning authorities on how to determine affordability.
- 3.5 Secondly, the question is whether that planning purpose could be equally served by the proposed modification. The definition of ‘affordable housing’ for the purpose of the land use planning system as described in the Technical Advice Note (Para 5.1) is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers. However, it is recognised that some schemes may provide for staircasing to full ownership and where this is the case there must be secure arrangements in place to ensure the recycling of capital receipts to provide replacement affordable housing. Affordable housing includes

- Social rented housing;
- Intermediate housing.

3.6 Social rented housing is that provided by local authorities and registered social landlords. Intermediate housing is that where prices or rents are above those of social rent but below market housing prices or rents.

3.7 As part of the first application (2015/2506), the Housing Officer commented that:

“We will require a 30% affordable housing contribution on this site. This should be split between 60% intermediate units at 70% of ACG or OMV (whichever is lower at the point of transfer) and 40% social rented at 42% ACG or OMV (whichever is lower at the point of transfer) – all to be disposed of via a RSL.” This was transposed into the Planning Obligations summary in the Officer’s Report.

3.8 This requirement was again replicated in the 2017 and 2018 applications and Planning Obligations summary contained within each report.

3.9 The term “intermediate *rented* housing” was contained within the first S106 agreement and the terminology has followed through into subsequent agreements. It was not the intention of the Housing Officer or Committee in approving the application to further restrict the intermediate offering to intermediate rented only.

3.10 The Housing Officer has again been consulted on this alteration and has advised as follows:

“I can confirm that the Housing Service agrees to the request to remove the word “rented” from within the Section 106 description of Intermediate Housing to enable Intermediate sale products to be provided on site.

Affordable Housing is defined as housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers. Affordable Housing may be broken down into two categories; Social Rented Housing and Intermediate Housing.

Intermediate Housing provided by Registered Social Landlords covers housing provision where prices or rents are above those of social rented housing but below market housing prices or rents. The Registered Social Landlords can only use a Welsh Government approved Intermediate Rent or Sale Product, therefore the Housing Service supports this variation to provide Intermediate Sale.”

3.11 The Housing Officer has not objected to the proposals, and has clarified that Pobl would be using an Intermediate sales product approved by the Welsh Government. For clarification, Low Cost Home Ownership is not the same as low cost market housing referred to in TAN 2.

3.12 The planning purpose for the S106 agreement was to secure the percentage and make up of affordable housing. The planning purpose would therefore still be served by the proposed modification as a WG approved intermediate product would still be provided.

3.13 In light of what was an apparent error when preparing the S106 agreement in the first instance, the intention of the applicant is the same as was reported to Planning Committee for each application. 60% of the 12 affordable units would still be “intermediate units” which is considered acceptable. The remainder of the Affordable Housing provision (40%) would be social rented units.

#### **4.0 Recommendation**

4.1 It is recommended that:

- i) **Members authorise the modification of the S106 agreement (planning obligation) to amend the terminology to omit the term “rented” from the definition of “intermediate housing” and update the remainder of the agreement accordingly so that the applicant can utilise other WG approved intermediate products.**

### **BACKGROUND PAPERS**

#### **Local Government Act 1972 (Section 100) (As Amended)**

The following documents were used in the preparation of this report:  
Application file, together with the files and documents referred to in the background information section of the appended Development Management committee report.

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